BOARD OF APPEALS
Regular Session
North Tonawanda, New York 14120
Monday, June 10, 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 MAY 13, 2013

MOVED by Commissioner Pasiak SECONDED by Commissioner Dreier
That the minutes of the regular session held May 13, 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 1, 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 June 1, 2013 be received and filed.
Ayes: Commissioner Dreier, Pasiak, Evans, Haacker, Braun (5)
Nays: None (0)
CARRIED.

OLD BUSINESS

#1.
AREA VARIANCE TO CONSTRUCT A NEW 24′ X 13′ ADDITION TO THE FRONT OF DWELLING. [§103-15 C (9) (a) (3a) NEW ADDITION NOT PERMITTED TO BE LESS THAN THE REQUIRED FRONT SET BACK AND NOT VARY MORE THAN 3′ FROM AVERAGE SET BACK.]

Joanne M. Carey - Re: 209 Linwood Avenue
209 Linwood Avenue
North Tonawanda, NY 14120

MOVED by Commissioner Braun 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 correction to the signature line which applicant signed, initialed and dated.
Ayes: Commissioner Dreier, Pasiak, Evans, Haacker, Braun (5)
Nays: None (0)
CARRIED.

MOVED by Commissioner Braun SECONDED by Commissioner Haacker
That the Zoning Board of Appeals hereby grants an area variance to construct a new 24′ x 13′ addition to the front of dwelling at 209 Linwood Avenue and additionally grants an area variance in this instance with and for the following criteria, allows for the elimination of the front entrance, allows this area variance due to a medical hardship, allows this area variance due to the neighbors affected on either side of 209 Linwood Avenue agreeing with the addition as the request did not change the character of the neighborhood; there was not an alternate solution; the requested area variance was not substantial and the request will not have an adverse effect on the physical or environmental conditions of the neighborhood.
Ayes: Commissioner Dreier, Pasiak, Evans, Haacker, Braun (5)
Nays: None (0)
CARRIED.

NEW BUSINESS

#1.
AREA VARIANCE TO CONSTRUCT A 24' X 24' SINGLE STORY DETACHED GARAGE LESS THAN 3' FROM PROPERTY LINE. [§103-15 (4) (C) ACCESSORY STRUCTURES NOT PERMITTED TO BE LESS THAN THREE FEET FROM PROPERTY LINE.]

Jonathan Andres - Re: 1723 Linden Avenue
1723 Linden Avenue
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 with correction as follows: #4 address added which applicant initialed and dated.
Ayes: Commissioner Dreier, Pasiak, Evans, Haacker, Braun (5)
Nays: None (0)
CARRIED.

MOVED by Commissioner Pasiak SECONDED by Commissioner Haacker
That the Zoning Board of Appeals hereby grants an area variance to construct a 24' x 24' single story detached garage less than 3' from the property line at 1723 Linden Avenue 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 CONSTRUCT A 24' X 24' SINGLE STORY DETACHED GARAGE LESS THAN 3' FROM PROPERTY LINE. [§103-15 (C) (4) (4c) ACCESSORY STRUCTURES NOT PERMITTED TO BE LESS THAN THREE FEET FROM ANY SIDE OR REAR LOT LINE.]

Thomas Fabiny - Re: 366 Falconer Street
366 Falconer Street
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 correction as follows: #10 from no to yes which applicant initialed and dated.
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 construct a 24' x 24' single story detached garage 1.20' from the rear property line with additional measurements of .73' and .60 from left side property line at 366 Falconer 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.

#3.
AREA VARIANCE TO ERECT 160 L. F. OF 6 FT. PRIVACY FENCE IN FRONT YARD. [§103-15 (B) (4) ANY FENCE IN FRONT YARD CANNOT EXCEED FOUR FEET IN HEIGHT AND MUST BE 50% CLEAR.]

David Thomann - Re: 1369 Sweeney Street
1369 Sweeney Street
North Tonawanda, NY 14120

MOVED by Commissioner Dreier 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 with correction as follows: #10 from no to yes which applicant initialed and dated.
Ayes: Commissioner Dreier, Pasiak, Evans, Haacker, Braun (5)
Nays: None (0)
CARRIED.

MOVED by Commissioner Dreier SECONDED by Commissioner Haacker
That the Zoning Board of Appeals hereby grants an area variance to erect 160 l.f. of 6ft. privacy fence in the front yard at 1369 Sweeney 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 and the request will not have an adverse effect on the physical or environmental conditions of the neighborhood.
Ayes: Commissioner Dreier, Pasiak, Evans, Haacker, Braun (5)
Nays: None (0)
CARRIED.

<u>ADJOURNMENT</u>

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

Time Adjourned: 6:37P.M.

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

Respectfully submitted,

Scott P. Kiedrowski
City Clerk-Treasurer