

BOARD OF APPEALS

Regular Session

North Tonawanda, New York 14120

Monday, March 14, 2016

6:05 P.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: None

Also Present: City Attorney Katherine D. Alexander
Building Inspector Cosimo Capozzi

APPROVAL OF THE MINUTES OF MEETING OF JANUARY 11, 2016

MOVED by Commissioner Dreier SECONDED by Commissioner Haacker
That the minutes of the regular session held January 11, 2016 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 JANUARY 2, 2016

MOVED by Commissioner Haacker SECONDED by Commissioner Lemke
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 January 2, 2016 be received and filed.

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

Nays: None (0)

CARRIED.

NEW BUSINESS

#1a

CONSTRUCT A MIXED USE DEVELOPMENT CONSISTING OF TWO FOUR STORY BUILDINGS GREATER THAN 35' IN HEIGHT, THREE SINGLE STORY CONDOMINIUMS, TWO RETAIL/OFFICE BUILDINGS AND ACCESSORY BUILDINGS[§103-13.2B-RESIDENTIAL AND COMMERCIAL BUILDINGS NOT PERMITTED ON LOTS THAT HAVE WATER FRONTAGE WITHOUT A "SPECIAL USE PERMIT" PER SEC. §103-18B(4)].

Rock One Development, LLC
10151 Main Street
Clarence, NY 14031

Re: Area Variance to construct buildings
greater than 35' in height on
water frontage

At this time the Chairman asked if anyone wanted to speak for or against the requested variance.

Sonia Dusza 123 Miller Street – Stated that she was opposed to the area variance. Said the City of Toronto built up their waterfront and they said they had made a

mistake. Stated when you build massive buildings you will obstruct waterfront. Said the city needs a Master Plan.

There were no other speakers for or against the requested area variance.

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 with the exception of a change to #5b to YES, #13a to YES and #20 to YES.

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

Nays: None (0)

CARRIED.

MOVED by Commissioner Evans **SECONDED** by Commissioner Dreier
That the Zoning Board of Appeals approves an area variance for Rock One Development, 10151 Main Street Clarence, NY 14031 for 2 buildings 51' 6" to ridge. The request did not change the character of the neighborhood, there was not an alternate solution, the 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.

At this time the Chairman asked if anyone wanted to speak for or against the requested Special Use Permit.

Sonia Dusza, 123 Miller St. – Said she was opposed to the special use variance on the grounds of our zoning ordinance, how much area does the residence get to enjoy on the waterfront. Asked that the Zoning Board do not go forward and hold a moratorium until the City has a Master Plan for the waterfront.

There were no other speakers for or against the requested area variance.

Rock One Development, LLC
10151 Main Street
Clarence, NY 14031

Re: Special Use Permit to construct mixed use development consisting of Retail/Office and Commercial buildings

MOVED by Commissioner Haacker **SECONDED** by Commissioner Dreier
That the Zoning Board of Appeals approves a Special Use Permit to Rock One Development LLC, 10151 Main Street, Clarence NY 14031 to construct residential and commercial buildings on water frontage per the Planning Board site plan approval and conditions.

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

Nays: None (0)

CARRIED.

#1b.

CONSTRUCT TWO FOUR STORY BUILDINGS GREATER THAN 35' IN HEIGHT, [§103-2G (1) BUILDINGS NOT PERMITTED TO EXCEED 35' IN HEIGHT IN A WD ZONE-CONSTRUCT 102 APARTMENTS ON EXISTING 259,000 SQ.FT. LOT [§103-13.2G (2) REQUIRES A MINIMUM 294,000 SQ.FT. LOT, 3000 SQ. FT. PER DWELLING].

Rock One Development LLC
10151 Main Street
Clarence, NY 14031

Re: Density Variance to construct 102 apartments on existing 259,000 sq. ft lot.

At this time the Chairman asked if anyone wanted to speak for or against the requested density variance.

Sonia Dusza, 123 Miller St. – Stated that she opposed, one of the basic ideas to development is scale, scale, scale. Stated the city needs to put a hold on this until they have a Master Plan. Asked for a moratorium until the city has a waterfront Master Plan.

There were no other speakers for or against the requested area variance.

MOVED by Commissioner Dreier SECONDED by Commissioner Haacker
That the Zoning Board of Appeals approves a density variance for Rock One Development, 10151 Main Street Clarence, NY 14031 for 102 apartments in a sub standard lot. The request did not change the character of the neighborhood, there was not an alternate solution, and the request was not substantial.

Ayes: Commissioner Dreier, Evans, Haacker, Lemke, 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: 6:38 P.M.

Next Regular Meeting: April 11, 2016, 6:00 P.M.

Respectfully submitted,



Daniel R. Quinn
City Clerk-Treasurer