

BOARD OF APPEALS

Regular Session

North Tonawanda, New York 14120

Monday, March 8, 2021

6:00 P.M.

THE REGULAR SESSION OF THE BOARD OF APPEALS WAS CALLED TO ORDER BY CHAIRMAN BRAUN.

ROLL CALL

**Present: Chairman Braun
Commissioner Dreier, Haacker, Lewis, Evans**

Absent: None

Also Present: Assistant City Attorney Nick Robinson

APPROVAL OF THE MINUTES OF THE REGULAR SESSION MARCH 8, 2021

**MOVED by Commissioner Lewis SECONDED by Commissioner Evans
That the minutes of the regular session held March 8, 2021 be approved as
circulated and filed in the office of the City Clerk-Treasurer.**

Ayes: Commissioner Dreier, Haacker, Lewis, Evans, Braun (5)

Nays: None (0)

CARRIED.

PROOF OF PUBLICATION PUBLISHED FEBRUARY 27, 2021

**MOVED by Commissioner Evans SECONDED by Commissioner Lewis
That the proof of publication presented by the Clerk of the Board of Appeals of the
notice of a public hearing of the various appeals filed with and to be presented at the
regular session of the Board of Appeals, which was published February 27, 2021 be
received and filed.**

Ayes: Commissioner Dreier, Haacker, Lewis, Evans, Braun (5)

Nays: None (0)

CARRIED.

NEW BUSINESS

#1.

**AREA VARIANCE TO ERECT A NEW POLE SIGN TO REPLACE AN
EXISTING SIGN. [§103-9 (A) (10) (b) ACCESSORY USES AND STRUCTURES,
PROVIDED THAT NO EXTERIOR SIGNS SHALL BE ALLOWED UNLESS IT:
[1] PERTAINS ONLY TO PERMITTED USES ON THE PREMISES; [2] DOES
NOT EXCEED ONE SQUARE FOOT PER LINEAR FOOT OF BUILDING
FRONTAGE]. ALLOWABLE SIGNAGE IS 26 SQUARE FEET; PROPOSED IS
84 SQUARE FEET (2 SIDES @ 42 SQUARE FEET EACH)**

**Vitaliy Aponchuk
AVA Roofing and Sidings, Inc.
672 Niagara Falls Blvd.
North Tonawanda, NY 14120**

**Re: Area Variance to replace an
existing pole sign, with a new 84
square foot pole sign, located at
672 Niagara Falls Blvd.**

**At this time the Chairman asked if anyone wanted to speak for or against the
requested variance.**

There were no speakers for or against the requested area variance.

MOVED by Commissioner Dreier **SECONDED** by Commissioner Haacker
That the Zoning Board of Appeals hereby makes no decision on the SEQR, applicant did not show up for the second meeting. Per the City Attorney, applicant is removed from the slate and will have to reapply for variance.

Ayes: Commissioner Dreier, Haacker, Lewis, Evans, Braun (5)
Nays: None (0)
CARRIED

NEW BUSINESS

#1.

AREA VARIANCE TO ERECT A 30' X 48' DETACHED GARAGE WITH COVERED ROOF STRUCTURE IN REAR YARD. [§103-6 (A) (9)(e) PRIVATE GARAGES ARE LIMITED TO 750 SQUARE FEET IN SIZE]. [§103-15 (B)(1)(a) ACCESSORY BUILDINGS MAY NOT EXCEED 15' IN HEIGHT].

James G. Hanna
297 Drake Drive
North Tonawanda, NY 14120

Re: Area Variance to erect a new
30' x 48' detached garage with
covered roof structure in rear
yard, located at 297 Drake Dr.

At this time the Chairman asked if anyone wanted to speak for or against the requested variance.

There were no speakers for or against the requested area variance.

MOVED by Commissioner Lewis **SECONDED** by Commissioner Evans
That the Zoning Board of Appeals hereby makes no decision on the SEQR, and tables the aforementioned request, applicant is advised to come back to the next Zoning Board of Appeals meeting with new drawings.

Ayes: Commissioner Dreier, Haacker, Lewis, Evans, Braun (5)
Nays: None (0)
CARRIED

#2.

AREA VARIANCE TO CONSTRUCT A 7' X 17' COVERED PORCH AT FRONT OF DWELLING. [§103-15 C (9) (a)(3a) FRONT YARD SET BACK NOT PERMITTED TO VARY BY MORE THAN 3', AVERAGE SET BACK IS 25', NEW SET BACK WILL BE 16.75'].

Leonard L. Anderson
307 Roncroff Drive
North Tonawanda, NY 14120

Re: Area Variance to construct a
7' x 17' covered porch on front
of house located at 307 Roncroff

At this time the Chairman asked if anyone wanted to speak for or against the requested variance.

