

# **BOARD OF APPEALS**

**Regular Session**

**North Tonawanda, New York 14120**

**Monday, October 21, 2024**

**6:00 P.M.**

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

## **ROLL CALL**

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

**Absent: Commissioner Wistner**

**Also Present: Asst. City Attorney Mario Gregori**

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## **APPROVAL OF THE MINUTES OF THE REGULAR SESSION SEPTEMBER 16, 2024**

**MOVED** by Commissioner Kuebler **SECONDED** by Commissioner Guagliardo  
That the minutes of the regular session held September 16, 2024, be approved as circulated and filed in the office of the City Clerk-Treasurer.

**Ayes: Commissioner Haacker, Kuebler, Guagliardo, Smolinski (4)**

**Nays: None (0)**

**CARRIED.**

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## **PROOF OF PUBLICATION PUBLISHED SEPTEMBER 7, 2024**

**MOVED** by Commissioner Haacker **SECONDED** by Commissioner Kuebler  
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 September 7, 2024, be received and filed.

**Ayes: Commissioner Haacker, Kuebler, Guagliardo, Smolinski (4)**

**Nays: None (0)**

**CARRIED.**

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## **NEW BUSINESS**

**#1.**

**AREA VARIANCE TO INSTALL APPROXIMATELY 275 LINEAR FEET OF 6' CHAIN-LINK FENCE TO ENCLOSE PERIMETER IN M2 DISTRICT INCLUDING THE REQUIRED FRONT YARD. [§103-13E (2) FENCING, SAME AS M-1 DISTRICT]. [§103-12E (4) AND COMMONLY KNOWN AS A "CYCLONE" FENCE SHALL BE PERMITTED, AND ALL SUCH FENCES SHALL NOT BE MORE THAN 10 FEET IN HEIGHT NOR PROJECT INTO ANY REQUIRED FRONT YARD].**

**Aaron Dodson  
5917 Ward Road  
Sanborn, NY 14132**

**Re: Area Variance to install 275 linear feet of 6' chain-link fence around property with a front gate, located at 780 Wilson 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.**

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**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 780 Wilson Avenue and will notify other agencies involved. The Zoning Board of Appeals also finds that there will be no significant environmental impact for 780 Wilson Avenue and as such declares a Negative Declaration on the SEQR with a change to #2 to Yes, #5a to No and #5b to No, and #14 to Suburban.

Ayes: Commissioner Haacker, Kuebler, Guagliardo, Smolinski (4)

Nays: None (0)

**CARRIED.**

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**MOVED** by Commissioner Haacker      **SECONDED** by Commissioner Guagliardo  
 That the Zoning Board of Appeals hereby approves the Use Variance to Aaron Dodson, to install 275 linear feet of chain-link fence around property with a front gate located at 780 Wilson Avenue. Fence can be 6' in rear and on east side with a drop to 4' on side of building 2' from property line, with 4' across front. The requested use will not alter the essential character of the neighborhood. 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 Haacker, Kuebler, Guagliardo, Smolinski (4)

Nays: None (0)

**CARRIED.**

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#### ADJOURNMENT

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

**CARRIED.**

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Time Adjourned: 6:15 P.M.

Next Regular Meeting: November 18, 2024, at 6:00 P.M.

Respectfully submitted,

Donna L. Braun  
 City Clerk-Treasurer