BOARD OF APPEALS
Regular Session
North Tonawanda, New York 14120
Monday, February 11, 2013
6:00P.M.

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

ROLL CALL

Present: **Chairman Braun**
Commissioner Dreier, Pasiak, Evans, Haacker

Absent: **Building Inspector Cosimo Capozzi**

Also Present: **Assistant City Attorney Robert Sondel**

APPROVAL OF THE MINUTES OF MEETING OF DECEMBER 10, 2012

MOVED by Commissioner Dreier SECONDED by Commissioner Pasiak
That the minutes of the regular session held December 10, 2012 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.

PROOF OF PUBLICATION PUBLISHED FEBRUARY 2, 2013

MOVED by Commissioner Pasiak 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 Saturday, February 2, 2013 be received and filed.
Ayes: Commissioner Dreier, Pasiak, Evans, Haacker, Braun (5)
Nays: None (0)
CARRIED.

NEW BUSINESS

#1.
AREA VARIANCE TO INSTALL A 120 SQUARE FOOT WALL MOUNTED SIGN. [§103-9 A (10) (2) SIGN NOT PERMITTED TO EXCEED ONE SQUARE FOOT OF SIGNAGE PER LINEAR FOOT OF BUILDING, 58 SQUARE FOOT MAXIMUM PERMITTED.]

Zachary Giroux - Re: 521 Division Street
P. O. Box 188
Middleport, NY 14105

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.

MOVED by Commissioner Pasiak SECONDED by Commissioner Dreier
That the Zoning Board of Appeals hereby grants an area variance to install a 120 square foot wall mounted sign at 521 Division Street 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 not self-created.
Ayes: Commissioner Dreier, Pasiak, Evans, Haacker, Braun (5)
Nays: None (0)
CARRIED.

#2.
AREA VARIANCE TO INSTALL A 6' X 8' TWO SIDED GROUND MOUNTED SIGN, LOCATED LESS THAN 12'6″ FRONT SETBACK AND FACING ADJOINING R-1 & R-2 ZONED LOTS. [§103-9 A (10) (b) [3] [5] SIGNS IN AN R-1 ZONE MUST BE ATTACHED FLAT AGAINST THE WALL, AND NOT PERMITTED TO FACE AN R-1 OR R-2 ZONE. §103-15 A (5) (b) SIGNS FOR CHURCHES NOT PERMITTED TO EXCEED 25 SQUARE FEET IN AREA AND NOT PERMITTED TO BE LESS THAN ½ THE REQUIRED FRONT YARD SETBACK.]

Nash Road Free Methodist Church- Re: 958 Nash Road
958 Nash Road
North Tonawanda, NY 14120

MOVED by Commissioner Dreier SECONDED by Commissioner Pasiak
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.

MOVED by Commissioner Dreier SECONDED by Commissioner Pasiak
That the Zoning Board of Appeals grants an area variance to install a 6' x 8' two sided ground mounted sign, located less than 12′6″ front setback and facing adjoining R-1 & R-2 zoned lots at 958 Nash Road 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.

<u>ADJOURNMENT</u>

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

Time Adjourned: 6:14P.M.

Next Regular Meeting: March 11, 2013, 6:00 P.M.

Respectfully submitted,

Scott P. Kiedrowski
City Clerk-Treasurer