

BOARD OF APPEALS
Regular Session
North Tonawanda, New York 14120
Monday, February 10, 2025
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 JANUARY 13, 2025

MOVED by Commissioner Haacker SECONDED by Commissioner Kuebler
That the minutes of the regular session held January 13, 2025, 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 JANUARY 4, 2025

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 January 4, 2025, be received and filed.

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

Nays: None (0)

CARRIED.

OLD BUSINESS

#1.

USE VARIANCE TO ALLOW THE OPERATION OF A RETAIL STORE IN AN R-C DISTRICT. [§103-10 C-1 A(2) RETAIL STORES AND PERSONAL SERVICE ESTABLISHMENTS].

Sherry Waild
1728 Linden Avenue
North Tonawanda, NY 14120

Re: Use Variance to operate a retail store in an R-C District, located at 135 Division 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 Wistner
That the Zoning Board of Appeals hereby officially designates themselves as lead agency for said SEQR for 135 Division Street and will notify other agencies involved and finds that there will be no significant environmental impact and as such declares a Negative Declaration on the SEQR with changes to #1 to No, #5 a. b. N/A, #9 to Yes, #14 to Suburban.

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 hereby approves the Use Variance to Sherry Waild, 1728 Linden Ave, to operate a retail store in an R-C District, located at 135 Division Street. The land in question cannot yield a reasonable return if used only for a purpose allowed in that zone. The applicant's difficulty stems from unique circumstances and not to the general neighborhood conditions. The requested use will not alter the essential character of the neighborhood. The applicant's hardship has not been self-created.

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

Nays: Commissioner Haacker (1)

CARRIED.

#2.

AREA VARIANCE TO ERECT A 1,500 SQUARE FOOT ADDITION TO EXISTING STORAGE BUILDING. EXISTING STORAGE SQ/FT IS 2,400. [§103-6A (9) (e) PRIVATE GARAGES WITH A LIMIT OF 750 SQUARE FEET IN SIZE AND OF SIMILAR CONSTRUCTION STYLE AS THE SURROUNDING NEIGHBORHOOD].

**Jeffrey Zellner
 537 Witmer Road
 North Tonawanda, NY 14120**

**Re: Area Variance to erect a 1,500 sq/ft
 addition to an existing 2,400 sq/ft storage
 building, located at 537 Witmer Road**

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 makes no decision on the SEQR and tables the fore-mentioned request for another 30 days for further review.

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

Nays: None (0)

CARRIED.

NEW BUSINESS

#1.

AREA VARIANCE TO ERECT A 30' X 40' (1,200 SQ/FT) DETACHED STRUCTURE IN REAR YARD. EXISTING STORAGE IS 660 SQ/FT. [§103-6A (9) (4) (e) PRIVATE GARAGES WITH A LIMIT OF 750 SQUARE FEET IN SIZE AND OF SIMILAR CONSTRUCTION STYLE AS THE SURROUNDING NEIGHBORHOOD].

**1. Joe Grant
 692 Niagara Falls Blvd.
 North Tonawanda, NY 14120**

**Re: Area Variance to erect a 30'x40' detached
 structure in rear yard, located at
 692 Niagara Falls Blvd.**

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 **SECOND** by Commissioner Kuebler
That the Zoning Board of Appeals hereby makes no decision on the SEQR and tables the
aforementioned request to send out to the Niagara County Planning Board for their non-
binding recommendations.

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

Nays: None (0)

CARRIED.

ADJOURNMENT

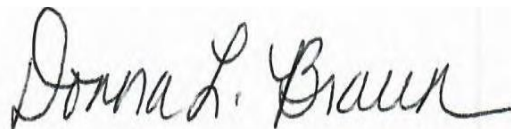
MOVED by Commissioner Wistner **SECONDED** by Commissioner Guagliardo
That the meeting of the Zoning Board of Appeals be adjourned.

CARRIED.

Time Adjourned: 6:16 P.M.

Next Regular Meeting: March 10, 2025, at 6:00 P.M.

Respectfully submitted,



Donna L. Braun
City Clerk-Treasurer