

BOARD OF APPEALS
Regular Session
North Tonawanda, New York 14120
Monday, October 20, 2025
6:00 P.M.

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

ROLL CALL

Present: Chairman Smolinski
Commissioner Haacker, Kuebler, Wistner, Brown

Absent: None

Also Present: Asst. City Attorney Mario Gregori

APPROVAL OF THE MINUTES OF THE REGULAR SESSION SEPTEMBER 15, 2025

MOVED by Commissioner Brown SECONDED by Commissioner Kuebler
That the minutes of the regular session held September 15, 2025, be approved as circulated
and filed in the office of the City Clerk-Treasurer.

Ayes: Commissioner Haacker, Kuebler, Wistner, Brown, Smolinski (5)
Nays: None (0)
CARRIED.

PROOF OF PUBLICATION PUBLISHED SEPTEMBER 6, 2025

MOVED by Commissioner Kuebler SECONDED by Commissioner Haacker
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 6, 2025, be received and
filed.

Ayes: Commissioner Haacker, Kuebler, Wistner, Brown, Smolinski (5)
Nays: None (0)
CARRIED.

NEW BUSINESS

#1.
USE VARIANCE TO TURN GARAGE BAYS INTO AN INDOOR GOLF SIMULATOR.
[\$103-11A (2) (d) AMUSEMENT ENTERPRISES, AMUSEMENT CENTERS, AS
DEFINED IN §12-1 OF THE NORTH TONAWANDA CITY CODE, THEATERS,
BIILLIARD OR POOL HALLS, BOWLING ALLEYS, SKATING RINKS, OR DANCE
HALL].

Michael Gersitz Re: Use Variance to turn existing garage bays
98 Miller Street into an indoor Golf Simulator, located at
North Tonawanda, NY 14120 1352 Payne 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 1352 Payne Ave. and will notify other agencies involved. The Zoning Board of Appeals finds that there will be no significant environmental impact for 1352 Payne Ave. and as such declares a Negative Declaration on the SEQR with a change to #1 to No, #2 to Yes, #3 to Less than Acre, #4 to Residential, #5b to No, #8a to No, #8b to No, #9 to Yes and #14 to Suburban.

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

Nays: None (0)

CARRIED.

MOVED by Commissioner Wistner SECONDED by Commissioner Haacker
That the Zoning Board of Appeals hereby approves the Use Variance to Michael Gersitz, 98 Miller Street, to turn existing garage bays into an indoor golf simulator located at 1352 Payne Ave. 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 and the applicant's hardship has not been self-created.

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

Nays: None (0)

CARRIED.

#2.

AREA VARIANCE TO INSTALL A 20' 5" TALL X 118" WIDE PYLON SIGN WITH AN ELECTRONIC MESSAGE CENTER. [§103-14 4E (11)(h) [3] PROHIBITED SIGN ILLUMINATION. BLINKING, FLASHING, CHASING, AND BARE-BULB SOURCES OF SIGN ILLUMINATION ARE PROHIBITED LIGHT EMITTING DIODE (LED) ILLUMINATION IS PROHIBITED.] [§103-14.4(11) (i) ELECTRONIC MESSAGE DISPLAYS. ELECTRONIC MESSAGE DISPLAYS ARE PROHIBITED. THIS INCLUDES ALL TYPES OF ELECTRONIC MESSAGE DISPLAY, INCLUDE STATIC DISPLAY, MOVING OR TRAVELING TEXT, SCROLLING, VIDEO, OR ANY ANIMATED CONTENT. THIS PROVISION DOES NOT PROHIBIT LED BULBS WITHIN NONELECTRONIC MESSAGE DISPLAYS]. PYLON SIGNS ARE PROHIBITED BY EXCLUSION IN THE DOWNTOWN DISTRICT.

**Cornerstone Community FCU
c/o Ulrich Sign Co., Inc.
177 Oakhurst St.
Lockport, NY 14094**

**Re: Area Variance to install a 20' 5" tall x
118" wide pylon sign to replace existing
sign, located at 105 Main Street**

MOVED by Commissioner Brown SECONDED by Commissioner Kuebler
That the Zoning Board of Appeals hereby tables the aforementioned request for the Historic Preservation to review.

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

Nays: None (0)

CARRIED.

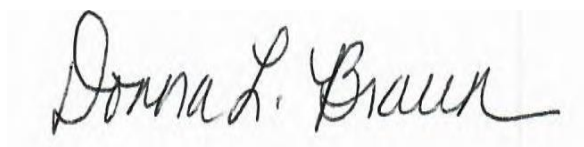
ADJOURNMENT

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

Time Adjourned: 6:15 P.M.

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

Respectfully submitted,

A handwritten signature in black ink that reads "Donna L. Braun". The signature is written in a cursive style with a long horizontal flourish at the end.

Donna L. Braun
City Clerk-Treasurer