

**BOARD OF APPEALS**  
**Regular Session**  
**North Tonawanda, New York 14120**  
**Monday, February 14, 2022**  
**6:00 P.M.**

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**THE REGULAR SESSION OF THE BOARD OF APPEALS WAS CALLED TO ORDER BY CHAIRMAN SMOLINSKI.**

**ROLL CALL**

**Present: Chairman Smolinski**  
**Commissioner Braun, Haacker, Evans**

**Absent: None**

**Also Present: Assistant City Attorney Nicholas Robinson**  
**Building Inspector Robert C. DePaolo**

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**APPROVAL OF THE MINUTES OF THE REGULAR SESSION JANUARY 10, 2022**

**MOVED by Commissioner Evans      SECONDED by Commissioner Braun**  
**That the minutes of the regular session held January 10, 2022 be approved as**  
**circulated and filed in the office of the City Clerk-Treasurer.**

**Ayes: Commissioner Braun, Haacker, Evans, Smolinski      (4)**  
**Nays: None      (0)**  
**CARRIED.**

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**PROOF OF PUBLICATION PUBLISHED JANUARY 1, 2022**

**MOVED by Commissioner Haacker      SECONDED by Commissioner Evans**  
**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 January 1, 2022 be**  
**received and filed.**

**Ayes: Commissioner Braun, Haacker, Evans, Smolinski      (4)**  
**Nays: None      (0)**  
**CARRIED.**

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**NEW BUSINESS**

**#.1a**

**AREA VARIANCE TO INSTALL SIGNAGE FOR NEW TACO BELL**  
**RESTAURANT INCLUDING SHARED MONUMENT SIGN. [GENERAL**  
**COMMERCIAL §103-11 G THE MAXIMUM FACE AREA FOR ALL SIGNS**  
**APPEARING ON A PROPERTY SHALL NOT EXCEED TWO SQUARE FEET**  
**PER LINEAR FOOT OF BUILDING FRONTAGE].**

**NAS Sign Company**  
**Paul Strada**  
**1574 Kenmore Avenue**  
**Buffalo, NY 14216**

**Re: Area Variance to install a 18' x 8' 8**  
**1/16 Alum. Banner sign, non-**  
**illuminated shared sign and for all**  
**signs appearing on property located**  
**at 886/887 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.**

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**MOVED by Commissioner Haacker      SECONDED by Commissioner Evans**  
**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, #5a. to No, #10 to No and #11 to No.**

**Ayes: Commissioner Braun, Haacker, Evans, Smolinski      (4)**

**Nays: None      (0)**

**CARRIED.**

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**MOVED by Commissioner Haacker      SECONDED by Commissioner Braun**  
**That the Zoning Board of Appeals hereby approves the area variance for Paul Strade, NAS Sign Company, 1574 Kenmore Avenue, to install a 18' x 8' 8 1/16 Alum. Banner sign, non-illuminated shared sign and for all signs appearing on property located at 886/887 Niagara Falls Blvd (Taco Bell). 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 Braun, Haacker, Evans, Smolinski      (4)**

**Nays: None      (0)**

**CARRIED.**

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### NEW BUSINESS

**#.1b**

**AREA VARIANCE TO INSTALL SIGNAGE FOR NEW KENTUCKY FRIED CHICKEN RESTAURANT INCLUDING SHARED MONUMENT SIGN. [GENERAL COMMERCIAL §103-11 G THE MAXIMUM FACE AREA FOR ALL SIGNS APPEARING ON A PROPERTY SHALL NOT EXCEED TWO SQUARE FEET PER LINEAR FOOT OF BUILDING FRONTAGE].**

**NAS Sign Company  
 Paul Strada  
 1574 Kenmore Avenue  
 Buffalo, NY 14216**

**Re: Area Variance to install a 18' x 8' 8 1/16 Alum. Banner sign, non-illuminated shared sign and for all signs appearing on property located at 886/887 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.**

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**MOVED by Commissioner Haacker      SECONDED by Commissioner Braun**  
**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, #5a. to No, #10 to No and #11 to No.**

**Ayes: Commissioner Braun, Haacker, Evans, Smolinski      (4)**

**Nays: None      (0)**

**CARRIED.**

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**MOVED by Commissioner Haacker      SECONDED by Commissioner Braun**  
**That the Zoning Board of Appeals hereby approves the area variance for Paul Strade, NAS Sign Company, 1574 Kenmore Avenue, to install a 18' x 8' 8 1/16 Alum. Banner sign, non-illuminated shared sign and for all signs appearing on property located at 886/887 Niagara Falls Blvd (Kentucky Fried Chicken). 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 Braun, Haacker, Evans, Smolinski      (4)**

Nays: None  
CARRIED.

(0)

#.2

HEIGHT VARIANCE TO ERECT A FIVE STORY 111 UNIT APARTMENT BUILDING (4 INHABITED STORIES OVER PARKING) THE MEAN ELEVATION OF THE BUILDING WILL BE 66'9" WATERFRONT DISTRICT. [§103-13.2 J BULK AND USE TABLE, MAXIMUM HEIGHT FOR AN APRTMENT BUILDING IS 45']

DLV Properties LLC  
9829 Main Street  
Clarence, NY 14031

Re: Height Variance to Construct an apartment building greater than 45' in a Water District (WD) zoning, Located at 624 River 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 Evans  
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 Braun, Haacker, Evans, Smolinski

(4)

Nays: None

(0)

CARRIED.

MOVED by Commissioner Haacker      SECONDED by Commissioner Evans  
That the Zoning Board of Appeals hereby approves the height variance for DLV Properties, 9829 Main Street, to construct an apartment building greater than 45' in a Water District (WD) zone. Height Variance is contingent on approvals from the Niagara County Planning Board and the North Tonawanda Planning Board. 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 Braun, Haacker, Evans, Smolinski

(4)

Nays: None

(0)

CARRIED.

### OLD 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

MOVED by Commissioner Braun      SECONDED by Commissioner Evans  
The Zoning Board of Appeals hereby tables the aforementioned request, applicant asked to put on the March meeting.

Ayes: Commissioner Braun, Haacker, Evans, Smolinski

(4)

Nays: None

(0)

CARRIED.

**ADJOURNMENT**

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

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**Time Adjourned: 6:34 P.M.**

**Next Regular Meeting: March 14, 2022 at 6:00 P.M.**

Respectfully submitted,



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