

BOARD OF APPEALS
Regular Session
North Tonawanda, New York 14120
Monday, November 14, 2022
6:05 P.M.

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: None

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

APPROVAL OF THE MINUTES OF THE REGULAR SESSION OCTOBER 17, 2022

MOVED by Commissioner Evans SECONDED by Commissioner Wistner
That the minutes of the regular session held October 17, 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 OCTOBER 8, 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 October 8, 2022 be
received and filed.

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

Nays: None (0)

CARRIED.

OLD BUSINESS

#1.

AREA VARIANCE TO ERECT A 6' SOLID FENCE ACROSS THE FRONT
YARD. [§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. NO SOLID-
TYPE FENCE OR WALL SHALL BE PERMITTED IN ANY DISTRICT. ANY
FENCE CONSTRUCTED IN THE FRONT YARD MUST BE LESS THAN 50%
SOLID WITH NO LESS THAN 2 ¼ INCHES OF SPACE BETWEEN EACH
PICKET OR, UPON THE APPROVAL OF THE BOARD OF APPEALS].

Michael Wells
1290 Pierce Avenue
North Tonawanda, NY 14120

Re: Area Variance to erect a 6' solid
fence in the front yard of property,
located at 1290 Pierce Avenue

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 Wistner
That the Zoning Board of Appeals hereby officially designates themselves as lead agency for said SEQR for 1290 Pierce Avenue and will notify other agencies involved.

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

Nays: None (0)

CARRIED.

MOVED by Commissioner Haacker **SECONDED** by Commissioner Smolinski
That the Zoning Board of Appeals finds that there will be no significant environmental impact for 1290 Woodlin Avenue and as such declares a Negative Declaration on the SEQR., with a change to #1 to No, #2 to Yes, #3a to 1/8 acre, #5b to No and #14 to Suburban.

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

Nays: None (0)

CARRIED.

MOVED by Commissioner Haacker **SECONDED** by Commissioner Wistner
That the Zoning Board of Appeals hereby grants approval for an Area Variance to Michael Wells, 1290 Pierce Avenue, to install a 5-foot woven fence in front yard to the northwest corner of the garage. The request will not change the character of the neighborhood, the request was not substantial, the request will not have an adverse effect on the physical or environmental conditions of the neighborhood.

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

Nays: None (0)

CARRIED.

#2.

AREA VARIANCE TO REMOVE EXISTING AND INSTALL AN 8' X 12' ADDITION CLOSER THAN THE REQUIRED 25' FRONT SETBACK, (20') INSTALL A 12' X 14' TWO STORY ADDITION INSIDE THE REQUIRED 5' REQUIRED SIDE YARD (3'). [§103-7 (D) (1) (2) D. REQUIRED YARDS. (1) FRONT YARD DEPTH: 25 FEET. (2) SIDE YARD WIDTH: (a) DWELLINGS. MINIMUM, FIVE FEET; THE TOTAL OF BOTH SIDE YARDS SHALL BE NOT LESS THAN 13 FEET].

Anthony Geraci
277 North Avenue
North Tonawanda, NY 14120

Re: Area Variance to remove existing addition and install an 8' x 12' addition closer than the required 25' front setback, and install a 12' x 14' two story addition inside the required 5' side yard setback, located at 277 North Ave.

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
That the Zoning Board of Appeals hereby officially designates themselves as lead agency for said SEQR for 277 North Avenue 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 #5a to No and #5b to No.

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

MOVED by Commissioner Haacker **SECONDED** by Commissioner Evans
 That the Zoning Board of Appeals hereby grants approval for an Area Variance to Anthony Geraci, 277 North Avenue, to remove existing addition and install an 8' x 12' addition with a 17' setback with living space to follow existing house plan and install a 12' x 14' single story addition inside the 5' required setback. The request will not change the character of the neighborhood, the request was not substantial, the request will not have an adverse effect on the physical or environmental conditions of the neighborhood, the alleged difficulty was not self-created.

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

NEW BUSINESS

#1.

USE VARIANCE TO ERECT AND OPERATE A SINGLE STORY 12 UNIT OFFICE BUILDING IN AN R-2 ZONE (PROHIBITED) RESIDENCE-BUSINESS DISTRICT. [§103-9A (3) BANK, TELEPHONE EXCHANGE, PUBLIC UTILITY OFFICE, BUSINESS AND UTILITY OFFICES].

Michael Wachowicz
 391 River Road
 North Tonawanda, NY 14120

Re: Use Variance to erect and operate a single story 12-unit office building in an R-2 Zone, located at 460 Schenck 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.

MOVED by Commissioner Haacker **SECONDED** by Commissioner Evans
 That the Zoning Board of Appeals hereby makes no decision on the SEQR and tables the aforementioned request for further review.

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

#2.

AREA VARIANCE TO INSTALL A 24' X 24' DETACHED GARAGE 5' FROM SOUTH AND EAST PROPERTY LINES. TOTAL SQUARE FOOTAGE IN EXCESS OF 750 SQ FT. [§103-3A (9) (e) PRIVATE GARAGES WITH A LIMIT OF 750 SQUARE FEET IN SIZE AND OF SIMILAR CONSTRUCTION STYLE AS THE SURROUNDING NEIGHBORHOOD].

Anthony Pulvirenti
 885 Nash Road
 North Tonawanda, NY 14120

Re: Area Variance to install a 24' x 24' detached garage less than 5' from property lines, located at 885 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 Evans
That the Zoning Board of Appeals hereby officially designates themselves as lead agency for said SEQR for 885 Nash Road and will notify other agencies involved.

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

Nays: None (0)

CARRIED.

MOVED by Commissioner Haacker **SECONDED** by Commissioner Wistner
That the Zoning Board of Appeals finds that there will be no significant environmental impact for 885 Nash Road and as such declares a Negative Declaration on the SEQR., with a change to #1 to No, #5a to No, #5b to No and #9 to Yes.

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

Nays: None (0)

CARRIED.

MOVED by Commissioner Haacker **SECONDED** by Commissioner Wistner
That the Zoning Board of Appeals hereby grants approval for an Area Variance to Anthony Pulvirenti, 885 Nash Road, to install a 24' x 24' detached garage less than 5-feet on the East and South property lines. The request will not change the character of the neighborhood, 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

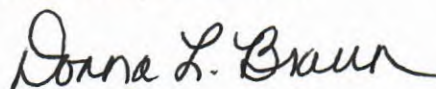
MOVED by Commissioner Wistner **SECONDED** by Commissioner Kuebler
That the meeting of the Zoning Board of Appeals be adjourned.

CARRIED.

Time Adjourned: 6:48 P.M.

Next Regular Meeting: December 12, 2022 at 6:00 P.M.

Respectfully submitted,



Donna L. Braun
City Clerk-Treasurer