

BOARD OF APPEALS

Regular Session

North Tonawanda, New York 14120

Monday, May 13, 2024

6:30 P.M.

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

ROLL CALL

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

Absent: Commissioner Guagliardo

**Also Present: Asst. City Attorney Mario Gregori
Building Inspector Robert C. DePaolo**

APPROVAL OF THE MINUTES OF THE REGULAR SESSION MARCH 11, 2024

**MOVED by Commissioner Haacker SECONDED by Commissioner Kuebler
That the minutes of the regular session held March 11, 2024, be approved as circulated and filed in the office of the City Clerk-Treasurer.**

Ayes: Commissioner Haacker, Kuebler, Wistner, Smolinski (4)

Nays: None (0)

CARRIED.

PROOF OF PUBLICATION PUBLISHED MARCH 2, 2024

**MOVED by Commissioner Kuebler SECONDED by Commissioner Wistner
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 March 2, 2024, be received and filed.**

Ayes: Commissioner Haacker, Kuebler, Wistner, Smolinski (4)

Nays: None (0)

CARRIED.

OLD BUSINESS

#1.

AREA VARIANCE TO ERECT A 30' X 60' ACCESSORY STRUCTURE IN REAR YARD. EXISTING ATTACHED GARAGE IS APPROX. 200 SQ/FT. TOTAL STORAGE 1,800 SQ/FT. [§103-6 (A) (9) (e) PRIVATE GARAGES WITH A LIMIT OF 750 SQUARE FEET IN SIZE AND OF SIMILAR CONSTRUCTION STYLE AS THE SURROUNDING NEIGHBORHOOD].

**Anthony Tasner
455 Witmer Road
North Tonawanda, NY 14120**

Re: Area Variance to erect a 30' x 60' accessory garage in rear yard, located at 455 Witmer Road

*****Applicant removed himself from the Zoning Board meeting*****

NEW BUSINESS

#1.

AREA VARIANCE TO INSTALL A 22' X 24' DETACHED GARAGE LESS THAN 3 FEET FROM THE SIDE PROPERTY LINE. [§103-15C (4) (4c) THAT IN ANY DISTRICT, A SINGLE-STORY ACCESSORY BUILDING, 750 SQUARE FEET OR LESS IN AREA, WILL BE PERMITTED TO BE THREE FEET FROM ANY SIDE OR REAR LOT LINE].

Andrew Ward
508 Bryant Street
North Tonawanda, NY 14120

Re: Area Variance to erect a 22' x 24' detached garage less than 3 feet from side property line, located at 508 Bryant 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 Kuebler
That the Zoning Board of Appeals hereby officially designates themselves as lead agency for said SEQR for 508 Bryant Street and will notify other agencies involved and 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, #3 to less than acre, #5a to No and #5b to No, #8b to No, #8c to No, #12b to No, #13b to No and #14 to Suburban.

Ayes: Commissioner Haacker, Kuebler, Wistner, Smolinski (4)

Nays: None (0)

CARRIED.

MOVED by Commissioner Haacker SECONDED by Commissioner Wistner
That the Zoning Board of Appeals hereby approves the area variance to Andrew Ward, to erect a 22' x 24' detached garage less than 3 ft from back property line also needs to stay in line with existing wall, located at 508 Bryant 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, Kuebler, Wistner, Smolinski (4)

Nays: None (0)

CARRIED.

#2.

AREA VARIANCE TO INSTALL A 6' SOLID FENCE ALONG EAST PROPERTY LINE AND FORWARD OF PRINCIPAL STRUCTURE (24FT). [§103-15B (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].

Donald Rogers
1299 Forbes Street
North Tonawanda, NY 14120

Re: Area Variance to extend existing fence with a 6' solid fence along east property line, located at 1299 Forbes 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 Kuebler
 That the Zoning Board of Appeals hereby officially designates themselves as lead agency for said SEQR for 1299 Forbes Street and will notify other agencies involved and 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 and #5b to No and #9 to Yes.

Ayes: Commissioner Haacker, Kuebler, Wistner, Smolinski (4)
 Nays: None (0)
CARRIED.

MOVED by Commissioner Haacker SECONDED by Commissioner Kuebler
 That the Zoning Board of Appeals hereby approves the area variance to Donald Rogers to extend existing fence with a 6' solid fence along property line, located at 1299 Forbes Street and must not go past house line. 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, Kuebler, Wistner, Smolinski (4)
 Nays: None (0)
CARRIED.

#3.

AREA VARIANCE TO INSTALL APPROXIMATELY 65 LINEAR FEET OF 6' SOLID FENCE TO PARTIALLY ENCLOSE ADJACENT PARCEL. [§103-15B (4) FENCE INSTALLATION TO BE MADE WITHOUT THE REQUIRMENT FOR A PRINCIPAL STRUCTURE].

Pauline Niro
 1160 Master Street
 North Tonawanda, NY 14120

Re: Area Variance to install 6' feet of solid fence
 to enclose adjacent property, located at 1154
 Master 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 Wistner
 That the Zoning Board of Appeals hereby officially designates themselves as lead agency for said SEQR for 1160 Master Street and will notify other agencies involved and 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 and #5b to No and #14 to Suburban.

Ayes: Commissioner Haacker, Kuebler, Wistner, Smolinski (4)
 Nays: None (0)
CARRIED.

MOVED by Commissioner Kuebler SECONDED by Commissioner Wistner
 That the Zoning Board of Appeals hereby approves the area variance to Pauline Niro to install a 6' solid fence to enclose adjacent property located at 1154 Master Street. 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, Kuebler, Wistner, Smolinski (4)
 Nays: None (0)
CARRIED.

#4.

AREA VARIANCE TO SUB-DIVIDE R1-R2 PARCEL INTO TWO SUB-STANDARD PARCELS. NEW PARCELS TO BE 57.5' X 116.95'. VARIANCES FOR LESS THAN REQUIRED FRONTAGE AND SQUARE FOOTAGE.

Vince Mangione
865 Daigler Drive
North Tonawanda, NY 14120

Re: Area Variance to sub-divide R1-2 parcel
into two parcels less than required frontage
and square footage, located at 882 Lee 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 Kuebler
That the Zoning Board of Appeals hereby officially designates themselves as lead agency
for 882 Lee Avenue and will notify other agencies involved.

Ayes: Commissioner Haacker, Kuebler, Wistner, Smolinski

(4)

Nays: None

(0)

CARRIED.

MOVED by Commissioner Kuebler **SECONDED** by Commissioner Haacker
That the Zoning Board of Appeals finds that there will be no significant environmental
impact for 882 Lee Avenue and as such declares a Negative Declaration on the SEQR with
a change to #5a to No and #5b to No.

Ayes: Commissioner Haacker, Kuebler, Wistner, Smolinski

(4)

Nays: None

(0)

CARRIED.

MOVED by Commissioner Wistner **SECONDED** by Commissioner Haacker
That the Zoning Board of Appeals hereby approves the area variance to Vince Mangione to
sub-divide R1-2 parcel into two parcels less than required frontage and square footage
located at 882 Lee Avenue, house lot will be 55' and lot will be 60'. 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 Zoning Board referred applicant to the Planning Board.

Ayes: Commissioner Haacker, Kuebler, Wistner, Smolinski

(4)

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: 6:28 P.M.

Next Regular Meeting: June 10, 2024, at 6:00 P.M.

Respectfully submitted,

Donna L. Braun
City Clerk-Treasurer

05-13-24