BOARD OF APPEALS
Regular Session
North Tonawanda, New York 14120
Monday, August 12, 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 JULY 8, 2013

MOVED by Commissioner Pasiak SECONDED by Commissioner Haacker
That the minutes of the regular session held July 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.

PROOF OF PUBLICATION PUBLISHED AUGUST 3, 2013

MOVED by Commissioner Dreier 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 August 3, 2013 be received and filed.
Ayes: Commissioner Dreier, Pasiak, Evans, Haacker, Braun (5)
Nays: None (0)
CARRIED.

NEW 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 Pasiak SECONDED by Commissioner Dreier
That the Zoning Board of Appeals hereby tables the aforementioned request for an area variance at 963 Sweeney Street and refers the request to the Niagara County Planning Board for their nonbinding recommendation.
Ayes: Commissioner Dreier, Pasiak, Evans, Haacker, Braun (5)
Nays: None (0)
CARRIED.

#3.
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 hereby tables the aforementioned request for an area variance at 1242 Nash Road and refers the request to the Niagara County Planning Board for their nonbinding recommendation.
Ayes: Commissioner Dreier, Pasiak, Evans, Haacker, Braun (5)
Nays: None (0)
CARRIED.

#4.
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 Dreier
That the Zoning Board of Appeals hereby tables the aforementioned request for an area variance at 151 Division Street and refers the request to the Niagara County Planning Board for their nonbinding recommendation.
Ayes: Commissioner Dreier, Pasiak, Evans, Haacker, Braun (5)
Nays: None (0)
CARRIED.

#2.
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

Donald Benjamin, Al Ridge, Art Smith, David Conti and Sonia Dusza spoke in opposition to the aforementioned area variance request. Pictures of the property were also submitted. A petition from Oliver Street residents and letters from Sonia Dusza and Tammy Godyn, in opposition to granting of the requested variance, were presented at this time.

MOVED by Commissioner Braun SECONDED by Commissioner Dreier
That the Zoning Board of Appeals hereby denies the request for an area variance to remodel existing building to 10 apartments at 644 Oliver Street as the request did change the character of the neighborhood; there was an alternate solution; the requested area variance was substantial; the request will have an adverse effect on the physical or environmental conditions of the neighborhood and the alleged difficulty was self-created. Also, the lot size did not allow enough space for required parking needed for 10 apartments and green space requirements.
Ayes: Commissioner Dreier, Pasiak, Evans, Haacker, Braun (5)
Nays: None (0)
CARRIED.

ADJOURNMENT

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

Time Adjourned: 6:53P.M.

Next Regular Meeting: September 16, 2013, 6:00 P.M.

Respectfully submitted,

Scott P. Kiedrowski
City Clerk-Treasurer