

# **BOARD OF APPEALS**

**Regular Session**

**North Tonawanda, New York 14120**

**Monday, August 8, 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 REGULAR SESSION JULY 18, 2022**

**MOVED by Commissioner Haacker      SECONDED by Commissioner Kuebler  
That the minutes of the regular session held July 18, 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 JULY 9, 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 July 9, 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 INSTALL A 4' CHAIN-LINK FENCE ALONG NORTH AND EAST PROPERTY LINES, 2' FROM THE SIDEWALK WITH RETURNS TO THE DWELLING AT THE NORTHWEST CORNER AND THE DRIVEWAY. [§103-15 (4) (b) NO MORE THAN FOUR FEET WHERE LOCATED IN FRONT OF THE PRINCIPAL BUILDING AND IN EXCESS OF 15 FEET FROM THE FRONT PROPERTY LINE AND NO MORE THAN THREE FEET WHERE LOCATED WITHIN 15 FEET OF THE FRONT PROPERTY LINE].**

**Anneliese Plyler  
561 Tremont Street  
North Tonawanda, NY 14120**

**Re: Area Variance to install a 4' chain-link fence along north and east property line 2' from sidewalk located at 561 Tremont 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 561 Tremont Street with a change to No.1 to No, No.2 to Yes, No.5b to Yes No.8a to No and No.8b to No, 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 Kuebler      **SECONDED** by Commissioner Wistner  
 That the Zoning Board of Appeals hereby approves the area variance to Anneliese Plyler, 561 Tremont Street, to install a 4' chain link fence in front yard of said 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 Haacker, Evans, Kuebler, Wistner, Smolinski (5)

Nays: None (0)

**CARRIED.**

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#2.a

**AREA VARIANCE TO ERECT 11 DWELING UNITS IN 3 BUILDINGS WITHOUT THE REQUIRED 3000 SQUARE FOOT PARCEL AREA PER UNIT. [§103-9 (c) (1) MINIMUM LOT SIZE, AND WITH LESS THAN THE REQUIRED 21' SETBACK]. [§103-9 (D) (3) REAR YARD SETBACK].**

Cityscape Property Management  
 Frank Cefalu  
 58 Irving Terr  
 Buffalo, NY 14223

Re: Area Variance to erect 11 dwelling units in 3 buildings without the required 3000 sq ft parcel area, located at 151,153, and 165 Division Street

Jeffery D. Palumbo  
 9276 Main Street  
 Clarence, NY 14031

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 Evans      **SECONDED** by Commissioner Haacker  
 That the Zoning Board of Appeals hereby makes no decision on the SEQR or take lead agency, Planning Commission approved both at their July 5<sup>th</sup>, 2022 and August 1<sup>st</sup>, 2022 meetings. The Zoning Board of Appeals hereby approves the area variance to Frank Cefalu, 58 Irving Terr, to erect 11 dwelling units in 3 buildings without the required 3000 sq ft parcel area, located at 151,153 and 165 Division Street. 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.b

**AREA VARIANCE TO ERECT A 3 UNIT MULTIPLE DWELLING WITHOUT THE REQUIRED 3000 SQUARE FOOT PARCEL AREA PER UNIT. [§103-9 (c) (1) MINIMUM LOT SIZE, AND WITHOUT THE REQUIRED 5 FOOT SIDE YARD WIDTH]. [§103-9 (D) (2)].**

**Cityscape Property Management  
Frank Cefalu  
58 Irving Terr  
Buffalo, NY 14223**

**Re: Area Variance to erect 3 unit multiple dwellings without the required 3000 sq ft parcel area, located at 518 Goundry Street**

**Jeffery D. Palumbo  
9276 Main Street  
Clarence, NY 14031**

**MOVED by Commissioner Haacker      SECONDED by Commissioner Wistner**  
That the Zoning Board of Appeals hereby makes no decision on the SEQR or take lead agency, Planning Commission approved both at their July 5<sup>th</sup>, 2022 and August 1<sup>st</sup>, 2022 meetings. The Zoning Board of Appeals hereby approves the area variance to Frank Cefalu, 58 Irving Terr, to erect 3-unit multiple dwellings without the required 3000 sq ft parcel area, located at 518 Goundry Street. 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.**

**ADJOURNMENT**

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

**Time Adjourned: 6:24 P.M.**

**Next Regular Meeting: September 19, 2022 at 6:00 P.M.**

**Respectfully submitted,**



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