BOARD OF APPEALS

Regular Session North Tonawanda, New York 14120 Monday, May 10, 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 APRIL 19, 2021

MOVED by Commissioner Lewis SECONDED by Commissioner Evans That the minutes of the regular session held April 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

CARRIED.

PROOF OF PUBLICATION PUBLISHED APRIL 10, 2021

MOVED by Commissioner Haacker 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 April 10, 2021 be received and filed.

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

Nays: None

CARRIED.

OLD 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 Haacker SECONDED by Commissioner Dreier That the Zoning Board of Appeals hereby officially designates themselves as lead agency for said SEQR for 297 Drake 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 #5a to No.

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

CARRIED

MOVED by Commissioner Dreier SECONDED by Commissioner Haacker That the Zoning Board of Appeals hereby approves the Area Variance for James Hanna, 297 Drake Drive, for a 30' x 36' garage with an 18' overall height, after removal of existing garage. 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
Nays: None
CARRIED
(5)

NEW 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, of 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 Lewis SECONDED by Commissioner Evans That the Zoning Board of Appeals hereby makes no decision on the SEQR, and tables the aforementioned request, applicant was given other options for fencing. Will be discussed at next meeting.

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

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 Haacker 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)

Navs: None

(0)

(5)

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 Braun SECONDED by Commissioner Evans That the Zoning Board of Appeals hereby makes no decision on the SEQR, and tables the aforementioned request, applicant needs to reevaluate plans to bring down to recommended size.

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

Nays: None

CARRIED

#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.

MOVED by Commissioner Braun SECONDED by Commissioner Evans That the Zoning Board of Appeals hereby makes no decision on the SEQR, and tables the aforementioned request, applicant needs to get a DBA with Niagara County and apply for a contractors license with the City of North Tonawanda.

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

Nays: None (0)

CARRIED

#5.

AREA VARIANCE TO ERECT A 32' X 34' ATTACHED GARAGE. [§103-6 (A) (9) (e) PRIVATE GARAGES ARE LIMITED TO 750 SQ. FEET IN SIZE].

Kevin McCadden 15 Ridgedale Tonawanda, NY 14150 Re: Area Variance to erect a 32'x 34' attached garage, located at 132 Greenwood Circle

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 132 Greenwood Circle 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, #3a to less than 1 acre, #5a to No, #5b to No, #8b to No, #8c to No and #9 to No.

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

MOVED by Commissioner Haacker SECONDED by Commissioner Evans That the Zoning Board of Appeals hereby approves the Area Variance request from Kevin McCadden, 15 Ridgedale, to build a 32' x 34' attached garage with removal of current garage located at 132 Greenwood Circle. 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
Nays: None
CARRIED
(5)

ADJOURNMENT

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

Time Adjourned: 7:00 P.M.

Next Regular Meeting: June 14, 2021 at 6:00 P.M.

Respectfully submitted,

nna L. Braun

Donna L. Braun City Clerk-Treasurer