There were no speakers for or against the requested area variance.

MOVED by Commissioner Haacker **SECONDED** by Commissioner Dreier
That the Zoning Board of Appeals hereby officially designates themselves as lead agency for said SEQR for 307 Roncroff Drive and will notify other agencies involved. The Zoning Board of Appeals finds that there will be no significant environmental impact and as such declares a Negative Declaration on the SEQR, with a change to #2 to Yes.

Ayes: Commissioner Dreier, Haacker, Lewis, Evans, Braun (5)
Nays: None (0)
CARRIED

MOVED by Commissioner Dreier SECONDED by Commissioner Haacker
That the Zoning Board of Appeals hereby approves the Area Variance request from Leonard Anderson, 307 Roncroff Drive, to construct a 7' x 17' covered porch on front of residence. The request will not change the character of the neighborhood, there was not an alternate solution, the request was not substantial, the request will not have an adverse effect on the physical or environmental conditions of the neighborhood and the alleged difficulty was not self-created.

Ayes: Commissioner Dreier, Haacker, Lewis, Evans, Braun

(5)

Nays: None

(0)

CARRIED

#3.

AREA VARIANCE TO ERECT A 3' SOLID FENCE IN FRONT YARD, LESS THAT (2) FEET FROM THE FRONT PROPERTY LINE. [§103-15 (B)(4)(b). NO SOLID-TYPE FENCE OR WALL SHALL BE PERMITTED IN FRONT YARD OF ANY DISTRICT. ANY FENCE CONSTRUCTED IN THE FRONT YARD MUST BE LESS THAN 50% SOLID WITH NO LESS THAN 2 ¼ INCHES OF SPACE BETWEEN EACH PICKET. "LET STAND VARIANCE"].

**Pamela Gardner
 1375 Sherwood Avenue
 North Tonawanda, NY 14120**

**Re: Area Variance to erect a
 3' solid fence in front yard less
 less than (2) feet property from
 property line, located at 1375
 Sherwood Avenue**

At this time the Chairman asked if anyone wanted to speak for or against the requested variance.

There were no speakers for or against the requested area variance.

MOVED by Commissioner Haacker SECONDED by Commissioner Dreier
That the Zoning Board of Appeals hereby officially designates themselves as lead agency for said SEQR for 1375 Sherwood Avenue and will notify other agencies involved. The Zoning Board of Appeals finds that there will be no significant environmental impact and as such declares a Negative Declaration on the SEQR, with a change to #3a to less than 1 acre, #5a to No and #5b to No.

Ayes: Commissioner Dreier, Haacker, Lewis, Evans, Braun

(5)

Nays: None

(0)

CARRIED

MOVED by Commissioner Dreier SECONDED by Commissioner Haacker
That the Zoning Board of Appeals hereby denies the Area Variance request from Pamela Gardner, 1375 Sherwood Drive, to erect a 3' solid fence in front yard less than 2 feet from property line. Board recommends applicant have the fence replaced with a picket style fence and it must be 2 feet off the property line. The request did change the character of the neighborhood, there was an alternate solution, the request was substantial, the request will have an adverse effect on the physical or environmental conditions of the neighborhood and the alleged difficulty was self-created.

Ayes: Commissioner Dreier, Haacker, Lewis, Evans, Braun

(5)

Nays: None

(0)

CARRIED

#4.

AREA VARIANCE TO ERECT A 3' PICKET FENCE IN FRONT YARD, ONE (1) FOOT FROM THE FRONT PROPERTY LINE. [§103-15 (B)(4)(b)].

Douglas E. Cervi
46 Felton Street
North Tonawanda, NY 14120

Re: Area Variance to erect a 3'
picket fence in front yard one
(1) foot from property line,
located at 46 Felton Street

At this time the Chairman asked if anyone wanted to speak for or against the requested variance.

There were no speakers for or against the requested area variance.

MOVED by Commissioner Haacker **SECONDED** by Commissioner Evans
That the Zoning Board of Appeals hereby officially designates themselves as lead agency for said SEQR for 46 Felton Street and will notify other agencies involved. The Zoning Board of Appeals finds that there will be no significant environmental impact and as such declares a Negative Declaration on the SEQR, with a change to, #5a to No and #5b to No, #9 to No, #10 to No, #11 to No and #14 to Suburban.

Ayes: Commissioner Dreier, Haacker, Lewis, Evans, Braun (5)

Nays: None (0)

CARRIED

MOVED by Commissioner Evans **SECONDED** by Commissioner Dreier
That the Zoning Board of Appeals hereby approves the Area Variance request from Douglas Cervi, 46 Felton Street, to erect a 3' picket fence in front yard less, fence must have a 2 feet setback on side and front of yard. The request will not change the character of the neighborhood, there was not an alternate solution, the request was not substantial, the request will not have an adverse effect on the physical or environmental conditions of the neighborhood and the alleged difficulty was not self-created.

