

BOARD OF APPEALS
Regular Session
North Tonawanda, New York 14120
Monday, September 13, 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, Evans

Absent: Commissioner Lewis

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

APPROVAL OF THE MINUTES OF THE SPECIAL SESSION AUGUST 23, 2021

MOVED by Commissioner Dreier SECONDED by Commissioner Evans
That the minutes of the special session held August 23, 2021 be approved as
circulated and filed in the office of the City Clerk-Treasurer.

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

Nays: None (0)

CARRIED.

PROOF OF PUBLICATION PUBLISHED AUGUST 14, 2021

MOVED by Commissioner Dreier SECONDED by Commissioner Haacker
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
special session of the Board of Appeals, which was published August 14, 2021 be
received and filed.

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

Nays: None (0)

CARRIED.

OLD BUSINESS

#1.

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 Haacker **SECONDED** by Commissioner Dreier
 That the Zoning Board of Appeals hereby officially designates themselves as lead agency for said SEQR for 134 Forbes Terrace 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 an update to Number 14 on the SEQR. Identify the typical habitat types that occur on or are likely to be found on the project-Suburban.

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

Nays: None (0)

CARRIED

MOVED by Commissioner Haacker **SECONDED** by Commissioner Dreier
 That the Zoning Board of Appeals hereby grants an area variance to construct a 24' x 30' garage structure, with the removal of existing shed. 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, the request area variance was not substantial.

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

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.
 3790 Captains Way
 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 Brennan **SECONDED** by Commissioner Evans
 That the Zoning Board of Appeals hereby makes no decision on the SEQR and tables this item to be sent to the County for their non-binding recommendation, along with an approval from Department of Transportation.

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

Nays: None (0)

CARRIED

#2.

AREA VARIANCE TO CONSTRUCT A 20' X 30' SINGLE STORY GARAGE 1' FROM REAR PROPERTY LINE. [§103-15 C (4) (c) (4c) GARAGE LESS THAN 750 SQ. FT. MUST BE A MINIMUM OF THREE FEET FROM PROPERTY LINE].

**Michael D. Link
691 Payne Avenue
North Tonawanda, NY 14120**

Re: Area Variance to construct a 20' x 30' single story garage less than 1' from rear property line, located at 691 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.

This item was removed from the Agenda, finding that there would be no need for a Variance from the Board at this time.

#3.

AREA VARIANCE TO CONSTRUCT AN 8' X 14' COVERED FRONT PORCH. [§103-15 (9) (a) – SET BACK CANNOT VARY BY MORE THAN THREE FEET FROM AVERAGE SET BACK].

**Brian McClure
878 Revere Avenue
North Tonawanda, NY 14120**

Re: Area Variance to construct an 8' x 14' covered front porch located at 878 Revere 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 878 Revere 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, #3 to less than 1 acre, #5a. to No and #5b. to Yes.

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

Nays: None (0)

CARRIED

MOVED by Commissioner Dreier SECONDED by Commissioner Evans
That the Zoning Board of Appeals hereby approves the area variance to Brian McClure, 878 Revere Avenue, to construct an 8' x 14' open air covered front porch on his residence located at 878 Revere Avenue. 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, Evans, Braun (4)

Nays: None (0)

CARRIED

ADJOURNMENT

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

Time Adjourned: 6:42 P.M.

Next Regular Meeting: October 18, 2021 at 6:00 P.M.

Respectfully submitted,

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