

BOARD OF APPEALS
Regular Session
North Tonawanda, New York 14120
Monday, April 13, 2015
6:15P.M.

THE REGULAR SESSION OF THE BOARD OF APPEALS WAS CALLED TO ORDER BY CHAIRMAN BRAUN.

ROLL CALL

Present: Chairman Braun
Commissioner Dreier, Evans, Haacker, Lemke

Absent: Building Inspector Cosimo Capozzi

Also Present: City Attorney Shawn Nickerson

APPROVAL OF THE MINUTES OF MEETING OF MARCH 9, 2015

MOVED by Commissioner Dreier SECONDED by Commissioner Evans
That the minutes of the regular session held March 9, 2015 be approved as
circulated and filed in the office of the City Clerk-Treasurer.

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

Nays: None (0)

CARRIED.

PROOF OF PUBLICATION PUBLISHED FEBRUARY 28, 2015

MOVED by Commissioner Evans SECONDED by Commissioner Dreier
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 February 28, 2015 be
received and filed.

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

Nays: None (0)

CARRIED.

NEW BUSINESS

#1

AREA VARIANCE TO INSTALL AN 84" X 74" LED SIGN FOR DOCKSIDE
RESTAURANT. [§103-9(A)(b)[3] SIGN MUST BE FLAT AGAINST THE WALL.]
[§103-9(A)(b)[6] LED SIGNS CAN BE OPERATED ONLY BETWEEN THE
HOURS OF 8:00AM AND 11:00PM.]

JM Shepard Holdings LLC
31 Lovering Avenue
Buffalo, New York 14216

Re: Area Variance to install an 84"x74"
LED sign at 153 Sweeney Street.

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.

Ayes: Commissioner Dreier, Evans, Haacker, Lemke, 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 Dockside Restaurant at 153 Sweeney Street to stall an 84"x74" LED sign. Sign must be installed at the corner of the building on a pole extending down into the foundation at a 90% angle. During the hours of 8:00AM to 11:00PM the LED picture can change every 30 seconds with the Illumination dimming as it gets darker, if any complaint about the illumination the brightness will have to be turned down lower. From 11:00AM till close the LED image must stay on one image. The area variance did not change the character of the neighborhood, request was not substantial and the request will not have an adverse effect on the physical or environmental conditions of the neighborhood.

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

Nays: None (0)

CARRIED.

#2

AREA VARIANCE TO ERECT A 10' X 29' ENCLOSED FRONT PORCH. [§103-15C(9)(a)(3a) SETBACK CANNOT BE GREATER THAN 3 FEET OF THE COMPUTED AVERAGE SETBACK OF ADJACENT PROPERTIES.]

David Brock
 1133 Raymond Street
 North Tonawanda, New York 14120

Re: Area Variance to install a 10' x 29'
 enclosed front porch at 1133
 Raymond Street.

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 a change to #1 to NO , #2 to YES, and #5b to YES

Ayes: Commissioner Dreier, Evans, Haacker, Lemke, 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 David Brock at 1133 Raymond Street erect a 10'x 29' enclosed front porch. Entrance platform located under roof must not protrude past the porch wall with steps on the outside. All proper building permits must be purchased from the Building Inspector's Office and enclosure must comply with all required State energy codes. The area variance did not change the character of the neighborhood, request was not substantial and the request will not have an adverse effect on the physical or environmental conditions of the neighborhood.

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

Nays: None (0)

CARRIED.

#3

AREA VARIANCE TO INSTALL AN 8' FENCE @ REAR YARD [§103-15B(4)(a) FENCES NOT PERMITTED TO BE GREATER THAN 7' IN ANY R ZONE.] [§103-15C (1)(a) NO FENCES PERMITTED IN THE RESTRICTED AREA OF CORNER LOT – CORNER LOT MODIFICATION.]

James W. Nyari
 284 Spruce Street
 North Tonawanda, New York 14120

Re: Area Variance to install an 8' fence
 in rear yard at 284 Spruce Street.

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 a change to #3 to less than an acre, and #5b to NO.

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

Nays: None (0)

CARRIED.

