

BOARD OF APPEALS
Regular Session
North Tonawanda, New York 14120
Monday, July 19, 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 JUNE 14, 2021

MOVED by Commissioner Evans SECONDED by Commissioner Dreier
That the minutes of the regular session held June 14, 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 JUNE 5, 2021

MOVED by Commissioner Dreier 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 June 5, 2021 be received and filed.

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

Nays: None (0)

CARRIED.

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.

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 from the ZBA Agendas, applicant was not
present for three (3) consecutive meeting. Applicant will have to reapply for Area
Variance with the Building Inspectors Office.

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

Nays: None (0)

CARRIED

#2.

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
tables the aforementioned request, applicant was not present for meeting.

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

Nays: None (0)

CARRIED

NEW BUSINESS

#1.

AREA VARIANCE TO INSTALL A 6' FENCE @ REAR YARD. [§103-15 C (1) (b)
FENCES NOT PERMITTED WITHIN 15' OF RESTRICTED AREA OF A
CORNER LOT – CORNER LOT MODIFICATION].

Robert Mansell
15 Zimmerman Street
North Tonawanda, NY 14120

Re: Area Variance to install a 6' fence at
rear yard, located at 15 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 Haacker SECONDED by Commissioner Evans
That the Zoning Board of Appeals hereby officially designates themselves as lead
agency for said SEQR for 15 Zimmerman 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.

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 Robert Mansell, 15 Zimmerman Street, to install a 6' fence in rear yard, fence must have a 45° angle on rear corner of lot, with 15' to driveway and 15' in restricted area. 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

#2.

AREA VARIANCE TO INSTALL A 4' METAL PICKET STYLE FENCE @ LEFT SIDE AND FRONT PROPERTY LINE. [§103-15 C (1) (b) FENCES NOT PERMITTED WITHIN 15' OF SIDE PROPERTY LINE – CORNER LOT MODIFICATION]. [§103-15 B (4) (b) FENCES NOT PERMITTED TO EXCEED 3' IN HEIGHT IN FRONT YARD].

Timothy Berg
 78 Allen Street
 North Tonawanda, NY 14120

Re: Area Variance to install a 4' metal picket style fence on left side and front property line, located at 76 & 78 Allen 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 Dreier
 That the Zoning Board of Appeals hereby officially designates themselves as lead agency for said SEQR for 76&78 Allen 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 #1 to Yes, #2 to Yes, #5a to No, #5b to Yes, #7 to No and #14 to suburban.

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

Nays: None (0)

CARRIED

MOVED by Commissioner Lewis **SECONDED** by Commissioner Haacker
 That the Zoning Board of Appeals hereby approves the Area Variance request from Timothy Berg, 78 Allen Street, to install a 4' metal picket style fence on left side and front property line, fence must be 2' from property line. 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 Haacker SECONDED by Commissioner Dreier
That the meeting of the Zoning Board of Appeals be adjourned.
CARRIED.**

Time Adjourned: 6:35 P.M.

Next Regular Meeting: August 9, 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 has a long horizontal flourish extending to the right.

**Donna L. Braun
City Clerk-Treasurer**