

BOARD OF APPEALS

Regular Session

North Tonawanda, New York 14120

Monday, August 12, 2024

6:00 P.M.

THE REGULAR SESSION OF THE BOARD OF APPEALS WAS CALLED TO ORDER BY COMMISSIONER SMOLINSKI.

ROLL CALL

**Present: Chairman Smolinski
Commissioner Haacker, Kuebler, Wistner, Guagliardo**

Absent: None

**Also Present: Asst. City Attorney Mario Gregori
Building Inspector Robert C. DePaolo**

APPROVAL OF THE MINUTES OF THE REGULAR SESSION MAY 13, 2024

**MOVED by Commissioner Haacker SECONDED by Commissioner Wistner
That the minutes of the regular session held May 13, 2024, be approved as circulated and filed in the office of the City Clerk-Treasurer.**

Ayes: Commissioner Haacker, Kuebler, Wistner, Guagliardo, Smolinski (5)

Nays: None (0)

CARRIED.

PROOF OF PUBLICATION PUBLISHED MAY 4, 2024

**MOVED by Commissioner Kuebler SECONDED by Commissioner Guagliardo
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 May 4, 2024, be received and filed.**

Ayes: Commissioner Haacker, Kuebler, Wistner, Guagliardo, Smolinski (5)

Nays: None (0)

CARRIED.

PROOF OF PUBLICATION PUBLISHED JUNE 1, 2024

**MOVED by Commissioner Haacker SECONDED by Commissioner Wistner
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, 2024, be received and filed.**

Ayes: Commissioner Haacker, Kuebler, Wistner, Guagliardo, Smolinski (5)

Nays: None (0)

CARRIED.

NEW BUSINESS

#1.

AREA VARIANCE TO ERECT A 24' X 48' (1,152 SQUARE FOOT) SINGLE-STORY DETACHED GARAGE IN REAR YARD. [§103-6 (A) (9) (e) PRIVATE GARAGES WITH A LIMIT OF 750 SQUARE FEET IN SIZE AND OF SIMILAR CONSTRUCTION STYLE AS THE SURROUNDING NEIGHBORHOOD].

Mike Sandmann
767 Sweeney Street
North Tonawanda, NY 14120

Re: Area Variance to erect a 24' x 48' detached
garage in rear yard, located at 767 Sweeney
Street

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

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

MOVED by Commissioner Haacker **SECONDED** by Commissioner Kuebler
That the Zoning Board of Appeals hereby officially designates themselves as lead agency
for said SEQR for 767 Sweeney Street and will notify other agencies involved.

Ayes: Commissioner Haacker, Kuebler, Wistner, Guagliardo, Smolinski (5)

Nays: None (0)

CARRIED.

MOVED by Commissioner Haacker **SECONDED** by Commissioner Guagliardo
That the Zoning Board of Appeals finds that there will be no significant environmental
impact for 767 Sweeney Street and as such declares a Negative Declaration on the SEQR
with a change to #1 to No, #2 to No, #10 to No and #11 to No.

Ayes: Commissioner Haacker, Kuebler, Wistner, Guagliardo, Smolinski (5)

Nays: None (0)

CARRIED.

MOVED by Commissioner Haacker **SECONDED** by Commissioner Wistner
That the Zoning Board of Appeals hereby approves the area variance to Mike Sandmann,
767 Sweeney Street, to erect a 24' x 48' detached garage at said address. The Building
Inspector did recommend that said variance does have to go out to the Niagara County
Planning Board for their non-binding recommendation and also the Board did want to note
that the barn on said property has historical value. The request will not change the
character of the neighborhood, the request was not substantial, the request will not have an
adverse effect on the physical or environmental conditions of the neighborhood.

Ayes: Commissioner Haacker, Kuebler, Wistner, Guagliardo, Smolinski (5)

Nays: None (0)

CARRIED.

MOVED by Commissioner Haacker **SECONDED** by Commissioner Wistner
That the Zoning Board of Appeals hereby recommends sending the aforementioned area
variance out to the Niagara County Planning Commission for their non-binding
recommendation.

Ayes: Commissioner Haacker, Kuebler, Wistner, Guagliardo, Smolinski (5)

Nays: None (0)

CARRIED.

#2.

