## **BOARD OF APPEALS**

Regular Session North Tonawanda, New York 14120 Monday, April 14, 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 Kuebler, Wistner, Brown

**Absent:** Commissioner Haacker

Also Present: Asst. City Attorney Mario Gregori

**Building Inspector Robert C. DePaolo** 

## APPROVAL OF THE MINUTES OF THE REGULAR SESSION MARCH 10, 2025

MOVED by Commissioner Kuebler SECONDED by Commissioner Brown That the minutes of the regular session held March 10, 2025, be approved as circulated and filed in the office of the City Clerk-Treasurer.

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

Nays: None

CARRIED.

# PROOF OF PUBLICATION PUBLISHED MARCH 1, 2025

MOVED by Commissioner Brown 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 March 1, 2025, be received and filed.

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

Nays: None (0) CARRIED.

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### **NEW BUSINESS**

#1.

AREA VARIANCE TO INSTALL 4' PICKET AND 6' SOLID FENCE ALONG SOUTH PROPERTY LINE IN THE REQUIRED 15' PROHIBITED AREA. NT FENCE GUIDELINES. CORNER LOT FENCING MUST BE SET BACK 15' FROM PROPERTY LINE IF YOUR REAR YARD ADJOINS NEIGHBORS SIDE YARD.

Brandon & Ashley Moll
235 Zimmerman St.
North Tonawanda, NY 14120
Re: Area Variance to install a 4' picket and 6' solid fence along south property line, located at 235 Zimmerman 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.

04-14-25

\*\* Applicant withdrew variance after discussion with the Building Inspectors Office and Contractor to reduce fence size, where no variance would be required. \*\*

#2.

AREA VARIANCE TO ERECT A 650 SQ/FT DETACHED GARAGE IN REAR YARD IN ADDITION TO THE 350 SQ/FT ATTACHED GARAGE. [§103-6A (9)(e) PRIVATE GARAGES WITH A LIMIT OF 750 SQUARE FEET IN SIZE AND OF SIMILAR CONSTRUCTION AS THE SURROUNDING NEIGHBORHOOD].

Michael Wachowicz 74 Sweeney Ct. North Tonawanda, NY 14120 Re: Area Variance to erect a 650 sq/ft detached garage in rear yard, located at 71 Sweeney Ct.

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 Kuebler SECONDED by Commissioner Brown That the Zoning Board of Appeals hereby officially designates themselves as lead agency for said SEQR for 71 Sweeney Ct. and will notify other agencies involved and finds that there will be no significant environmental impact for 71 Sweeney Ct. and as such declares a Negative Declaration on the SEQR with changes to #1 to No, #5.a. to no, #10 to no, & #11 to no.

Ayes: Commissioner Kuebler, Wistner, Brown, Smolinski
Nays: None
(4)

CARRIED.

MOVED by Commissioner Wistner SECONDED by Commissioner Brown That the Zoning Board of Appeals hereby approves the area variance to Michael Wachowicz for a 650 sq/ft detached garage in rear yard located at 71 Sweeney Ct. The request did not change the character of the neighborhood. There was not an alternate solution. The requested area variance was not substantial, and the alleged difficulty was not self-created.

Ayes: Commissioner Kuebler, Wistner, Brown, Smolinski
Nays: None
(4)

CARRIED.

#3.

AREA VARIANCE TO INSTALL APPROX. 85 LINEAR FEET OF 6' SOLID FENCE ALONG NORTH PROPERTY LINE (SIDEWALK). CORNER LOT FENCING MUST BE SET BACK 15' FROM PROPERTY LINE IF YOUR REAR LOT LINE ADJOINS YOUR NEIGHBORS SIDE LOT LINE.

Joel Scinta 272 Spruce Street North Tonawanda, NY 14120 Re: Area Variance to install approx. 85 linear feet of 6' solid fence along north property line (sidewalk), located at 272 Spruce 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 Kuebler SECONDED by Commissioner Brown That the Zoning Board of Appeals hereby officially designates themselves as lead agency for said SEQR for 272 Spruce St. and will notify other agencies involved and finds that there will be no significant environmental impact for 272 Spruce St. and as such declares a Negative Declaration on the SEQR with changes to #1 to no, #2 to yes, #3. a. b. & c. to less than 1 acer, #5 a. to no, #5 b. to yes, #9 to yes, and #16 to no.

Ayes: Commissioner Kuebler, Wistner, Brown, Smolinski **(4)** (0)

Nays: None

CARRIED.

**SECONDED** by Commissioner Wistner **MOVED by Commissioner Brown** That the Zoning Board of Appeals hereby approves the area variance to Joel Scinta to install 85 linear ft of 6 ft solid fence north of property line located at 272 Spruce St. The request did not change the character of the neighborhood. There was not an alternate solution. The requested area variance was not substantial, and the alleged difficulty was not self-created.

Ayes: Commissioner Kuebler, Wistner, Brown, Smolinski **(4)** 

**Nays: None** (0)

CARRIED.

## **ADJOURNMENT**

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

Time Adjourned: 6:35 P.M.

Next Regular Meeting: May 12, 2025, at 6:00 P.M.

Respectfully submitted,

Jonna L. Braun

Donna L. Braun **City Clerk-Treasurer**