BOARD OF APPEALS

Regular Session North Tonawanda, New York 14120 Monday, December 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, Lewis

Absent: Assistant City Attorney Nick Robinson

Also Present: Building Inspector Robert C. DePaolo

APPROVAL OF THE MINUTES OF THE REGULAR SESSION NOVEMBER 15, 2021

MOVED by Commissioner Lewis SECONDED by Commissioner Evans That the minutes of the regular session held November 15, 2021 be approved as circulated and filed in the office of the City Clerk-Treasurer.

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

Nays: None

CARRIED.

PROOF OF PUBLICATION PUBLISHED NOVEMBER 6, 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 regular session of the Board of Appeals, which was published November 6, 2021 be received and filed.

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

Nays: None (0)

CARRIED.

OLD 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 Lewis SECONDED by Commissioner Dreier That the Zoning Board of Appeals hereby makes no decision on the SEQR. Applicant withdrew his application for an area variance to replace an existing pole sign.

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

Nays: None

CARRIED.

NEW BUSINESS

#1.

AREA VARIANCE TO INSTALL A 528 SQUARE FOOT ADDITION TO EXISTING 1104 SQUARE FOOT GARAGE. [§103-6(A) (9) (e) RESIDENTIAL GARAGES NOT PERMITTED TO EXCEED 750 SQUARE FEET].

Scott Zulawski 899 Walck Road North Tonawanda, NY 14120 Re: Area Variance to install a 528 square foot addition to an existing 1104 square foot garage, 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.

MOVED by Commissioner Lewis SECONDED by Commissioner Dreier That the Zoning Board of Appeals hereby makes no decision on the SEQR, and tables the aforementioned area variance. Colin Knoer, 424 Main Street, Buffalo, NY 14202, spoke on behalf of applicant Scott Zulawski. He presented a Stipulation of Discontinuance to the Board. The Board will review paperwork for the January 10th meeting.

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

Nays: None (0) CARRIED.

#2.

AREA VARIANCE TO INSTALL A 12'X12' 3-SEASON ROOM OVER EXISTING DECK. [§103-15 (9) (a) FRONT YARD EXECPTIONS. (a) WHERE THE IMMEDIATELY ADJOINING LOTS ON EACH SIDE OF A PARCEL OF LAND IN ANY R DISTRICT AND ON THE SAME SIDE OF THE STREET THEREWITH OR IN ANY OTHER CASE WHERE AT LEAST 1/3 OF THE R DISTRICT LOTS ON THE SAME SIDE OF THE STREET AS SUCH PARCEL AND BETWEEN THE SAME TWO INTERSECTING OR INTERCEPTING STREETS HAVE DWELLINGS LOCATED THEREON, THE MINIMUM FRONT SETBACK FOR SUCH PARCEL SHALL BE THE AVERAGE SETBACK OF SUCH EXISTING DWELLING.]

Reaghan Wirley & Kody Huggins 1474 Nash Road North Tonawanda, NY 14120 Re: Area Variance to install a 12'x 12' 3season room on front deck of property located at 1474 Nash 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.

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 1474 Nash 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 Yes and #5a to No.

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

MOVED by Commissioner Dreier SECONDED by Commissioner Haacker That the Zoning Board of Appeals hereby approves the area variance for Reaghan Wirley and Kody Huggins, 1474 Nash Road, to install a 12' x 12' 3-season room on front deck of property. 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 Dreier SECONDED by Commissioner Haacker That the meeting of the Zoning Board of Appeals be adjourned. CARRIED.

Time Adjourned: 6:24 P.M.

Next Regular Meeting: January 10, 2022 at 6:00 P.M.

Respectfully submitted,

Jana L. Braun

Donna L. Braun City Clerk-Treasurer