# BOARD OF APPEALS

**Regular Session**
**North Tonawanda, New York 14120**
**Monday, September 16, 2013**
**6:30P.M.**

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

**ROLL CALL**

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| **Present:** | **Chairman Braun**<br>**Commissioner Dreier, Pasiak, Evans, Haacker** |
| **Absent:** | **None** |
| **Also Present:** | **Building Inspector Cosimo Capozzi**<br>**City Attorney Shawn Nickerson** |

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**APPROVAL OF THE MINUTES OF MEETING OF AUGUST 12, 2013**

**MOVED by Commissioner Evans SECONDED by Commissioner Dreier**
**That the minutes of the regular session held August 12, 2013 be approved as circulated and filed in the office of the City Clerk-Treasurer.**
**Ayes: Commissioner Dreier, Pasiak, Evans, Haacker, Braun (5)**
**Nays: None (0)**
**CARRIED.**

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**PROOF OF PUBLICATION PUBLISHED SEPTEMBER 7, 2013**

**MOVED by Commissioner Haacker SECONDED by Commissioner Dreier**
**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 September 7, 2013 be received and filed.**
**Ayes: Commissioner Dreier, Pasiak, Evans, Haacker, Braun (5)**
**Nays: None (0)**
**CARRIED.**

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**OLD BUSINESS**

**#1.**
**AREA VARIANCE TO CONSTRUCT A 570 SQ. FT. GARAGE ADDITION TO AN EXISTING 462 SQ. FT. GARAGE LESS THAN 5' FROM PROPERTY LINE. [§103-6 A (9) (e) ACCESSORY STRUCTURES NOT PERMITTED TO EXCEED 750 SQ. FT. §103-15 C (4) (4c) ACCESSORY STRUCTURES OVER 750 SQ. FT. NOT PERMITTED TO BE LESS THAN 5' FROM PROPERTY LINE.]**

**Penny Kirst - Re: 963 Sweeney Street**
**240 Bryant Street**
**North Tonawanda, NY 14120**

**MOVED by Commissioner Haacker SECONDED by Commissioner Dreier**
**That the Zoning Board of Appeals finds that there will be no significant environmental impact and as such declares a Negative Declaration on the SEQR.**
**Ayes: Commissioner Dreier, Pasiak, Evans, Haacker, Braun (5)**
**Nays: None (0)**
**CARRIED.**

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**MOVED by Commissioner Haacker SECONDED by Commissioner Dreier**
**That the Zoning Board of Appeals hereby grants an area variance to construct a 570 sq. ft. garage addition to an existing 462 sq. ft. garage less than 5′ from property line at 963 Sweeney Street, for personal use only, as the request did not change the character of the neighborhood; there was not an alternate solution and the requested area variance was not substantial.**
**Ayes: Commissioner Dreier, Pasiak, Evans, Haacker, Braun (5)**
**Nays: None (0)**
**CARRIED.**

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**#2.**
**AREA VARIANCE TO INSTALL 6' STOCKADE FENCE AT RIGHT REAR YARD. [§103 C (1) (b) FENCES NOT PERMITTED TO BE LOCATED IN RESTRICTED AREA – CORNER LOT MODIFICATION.]**

**Eugene Kelsey - Re: 1242 Nash Road**
**1242 Nash Road**
**North Tonawanda, NY 14120**

**MOVED by Commissioner Dreier SECONDED by Commissioner Haacker**
**That the Zoning Board of Appeals finds that there will be no significant environmental impact and as such declares a Negative Declaration on the SEQR.**
**Ayes: Commissioner Dreier, Pasiak, Evans, Haacker, Braun (5)**
**Nays: None (0)**
**CARRIED.**

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**MOVED by Commissioner Dreier SECONDED by Commissioner Haacker**
**That the Zoning Board of Appeals grants an area variance to install 6′ stockade fence at right rear yard at 1242 Nash Road as the request did not change the character of the neighborhood; there was not an alternate solution and the request will not have an adverse effect on the physical or environmental conditions of the neighborhood.**
**Ayes: Commissioner Dreier, Pasiak, Evans, Haacker, Braun (5)**
**Nays: None (0)**
**CARRIED.**

