BOARD OF APPEALS
Regular Session
North Tonawanda, New York 14120
Monday, March 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: **City Attorney Shawn Nickerson**

APPROVAL OF THE MINUTES OF MEETING OF FEBRUARY 11, 2013

MOVED by Commissioner Evans SECONDED by Commissioner Dreier
That the minutes of the regular session held February 11, 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.

PROOF OF PUBLICATION PUBLISHED MARCH 2, 2013

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

City Attorney Shawn Nickerson presented a letter from Pyramid Brokerage Company regarding the listing agreement with Frank Budwey regarding the rental of 66 Mead Street (New Business #1) and it was:

MOVED by Commissioner Dreier SECONDED by Commissioner Evans
To accept the aforementioned letter regarding 66 Mead Street (New Business #1).
CARRIED.

NEW BUSINESS

#1.
USE VARIANCE TO USE PROPERTY FOR AN ANIMAL HOSPITAL. [§103-10 (A) PERMITTED USES. USE NOT PERMITTED IN A C-1 DISTRICT. §103-11 (A) (2) (m) USE FIRST PERMITTED IN A C-2 DISTRICT.]

Frank Budwey - Re: 66 Mead Street
P.O. Box 644
North Tonawanda, NY 14120-0644

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 with changes as follows: #4 – 66 Mead Street; #5 – Modification/Alteration; #6 – Use Variance to operate a Veterinary Clinic in a C1 Zone.
Ayes: Commissioner Dreier, Pasiak, Evans, Haacker, Braun (5)
Nays: None (0)
CARRIED.

MOVED by Commissioner Haacker SECONDED by Commissioner Dreier
That the Zoning Board of Appeals hereby grants a use variance to use the property in a C-1 District at 66 Mead Street for an animal hospital as the land in question cannot yield a reasonable return if used only for a purpose allowed in that zone; the applicant's difficulty stems from unique circumstances and not to the general neighborhood conditions; the requested use will not alter the essential character of the neighborhood and the applicant's hardship has not been self created.
Ayes: Commissioner Dreier, Pasiak, Evans, Haacker, Braun (5)
Nays: None (0)
CARRIED.

ADJOURNMENT

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

Time Adjourned: 6:20P.M.

Next Regular Meeting: April 8, 2013, 6:00 P.M.

Respectfully submitted,

Scott P. Kiedrowski
City Clerk-Treasurer