

# **BOARD OF APPEALS**

**Regular Session**

**North Tonawanda, New York 14120**

**Monday, July 18, 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 Haacker, Evans, Kuebler, Wistner**

**Absent: Assistant City Attorney Nicholas Robinson**

**Also Present: Building Inspector Robert C. DePaolo**

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## **APPROVAL OF THE MINUTES OF THE SPECIAL SESSION MAY 23, 2022**

**MOVED by Commissioner Haacker      SECONDED by Commissioner Evans  
That the minutes of the regular session held May 23, 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.**

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## **PROOF OF PUBLICATION PUBLISHED MAY 12, 2022**

**MOVED by Commissioner Haacker      SECONDED by Commissioner Kuebler  
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 May 12, 2022 be  
received and filed.**

**Ayes: Commissioner Haacker, Evans, Kuebler, Wistner, Smolinski      (5)**

**Nays: None      (0)**

**CARRIED.**

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## **NEW BUSINESS**

**#1.**

**AREA VARIANCE TO CONSTRUCT A 480 SQ/FT ADDITION TO EXISTING  
455 SQ/FT DETACHED GARAGE. 905 TOTAL SQ/FT. [§103-6 (9)(e) PRIVATE  
GARAGES WITH A LIMIT OF 750 SQUARE FEET IN SIZE AND OF SIMILAR  
CONSTRUCITON STYLE AS THE SURROUNDING NEIGHBORHOOD].**

**Matthew Thompson  
304 Homestead Drive  
North Tonawanda, NY 14120**

**Re: Area Variance to construct a 480  
sq/ft addition on exiting garage,  
located at 304 Homestead Drive**

**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**  
**That the Zoning Board of Appeals hereby officially designates themselves as lead agency for said SEQR for 304 Homestead Drive with a change to No.4 to Residential and No.14 to Suburban, and will notify other agencies involved.**

**Ayes: Commissioner Haacker, Evans, Kuebler, Wistner, Smolinski      (5)**

**Nays: None      (0)**

**CARRIED.**

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**MOVED by Commissioner Haacker      SECONDED by Commissioner Wistner**  
**That the Zoning Board of Appeals hereby approves the area variance to Matthew Thompson, 304 Homestead Drive, to construct a 480 sq/ft addition on an existing garage following the same construction of the original garage, located at 304 Homestead Drive. 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, Kuebler, Wistner, Smolinski      (5)**

**Nays: None      (0)**

**CARRIED.**

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**#2.**

**AREA VARIANCE TO INSTALL A 4' PICKET FENCE ALONG SIDEWALKS TO ENCLOSE THE EAST (FRONT) AND SOUTH YARDS. [§103-15 (4) (b) NO MORE THAN FOUR FEET WHERE LOCATED IN FRONT OF THE PRINCIPAL BUILDING AND IN EXCESS OF 15 FEET OF THE FRONT PROPERTY LINE].**

**Robynn Padoveno**  
**4 Mead Street**  
**North Tonawanda, NY 14120**

**Re: Area Variance to install a 4' picket fence in front and rear yard of property, located at 4 Mead Street**

**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**  
**That the Zoning Board of Appeals hereby officially designates themselves as lead agency for said SEQR for 4 Mead Street with a change to No.1 to No and No.2 to Yes, and will notify other agencies involved.**

**Ayes: Commissioner Haacker, Evans, Kuebler, Wistner, Smolinski      (5)**

**Nays: None      (0)**

**CARRIED.**

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**MOVED by Commissioner Haacker      SECONDED by Commissioner Wistner**  
**That the Zoning Board of Appeals hereby approves the area variance to Robynn Padoveno, 4 Mead Street, to install a 4-foot picket fence on the east and south property line, following the patio line on Mead and must be 4 feet from the sidewalk on the Rumbold side. 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, Kuebler, Wistner, Smolinski      (5)**

**Nays: None      (0)**

**CARRIED.**

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**ADJOURNMENT**

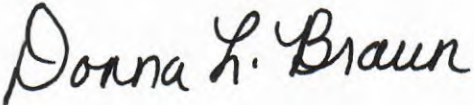
**MOVED** by Commissioner Evans      **SECONDED** by Commissioner Kuebler  
That the meeting of the Zoning Board of Appeals be adjourned.  
**CARRIED.**

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**Time Adjourned: 6:19 P.M.**

**Next Regular Meeting: August 8, 2022 at 6:00 P.M.**

Respectfully submitted,



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