

BOARD OF APPEALS
Special Session
North Tonawanda, New York 14120
Monday, May 23, 2022
6:00 P.M.

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

ROLL CALL

Present: Chairman Smolinski
Commissioner Haacker, Evans, Kuebler, Wistner

Absent: None

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

APPROVAL OF THE MINUTES OF THE REGULAR SESSION MAY 9, 2022

MOVED by Commissioner Evans SECONDED by Commissioner Haacker
That the minutes of the regular session held May 9, 2022 be approved as circulated and filed in the office of the City Clerk-Treasurer.

Ayes: Commissioner Haacker, Evans, Kuebler, Wistner, Smolinski (5)
Nays: None (0)
CARRIED.

PROOF OF PUBLICATION PUBLISHED APRIL 30, 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 April 30, 2022 be received and filed.

Ayes: Commissioner Haacker, Evans, Kuebler, Wistner, Smolinski (5)
Nays: None (0)
CARRIED.

OLD BUSINESS

#1.
AREA VARIANCE TO INSTALL A 26' TALL SOUND ATTENUATION FENCE ALONG EAST PROPERTY LINE. [§103-12 E (4) FENCING. ALL SIDE AND REAR LOT LINES ADJACENT TO ANY R DISTRICT SHALL BE PROPERLY FENCED OR SCREENED BY PLANTING. NO FENCE OTHER THAN THAT CONSTRUCTED OF WIRE AND COMMONLY KNOWN AS A "CYCLONE" FENCE NOT MORE THAN 10 FEET IN HEIGHT SHALL BE PERMITTED].

Fortistar North Tonawanda
Dan Rotunno
1070 Erie Avenue
North Tonawanda, NY 14120

Re: Area Variance to install a 26' foot sound attenuation fence on side and rear of property line located at 1070 Erie Avenue

At this time the Chairman asked if anyone wanted to speak for or against the requested variance.

Deborah Gondek, 257 Brentwood Drive – Thanked the Board for supplying information requested.

Larry Young, 847 Fairmont Drive – Asked if a 10' fence could be put up first.

MOVED by Commissioner Smolinski SECONDED by Commissioner Evans
That the Zoning Board of Appeals makes no motion on the SEQR for 1070 Erie Avenue, per the City Engineer's submitted MEMO. The Zoning Board of Appeals hereby approves the Area Variance to Fortistar North Tonawanda, 1070 Erie Avenue, for a 24' instead of 26' tall solid sound attenuation fence, along the east 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 Haacker, Evans, Wistner, Smolinski (4)

Nays: Commissioner Kuebler (1)

CARRIED.

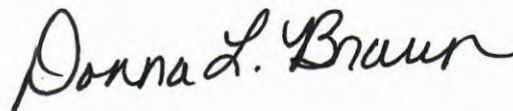
ADJOURNMENT

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

Time Adjourned: 6:19 P.M.

Next Regular Meeting: June 13, 2022 at 6:00 P.M.

Respectfully submitted,



Donna L. Braun
City Clerk-Treasurer