

BOARD OF APPEALS
Regular Session
North Tonawanda, New York 14120
Monday, July 8, 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: None

Also Present: Building Inspector Cosimo Capozzi
City Attorney Shawn Nickerson

APPROVAL OF THE MINUTES OF MEETING OF JUNE 10, 2013

MOVED by Commissioner Dreier SECONDED by Commissioner Haacker
That the minutes of the regular session held June 10, 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 JUNE 29, 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 June 29, 2013 be received and filed.

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

Nays: None (0)

CARRIED.

NEW BUSINESS

#1.

AREA VARIANCE TO REMODEL EXISTING BUILDING TO 10 APARTMENTS. [§103-8C (1)(b) MINIMUM OF 3000 SQ. FEET LOT SIZE PER DWELLING UNIT. §103-8(F)(2) MINIMUM AREA OF DWELLING UNIT IS 500 SQ. FT. §103-15C(7) MINIMUM OF 400 SQ. FEET OF OPEN SPACE REQUIRED FOR EACH DWELLING.]

Teishu Lootawon - Re: 644 Oliver Street
2041 Connecticut Avenue
Niagara Falls, NY 14305

MOVED by Commissioner Braun SECONDED by Commissioner Dreier
That the Zoning Board of Appeals hereby tables the aforementioned variance request as the applicant did not appear.

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

Nays: None (0)

CARRIED.

#2.

AREA VARIANCE TO ERECT 8' X 14' SHED IN REAR YARD, 24" FROM WEST PROPERTY LINE. [§103-15C (4) (4c) ACCESSORY STRUCTURE MUST BE A MINIMUM OF THREE (3) FEET FROM PROPERTY LINES.]

**Leroy & Kathleen Hall - Re: 126 Tenth Avenue
126 Tenth Avenue
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.**

**MOVED by Commissioner Haacker SECONDED by Commissioner Dreier
That the Zoning Board of Appeals hereby grants an area variance to erect an 8' x 14' shed in rear yard at 126 Tenth Avenue, 24" from the west property line with the wall parallel to property line built from materials with a one-hour fire rating and noncombustible siding; 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.**

#3.

AREA VARIANCE TO INSTALL 54' OF 6' FENCE AT LEFT SIDE YARD. [§103-15C (b) FENCE NOT PERMITTED IN RESTRICTED AREA, CORNER LOT MODIFICATION.]

**Daniel Bunny - Re: 49 Maple Terrace
49 Maple Terrace
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.**

**MOVED by Commissioner Evans SECONDED by Commissioner Dreier
That the Zoning Board of Appeals hereby grants an area variance to install 54' of 6' fence at left side yard at 49 Maple Terrace, 2' from sidewalk with a 15' x 15' diagonal on the northwest corner, 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.**

#4.

AREA VARIANCE TO INSTALL 90' OF 6' FENCE AT LEFT SIDE YARD. [§103-15C (1)(b) FENCES NOT PERMITTED IN RESTRICTED AREA – CORNER LOT MODIFICATION.]

**Jennifer Thiel - Re: 624 Wright Avenue
624 Wright Avenue
North Tonawanda, NY 14120**

**MOVED by Commissioner Pasiak SECONDED by Commissioner Braun
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 90' of 6'
fence at 624 Wright Avenue, 2' from the sidewalk at left side yard, with a 15' x 15'
diagonal at the southeast corner, 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.**

ADJOURNMENT

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

Time Adjourned: 6:41P.M.

Next Regular Meeting: August 12, 2013, 6:00 P.M.

Respectfully submitted,

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