Ayes: Commissioner Dreier, Haacker, Lewis, Evans, Braun (5)

Nays: None (0)

CARRIED

#5.

AREA VARIANCE TO CONSTRUCT A NEW 24' X 40' SINGLE STORY DETACHED GARAGE WITH AN ATTACHED 8' X 12' OPEN ROOF STRUCTURE. [§103-6 (9) (e) GARAGE NOT PERMITTED TO EXCEED 750 SQUARE FEET IN SIZE NEW GARAGE IS 960 SQUARE FEET].

Jeremy & Heather Martin
921 Ruie Road
North Tonawanda, NY 14120

Re: Area Variance to construct a
new 24' x 40' single story
detached garage with an 8' x 12'
open roof structure, located at
921 Ruie Road

At this time the Chairman asked if anyone wanted to speak for or against the requested variance.

There were no speakers for or against the requested area variance.

MOVED by Commissioner Haacker **SECONDED** by Commissioner Evans
That the Zoning Board of Appeals hereby officially designates themselves as lead agency for said SEQR for 921 Ruie Road and will notify other agencies involved. The Zoning Board of Appeals finds that there will be no significant environmental impact and as such declares a Negative Declaration on the SEQR, with a change to, #5a to No and #5b to No.

Ayes: Commissioner Dreier, Haacker, Lewis, Evans, Braun (5)
 Nays: None (0)
CARRIED

MOVED by Commissioner Dreier **SECONDED** by Commissioner Haacker
 That the Zoning Board of Appeals hereby approves the Area Variance request from Jeremy & Heather Martin, 921 Ruie Road, to construct a new 24' x 40' single story detached garage with an 8' x 12' open roof structure, 960 sq. feet for main structure, 96 sq. feet for overhang with a total 1056 sq feet, water and sewer was denied to garage from the Board. The request will not change the character of the neighborhood, there was not an alternate solution, the request was not substantial, the request will not have an adverse effect on the physical or environmental conditions of the neighborhood and the alleged difficulty was not self-created.

Ayes: Commissioner Dreier, Haacker, Lewis, Evans, Braun (5)
 Nays: None (0)
CARRIED

#6.

AREA VARIANCE TO CONSTRUCT A 20' X 22.5 ' SINGLE STORY GARAGE ADDITION TO EXISTING 506 SQUARE FOOT GARAGE. [§103-6 A (9) (e) PRIVATE GARAGES NOT PERMITTED TO EXCEED 750 SQUARE FEET].

Timothy O'Neill
 524 Woodward Avenue
 North Tonawanda, NY 14120

Re: Area Variance to construct a
 20' x 22.5' single story garage
 addition, located at 524
 Woodward Avenue

At this time the Chairman asked if anyone wanted to speak for or against the requested variance.

There were no speakers for or against the requested area variance.

MOVED by Commissioner Haacker **SECONDED** by Commissioner Evans
 That the Zoning Board of Appeals hereby officially designates themselves as lead agency for said SEQR for 524 Woodward Avenue and will notify other agencies involved. The Zoning Board of Appeals finds that there will be no significant environmental impact and as such declares a Negative Declaration on the SEQR, with a change to, #2 to Yes and #5a to No and #5b to No.

Ayes: Commissioner Dreier, Haacker, Lewis, Evans, Braun (5)
 Nays: None (0)
CARRIED

MOVED by Commissioner Haacker **SECONDED** by Commissioner Evans
 That the Zoning Board of Appeals hereby approves the Area Variance request from Timothy O'Neil, 524 Woodward Avenue, to construct a new 20' x 22.5' single story garage addition, garage must stay inline with currant garage wall for a total of 956 feet. The request will not change the character of the neighborhood, there was not an alternate solution, the request was not substantial, the request will not have an adverse effect on the physical or environmental conditions of the neighborhood and the alleged difficulty was not self-created.

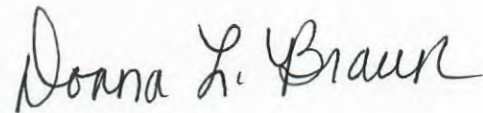
Ayes: Commissioner Dreier, Haacker, Lewis, Evans, Braun (5)
 Nays: None (0)
CARRIED

ADJOURNMENT

MOVED by Commissioner Evans **SECONDED** by Commissioner Dreier
That the meeting of the Zoning Board of Appeals be adjourned.
CARRIED.

Time Adjourned: 6:45 P.M.
Next Regular Meeting: May 10, 2021 at 6:00 P.M.

Respectfully submitted,



Donna L. Braun
City Clerk-Treasurer