

BOARD OF APPEALS
Regular Session
North Tonawanda, New York 14120
Monday, August 11, 2025
6:00 P.M.

**THE REGULAR SESSION OF THE BOARD OF APPEALS WAS CALLED TO ORDER
BY CHAIRMAN SMOLINSKI**

ROLL CALL

Present: Chairman Smolinski
Commissioner Kuebler, Wistner, Brown

Absent: Commissioner Haacker

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

APPROVAL OF THE MINUTES OF THE REGULAR SESSION JULY 14, 2025

MOVED by Commissioner Kuebler SECONDED by Commissioner Brown
That the minutes of the regular session held July 14, 2025, be approved as circulated and
filed in the office of the City Clerk-Treasurer.

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

Nays: None (0)

CARRIED.

PROOF OF PUBLICATION PUBLISHED JULY 5, 2025

MOVED by Commissioner Wistner SECONDED by Commissioner Brown
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 5, 2025, be received and filed.

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

Nays: None (0)

CARRIED.

OLD BUSINESS

#1.

AREA VARIANCE TO ERECT A 1,500 SQUARE FOOT ADDITION TO EXISTING
STORAGE BUILDING. EXISTING STORAGE SQ/FT IS 2,400. [§103-6A (9) (e)
PRIVATE GARAGES WITH A LIMIT OF 750 SQUARE FEET IN SIZE AND OF
SIMILAR CONSTRUCTION STYLE AS THE SURROUNDING NEIGHBORHOOD].

Jeffrey Zellner
537 Witmer Road
North Tonawanda, NY 14120

Re: Area Variance to erect a 1,500 sq/ft
addition to an existing 2,400 sq/ft storage
building, located at 537 Witmer Road

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

Richard Madje, 499 Witmer Rd – Was against the structure, said that per the county
website it would be 4,300 sq. ft. of structures on the property.

MOVED by Commissioner Kuebler SECONDED by Commissioner Brown
That the Zoning Board of Appeals hereby officially designates themselves as lead agency for said SEQR for 537 Witmer Road and will notify other agencies involved and finds that there will be no significant environmental impact for 537 Witmer Road and as such declares a Negative Declaration on the SEQR with changes to #2 to Yes, #5a to No, #5b to Yes and #9 to Yes.

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

Nays: None (0)

CARRIED.

MOVED by Commissioner Wistner SECONDED by Commissioner Brown
That the Zoning Board of Appeals hereby approves the area variance to Jeff Zellner, 537 Witmer Rd., to erect an additional 1500 sq. ft. of storage to an existing 2,400 sq. ft. storage building, located at said property. The request did not change the character of the neighborhood, and the request will not have an adverse effect on the physical or environmental condition of the neighborhood.

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

Nays: None (0)

CARRIED.

#2.

AREA VARIANCE TO DEMOLISH EXISTING GARAGE AND ERECT A 1,600 SQUARE FOOT DETACHED GARAGE IN REAR YARD IN ADDITION TO THE 200 SQUARE FOOT ATTACHED GARAGE. [§103-6A(9)(e) PRIVATE GARAGES WITH A LIMIT OF 750 SQUARE FEET AND OF SIMILAR CONSTRUCTION STYLE AS THE SURROUNDING NEIGHBORHOOD].

**James Nyari
 284 Spruce Street
 North Tonawanda, NY 14120**

**Re: Area Variance to demolish existing garage
 and construct a 1,600 sq. ft. pole barn &
 garage, located at 284 Spruce Street**

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

Debra & Bob Welch, 285 Spruce St. – Are fully in favor of the new garage, said that it will improve the neighborhood.

MOVED by Commissioner Brown SECONDED by Commissioner Wistner
That the Zoning Board of Appeals hereby officially designates themselves as lead agency for said SEQR for 284 Spruce St. and will notify other agencies involved and finds that there will be no significant environmental impact for 284 Spruce St. and as such declares a Negative Declaration on the SEQR with changes to #2 to Yes and #5a to No.

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

Nays: None (0)

CARRIED.

MOVED by Commissioner Wistner SECONDED by Commissioner Brown
That the Zoning Board of Appeals hereby approves the area variance to James Nyari, 284 Spruce St. to demolish existing garage and construct a 1,600 sq. ft. pole barn & garage, design issued on 8/2/25 Job. No. DCG-AW. The request did not change the character of the neighborhood, it 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 Kuebler, Wistner, Brown, Smolinski (4)

Nays: None (0)

CARRIED.

NEW BUSINESS

#1.

AREA VARIANCE TO ERECT A 6' TALL CHAIN LINK FENCE TO ENCLOSE FRONT YARD. (DAYCARE) 3' HIGH FENCE ALLOWD 50% CLEAR.**Laurie Adamczyk
21 Bryant Street
North Tonawanda, NY 14120****Re: Area Variance to erect a 6' tall chain link
fence in front yard of Daycare, located at
82 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.

MOVED by Commissioner Kuebler SECONDED by Commissioner Brown
That the Zoning Board of Appeals hereby officially designates themselves as lead agency for said SEQR for 82 Mead St. and will notify other agencies involved and finds that there will be no significant environmental impact for 82 Mead St. and as such declares a Negative Declaration on the SEQR.

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

Nays: None (0)

CARRIED.

MOVED by Commissioner Kuebler SECONDED by Commissioner Brown
That the Zoning Board of Appeals hereby approves the area variance to Laurie Adamczyk, to erect a 6' tall chain link fence a Daycare located at 82 Mead St. The request did not change the character of the neighborhood, the request was not substantial and it will not have an adverse effect on the physical or environmental conditions of the neighborhood.

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

Nays: None (0)

CARRIED.

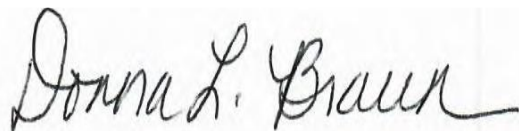
ADJOURNMENT

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: September 15, 2025, at 6:00 P.M.

Respectfully submitted,



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

08-11-25