**AREA VARIANCE TO INSTALL APPROXIMATELY 200 LINEAR FEET OF SIX-
FOOT SOLID FENCE TO ENCLOSE REAR YARD. SOUTH FENCE TO BE 2' FROM
SIDE LOT LINE. (SIDEWALK) NT FENCE PLACEMENT, SIDE LOT LINE. FENCE
MUST BE PLACED 15' FROM SIDE LOT LINE IF YOUR REAR LOT LINE ADJOINS
NEIGHBORS SIDE LOT LINE.**

Richard Harris Jr.
592 Gilmore Avenue
North Tonawanda, NY 14120

Re: Area Variance to install approximately 200
feet of six-foot solid fence to enclose rear
yard, located at 592 Gilmore Avenue

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

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

MOVED by Commissioner Haacker **SECONDED** by Commissioner Wistner
That the Zoning Board of Appeals hereby officially designates themselves as lead agency for said SEQR for 592 Gilmore Avenue and will notify other agencies involved.

Ayes: Commissioner Haacker, Kuebler, Wistner, Guagliardo, Smolinski (5)

Nays: None (0)

CARRIED.

MOVED by Commissioner Haacker **SECONDED** by Commissioner Guagliardo
That the Zoning Board of Appeals finds that there will be no significant environmental impact for 592 Gilmore Avenue and as such declares a Negative Declaration on the SEQR with a change to #2 to Yes.

Ayes: Commissioner Haacker, Kuebler, Wistner, Guagliardo, Smolinski (5)

Nays: None (0)

CARRIED.

MOVED by Commissioner Haacker **SECONDED** by Commissioner Guagliardo
That the Zoning Board of Appeals hereby approves the area variance to Richard Harris Jr, at 592 Gilmore Avenue, to install approximately 200 ft of 6' solid fence to enclose rear yard at said property, fence must have a 15' cutback in SW corner of yard. The request 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 Haacker, Kuebler, Wistner, Guagliardo, Smolinski (5)

Nays: None (0)

CARRIED.

#3.

AREA VARIANCE TO ERECT A 1,200 SQUARE FOOT DETACHED GARAGE 5' FROM REAR AND SIDE PROPERTY LINES. [§103-6 (A) (9) (e) PRIVATE GARAGES WITH A LIMIT OF 750 SQUARE FEET IN SIZE AND OF SIMILAR CONSTRUCTION STYLE AS THE SURROUNDING NEIGHBORHOOD].

Thomas McGann Jr.
232 Goundry Street
North Tonawanda, NY 14120

Re: Area Variance to erect a 1,200 sq. ft.
detached garage 5' from rear and side
property line, located at 232 Goundry St.

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

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

MOVED by Commissioner Haacker **SECONDED** by Commissioner Wistner
That the Zoning Board of Appeals hereby officially designates themselves as lead agency for said SEQR for 232 Goundry Street and will notify other agencies involved.

Ayes: Commissioner Haacker, Kuebler, Wistner, Guagliardo, Smolinski (5)

Nays: None (0)

CARRIED.

MOVED by Commissioner Wistner **SECONDED** by Commissioner Kuebler
That the Zoning Board of Appeals finds that there will be no significant environmental impact for 232 Goundry Street and as such declares a Negative Declaration on the SEQR with a change to #2 to Yes and #5a to No and #5b to No.

Ayes: Commissioner Haacker, Kuebler, Wistner, Guagliardo, Smolinski (5)

Nays: None
CARRIED.

(0)

MOVED by Commissioner Wistner **SECONDED** by Commissioner Kuebler
That the Zoning Board of Appeals hereby approves the area variance to Thomas McGann, at 232 Goundry Street, to erect a 1200 sq ft detached garage 5' from rear and side property line at said property. The request will not change the character of the neighborhood, the request was not substantial, the request will not have an adverse effect on the physical or environmental conditions of the neighborhood.

Ayes: Commissioner Haacker, Kuebler, Wistner, Guagliardo, Smolinski

(5)

Nays: None

(0)

CARRIED.

ADJOURNMENT

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

Time Adjourned: 6:22 P.M.

Next Regular Meeting: September 16, 2024, at 6:00 P.M.

Respectfully submitted,

Donna L. Braun
City Clerk-Treasurer