

# **BOARD OF APPEALS**

**Regular Session**

**North Tonawanda, New York 14120**

**Monday, June 14, 2021**

**6:00 P.M.**

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

## **ROLL CALL**

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

**Absent: Commissioner, Dreier**

**Also Present: Assistant City Attorney Nick Robinson  
Building Inspector Cosimo Capozzi**

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## **APPROVAL OF THE MINUTES OF THE REGULAR SESSION MAY 10, 2021**

**MOVED by Commissioner Lewis      SECONDED by Commissioner Evans  
That the minutes of the regular session held May 10, 2021 be approved as circulated  
and filed in the office of the City Clerk-Treasurer.**

**Ayes: Commissioner Haacker, Lewis, Evans, Braun      (4)**

**Nays: None      (0)**

**CARRIED.**

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## **PROOF OF PUBLICATION PUBLISHED MAY 1, 2021**

**MOVED by Commissioner Haacker      SECONDED by Commissioner Evans  
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 May 1, 2021 be  
received and filed.**

**Ayes: Commissioner Haacker, Lewis, Evans, Braun      (4)**

**Nays: None      (0)**

**CARRIED.**

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## **OLD BUSINESS**

**#1.**

**AREA VARIANCE TO INSTALL A 6' FENCE @ RIGHT SIDE OF GARAGE.  
[§103-15 C (1) (b) FENCES NOT PERMITTED WITHIN 60% OF RESTRICTED  
AREA OF CORNER LOT – CORNER LOT MODIFICATION].**

**April Alba  
157 Belmont Court East  
North Tonawanda, NY 14120**

**Re: Area Variance to install a 6' fence on  
right side of garage, on a corner lot  
located at 157 Belmont Court East**

**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.**

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#4.

**AREA VARIANCE TO ERECT A 40' X 60' POLE BARN STRUCTURE ON VACANT COMMERCIAL LOT. [§103-20 (B) DEFINITIONS AND RULES OF CONSTRUCTION. ACCESSORY STRUCTURE IS REQUIRED TO HAVE A PRIMARY STRUCTURE ON THE SAME PREMISES].**

**Edward Smolinski  
1097 Sweeney Street  
North Tonawanda, NY 14120**

**Re: Area Variance to construct a 40' x 60' pole barn on a vacant lot, located at 91 Mead Street**

**Stephen Sabo  
313 Frontier Avenue  
North Tonawanda, NY 14120**

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.

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That the Zoning Board of Appeals hereby makes no decision on the aforementioned request, applicants withdrew their Area Variance request.

Ayes: Commissioner Haacker, Lewis, Evans, Braun (4)

Nays: None (0)

**CARRIED**

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**NEW BUSINESS**

#1.

**AREA VARIANCE TO CONSTRUCT A 24' X 24' SINGLE STORY GARAGE ADDITION TO AN EXISTING 1,100 SQ. FT. GARAGE. [§103-A (9) (c) RESIDENTIAL GARAGES NOT PERMITTED TO EXCEED 750 SQ.FT.] [§103-15 C (4) (d) AGGREGATE GROUND AREA FOR ALL ACCESSORY BUILDING AND GROUND COVERAGE NOT PERMITTED TO EXCEED 30% OF THE REQUIRED REAR YARD.]**

**Scott Zulawski  
899 Walck Road  
North Tonawanda, NY 14120**

**Re: Area Variance to construct a 24' x 24' single story garage addition, located at 899 Walck 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.

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**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 899 Walck 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, #2 to No, #4 to Commercial, and #5a to No.

Ayes: Commissioner Haacker, Lewis, Evans, Braun (4)

Nays: None (0)

**CARRIED**

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**MOVED by Commissioner Lewis      SECONDED by Commissioner Haacker**  
That the Zoning Board of Appeals hereby denies the Area Variance request from Scott Zulawski, 899 Walck Road, to construct a 24' x 24' single story garage addition located at 899 Walck Road. The request will 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 Haacker, Lewis, Evans, Braun (4)

Nays: None (0)

CARRIED

#2.

AREA VARIANCE TO ERECT APPROX. 57' OF 4 FT. PRIVACY FENCE ON SIDE YARD ALONG ROSEWOOD TERRACE. [103-15 (C) (1) (b) NO FENCE MAY BE ERECTED WITHIN THE 15' SIDE YARD SETBACK OF A LOT THAT ABUTS THE SIDEYARD OF AN ADJACENT PROPERTY ON A CORNER.]

