

BOARD OF APPEALS

Regular Session

North Tonawanda, New York 14120

Monday, August 9, 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
Building Inspector Cosimo Capozzi**

APPROVAL OF THE MINUTES OF THE REGULAR SESSION JULY 19, 2021

**MOVED by Commissioner Lewis SECONDED by Commissioner Evans
That the minutes of the regular session held July 19, 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 JULY 10, 2021

**MOVED by Commissioner Evans SECONDED by Commissioner Dreier
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 July 10, 2021 be
received and filed.**

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

Nays: None (0)

CARRIED.

OLD BUSINESS

#1.

**USE VARIANCE TO CONVERT PART OF AN EXISTING BUILDING INTO AN
ICE CREAM SHOP. [§108-8 (A) GENERAL RESIDENTIAL DISTRICT.
PROPOSED USE IS NOT PERMITTED IN AN R-2 DISTRICT].**

**David Kelly
849 Oliver Street
North Tonawanda, NY 14120**

**Re: Use Variance to convert an existing
building into an ice cream shop,
located at 108 12th 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 Braun **SECONDED** by Commissioner Dreier
 That the Zoning Board of Appeals hereby makes no decision on the SEQR, and removes the aforementioned request, applicant was not present for meeting. If applicant wants to come back to Zoning he will have to reapply.

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

Nays: None (0)

CARRIED

#3.

AREA VARIANCE TO CONSTRUCT A NEW 30' X 40' SINGLE STORY POLE BARN @ REAR YARD. [§103-6 (A) (9) (e) PRIVATE GARAGES NOT PERMITTED TO EXCEED 750 SQ. FT. IN SIZE].

Daniel Zatkos
 134 Forbes Terrace
 North Tonawanda, NY 14120

Re: Area Variance to construct a 30' x 40'
 pole barn in rear yard, located at
 134 Forbes Terrace

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 Haacker
 That the Zoning Board of Appeals hereby makes no decision on the SEQR, and tables the aforementioned request, applicant called and had to go out of town for business, would like to be put on September meeting agenda.

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

Nays: None (0)

CARRIED

#3.

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.

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 was not present for meeting

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

Nays: None (0)

CARRIED

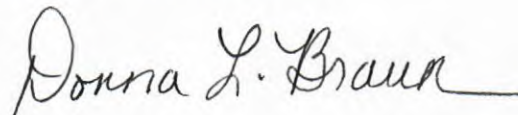
ADJOURNMENT

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

Time Adjourned: 6:09 P.M.

Next Regular Meeting: September 13, 2021 at 6:00 P.M.

Respectfully submitted,

A handwritten signature in cursive script that reads "Donna L. Braun". The signature is written in black ink and is positioned to the right of the typed name.

Donna L. Braun
City Clerk-Treasurer