

**BOARD OF APPEALS**  
**Regular Session**  
**North Tonawanda, New York 14120**  
**Monday, May 13, 2013**  
**6:00P.M.**

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**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: None**

**Also Present: Building Inspector Cosimo Capozzi**  
**City Attorney Shawn Nickerson**

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**APPROVAL OF THE MINUTES OF MEETING OF APRIL 8, 2013**

**MOVED by Commissioner Dreier                      SECONDED by Commissioner Haacker**  
**That the minutes of the regular session held April 8, 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 MAY 4, 2013**

**MOVED by Commissioner Dreier                      SECONDED by Commissioner Braun**  
**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 May 4, 2013 be received and filed.**  
**Ayes: Commissioner Dreier, Pasiak, Evans, Haacker, Braun                      (5)**  
**Nays: None    (0)**  
**CARRIED.**

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**NEW BUSINESS**

**#1.**  
**USE VARIANCE TO SERVE FOOD AND/OR BEVERAGES OUTSIDE THE BUILDING. [§103-11 (A) (2) (a) NO FOOD OR DRINK IS TO BE DISPENSED TO THE CUSTOMERS OUTSIDE OF THE BUILDING.]**

**Jonathan Cohen                      -                      Re:    1269 Erie Avenue**  
**1269 Erie Avenue**  
**North Tonawanda, NY 14120**

**MOVED by Commissioner Evans                      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: #5 – New; #8 – No.**  
**Ayes: Commissioner Dreier, Pasiak, Evans, Haacker, Braun                      (5)**  
**Nays: None    (0)**  
**CARRIED.**

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**MOVED by Commissioner Dreier                      SECONDED by Commissioner Pasiak**  
**That the Zoning Board of Appeals hereby grants an area variance to install a 6 foot solid fence with a 15ft. cutback on the Winter Street side of the property as it pertains to the sidewalk; 15ft back on the East Felton Street side of the property and any necessary angles on the corners to provide the necessary visibility at 58 Winter Street 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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**#4.**

**AREA VARIANCE TO CONSTRUCT A 40' X 70' SINGLE STORY DETACHED GARAGE. [§103-6 A (9) (e) ACCESSORY STRUCTURES NOT PERMITTED TO EXCEED 750 SQUARE FEET.]**

**Michael Wachowicz                      -                      Re:    74 Sweeney Court**  
**391 River Road**  
**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                      (4)**

**Nays: None                      (0)**

**Abstained: Commissioner Braun                      (1)**

**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 construct a 40' X 70' single story detached garage at 74 Sweeney Court 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                      (4)**

**Nays: None                      (0)**

**Abstained: Commissioner Braun                      (1)**

**CARRIED.**

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**#5.**

**AREA VARIANCE TO CONSTRUCT A NEW BUILDING 10' FROM SIDE YARD. [§103-12 D (2) (b) MINIMUM SIDE YARD IN AN M ZONE WHEN ADJACENT TO AN R ZONE IS 50 FEET.]**

**Michael Wachowicz                      -                      Re:    76 Robinson Street**  
**391 River Road**  
**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                      (4)**

**Nays: None                      (0)**

**Abstained: Commissioner Braun                      (1)**

**CARRIED.**

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#8.

**AREA VARIANCE TO ERECT 6' X 7' TWO SIDED POLE SIGN LESS THAN 12'6" FRONT SET BACK AND A 4' X 12' WALL MOUNTED SIGN. [§103-9 A (b) (2) NOT PERMITTED TO EXCEED TWO SQ. FT. OF SIGNAGE PER LINEAR FOOT OF BUILDING. §103-15A (5) (a) POLE SIGNS NOT PERMITTED TO BE LESS THAN 12'6" FROM FRONT PROPERTY LINE.]**

**Wilcox Brothers Sign Co. - Re: 665 River Road  
317 Wheeler Street  
Tonawanda, NY 14150**

**MOVED by Commissioner Haacker      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.**

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**MOVED by Commissioner Haacker      SECONDED by Commissioner Dreier  
That the Zoning Board of Appeals hereby grants an area variance to erect a 6' X 7'  
two sided pole sign less than 12'6" front set back and a 4' X 12' wall mounted sign at  
665 River 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.**

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#9.

**USE VARIANCE TO ERECT MIXED RESIDENTIAL/COMMERCIAL FOR TWO (2) BUILDINGS, THREE (3) APARTMENT BUILDINGS, TWENTY-FOUR (24) TOWNHOUSES AND ONE (1) CLUB HOUSE. [§103-13.2 (B) PERMITTED USES FOR WD DISTRICT DOES NOT PERMIT THESE USES.]**

**Rock One Development - Re: 600 River Road  
10151 Main Street  
Clarence, NY 14301**

**MOVED by Commissioner Braun      SECONDED by Commissioner Dreier  
That the Zoning Board of Appeals hereby refers the applicant to the North  
Tonawanda Planning Board for review to receive a special use permit.**

**Ayes: Commissioner Dreier, Pasiak, Evans, Haacker, Braun      (5)**

**Nays: None      (0)**

**CARRIED.**

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**MOVED by Commissioner Braun      SECONDED by Commissioner Haacker  
That the Zoning Board of Appeals hereby refers the aforementioned request for a  
use variance to erect mixed residential/commercial for two (2) buildings, three (3)  
apartment buildings, twenty-four (24) townhouses and one (1) club house at 600  
River Road to the Niagara County Planning Board for their non-binding  
recommendation.**

**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.**

**Time Adjourned: 7:11P.M.**

**Next Regular Meeting: June 10, 2013, 6:00 P.M.**

**Respectfully submitted,**

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