Dan & Annie Ricotta  
7253 Nickett Drive  
North Tonawanda, NY 14120

Re: Area Variance to erect approximately  
57' of 4 foot privacy fence on side  
yard, located at 855 Payne 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 Lewis  
That the Zoning Board of Appeals hereby officially designates themselves as lead agency for said SEQR for 855 Payne 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.

Ayes: Commissioner Haacker, Lewis, Evans, Braun (4)

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 Dan & Annie Ricotta, 7253 Nickett Drive, to erect approximately 57' of 4 foot privacy fence on side yard, located at 855 Payne Avenue. Fencing has to be 4' along Rosewood Terrace and can be 6.5' from house following the frame of the house. 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 Haacker, Lewis, Evans, Braun (4)

Nays: None (0)

CARRIED

#3.

AREA VARIANCE TO ERECT AN LED SIGN IN FRONT OF BUILDING. [§103-9 (A) (10) (a) (5) AN LED SIGN CANNOT FACE THE SIDE OF ANY ADJOINING LOT OR IS ACROSS THE STREET FROM ANY LOT SITUATED IN ANY R-1 OR R-2 DISTRICT.]

Rescue Fire Company Inc.  
1241 Strad Avenue  
PO Box 505  
North Tonawanda, NY 14120

Re: Area Variance to erect an LED sign  
in front of building, located at 1241  
Strad Avenue

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

**Sonia Dusza, 123 Miller Street** – Was in disagreement with the sign, said that the neighborhood should have been canvased first.

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**MOVED** by Commissioner Haacker      **SECONDED** by Commissioner Braun  
That the Zoning Board of Appeals hereby officially designates themselves as lead agency for said SEQR for 1241 Strad 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.

Ayes: Commissioner Haacker, Lewis, Evans, Braun (4)

Nays: None (0)

**CARRIED**

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**MOVED** by Commissioner Braun      **SECONDED** by Commissioner Haacker  
That the Zoning Board of Appeals hereby approves the Area Variance request from Rescue Fire Company, Inc., 1241 Strad Avenue, to erect a 4' x 8' LED sign to replace old sign. 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 Haacker, Lewis, Evans, Braun (4)

Nays: None (0)

**CARRIED**

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**#4.**

**AREA VARIANCE TO ERECT A STRUCTURE AT LESS THAN THE REQUIRED REAR SETBACK. [§103-12 (D) REQUIRED YARDS, (3) (a) REAR YARD DEPTH. MINIMUM REAR YARD DEPTH IS 25 FEET.]**

**Bogart-Sinatra Development  
7235 Campbell Blvd.  
North Tonawanda, NY 14120**

**Re: Area Variance to erect a structure  
less than the required rear setback,  
located at 428 Zimmerman 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.

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**MOVED** by Commissioner Braun      **SECONDED** by Commissioner Lewis  
That the Zoning Board of Appeals hereby makes no decision on the SEQR, and tables the aforementioned request, applicant changed plans so the Board is sending back to the Planning Board for review.

Ayes: Commissioner Haacker, Lewis, Evans, Braun (4)

Nays: None (0)

**CARRIED**

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**#5.**

**AREA VARIANCE TO CONSTRUCT A 30' X 36' SINGLE STORY DETACHED GARAGE 3' FROM PROPERTY LINE. [§103-15 C (4) (c) ACCESSORY STRUCTURES GREATER THAN 750 SQ. FT. NOT PERMITTED TO BE LESS THAN 5' FROM PROPERTY LINE.]**

**James Hanna  
297 Drake Drive  
North Tonawanda, NY 14120**

**Re: Area Variance to construct a 30' x 36'  
single story detached garage 3' from  
property line, located at 297 Drake  
Drive**

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.

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**MOVED** by Commissioner Braun      **SECONDED** by Commissioner Haacker  
That the Zoning Board of Appeals hereby makes no decision on the SEQR, and  
tables the aforementioned request, applicant wants to relook at the dimensions and  
come back to the Board.

Ayes: Commissioner Haacker, Lewis, Evans, Braun

(4)

Nays: None

(0)

**CARRIED**

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**ADJOURNMENT**

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

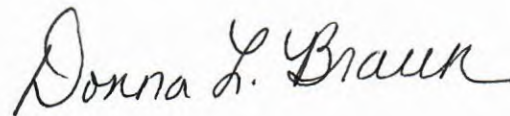
**CARRIED.**

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Time Adjourned: 7:10 P.M.

Next Regular Meeting: July 19, 2021 at 6:00 P.M.

Respectfully submitted,



Donna L. Braun  
City Clerk-Treasurer