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**#3.**
**AREA VARIANCE TO INSTALL 150 SQ. FT. OF WALL AND PYLON SIGN LESS THAN 12′ 6″ FRONT SETBACK. [§103-9A (10) (b) (2) SIGN NOT PERMITTED TO EXCEED ONE SQ. FT. PER LINEAR FT OF BUILDING FRONTAGE (20′). §103-15A (5) (a) SIGN NOT PERMITTED TO BE LESS THAN 12′ 5″ FROM FRONT SET BACK. ALSO, §103-9A (12) C LOWEST PORTION OF SIGN SHALL NOT BE LESS THAN 8FT. FROM GRADE.]**

**David Muscoreil - Re: 151 Division Street**
**151 Division Street**
**North Tonawanda, NY 14120**

**MOVED by Commissioner Evans SECONDED by Commissioner Haacker**
**That the Zoning Board of Appeals finds that there will be no significant environmental impact and as such declares a Negative Declaration on the SEQR.**
**Ayes: Commissioner Dreier, Pasiak, Evans, Haacker, Braun (5)**
**Nays: None (0)**
**CARRIED.**

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**MOVED by Commissioner Evans SECONDED by Commissioner Pasiak**
**That the Zoning Board of Appeals hereby grants an area variance to install 150 sq. ft. of wall and pylon sign less than 12′6″ front setback at 151 Division Street. The sign cannot be lower than 72″ from grade. The variance is granted as the request did not change the character of the neighborhood; there was not an alternate solution; the requested area variance 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 no self-created.**
**Ayes: Commissioner Dreier, Pasiak, Evans, Haacker, Braun (5)**
**Nays: None (0)**
**CARRIED.**

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**NEW BUSINESS**

**#1.**
**AREA VARIANCE TO ERECT APPROXIMATELY 24 LINEAR FEET OF 6ft. FENCE ALONG LEFT SIDE OF PROPERTY FOR PRIVACY. [§103-15B (4) (a) MUST HAVE 5 FEET OF SIDE YARD TO ALLOW 6ft. FENCE. OWNER HAS 3.59 FEET.]**

**Deborah Caldwell - Re: 346 Linwood Avenue**
**346 Linwood Avenue**
**North Tonawanda, NY 14120**

**MOVED by Commissioner Pasiak SECONDED by Commissioner Dreier**
**That the Zoning Board of Appeals finds that there will be no significant environmental impact and as such declares a Negative Declaration on the SEQR.**
**Ayes: Commissioner Dreier, Pasiak, Evans, Haacker, Braun (5)**
**Nays: None (0)**
**CARRIED.**

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**MOVED by Commissioner Pasiak SECONDED by Commissioner Haacker**
**That the Zoning Board of Appeals hereby grants an area variance to erect approximately 24 linear feet of 6ft. fence along the left side of the property at 346 Linwood Avenue as the request did not change the character of the neighborhood; there was not an alternate solution; the requested area variance 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 no self-created.**
**Ayes: Commissioner Dreier, Pasiak, Evans, Haacker, Braun (5)**
**Nays: None (0)**
**CARRIED.**

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**#2.**
**AREA VARIANCE TO CONSTRUCT A 12′ X 28′ TWO-STORY FRONT PORCH. [§103-15 C (9) (a) (1a) (3a) FRONT YARD SET BACK NOT PERMITTED TO VARY MORE THAN 3′ AND NOT PERMITTED TO BE LESS THAN 15′.]**

**Kelly L. Flahive - Re: 312 Sweeney Street**
**300 Sweeney Street**
**North Tonawanda, NY 14120**

**MOVED by Commissioner Dreier SECONDED by Commissioner Haacker**
**That the Zoning Board of Appeals finds that there will be no significant environmental impact and as such declares a Negative Declaration on the SEQR.**
**Ayes: Commissioner Dreier, Pasiak, Evans, Haacker, Braun (5)**
**Nays: None (0)**
**CARRIED.**

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**MOVED by Commissioner Dreier SECONDED by Commissioner Haacker**
**That the Zoning Board of Appeals hereby grants an area variance to construct a 12′ x 28′ two-story front porch at 312 Sweeney Street not to exceed 12′ from the front of existing house as the request did not change the character of the neighborhood; there was not an alternate solution and the requested area variance was not substantial.**
**Ayes: Commissioner Dreier, Pasiak, Evans, Haacker, Braun (5)**
**Nays: None (0)**
**CARRIED.**

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**ADJOURNMENT**

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

**Time Adjourned: 7:26P.M.**

**Next Regular Meeting: October 21, 2013, 6:00 P.M.**

**Respectfully submitted,**

**Scott P. Kiedrowski**
**City Clerk-Treasurer**