

# **BOARD OF APPEALS**

## **Regular Session**

**North Tonawanda, New York 14120**

**Monday, December 8, 2025**

**6:00 P.M.**

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**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**  
**Building Inspector Robert C. DePaolo**

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## **APPROVAL OF THE MINUTES OF THE REGULAR SESSION OCTOBER 20, 2025**

**MOVED** by Commissioner Haacker **SECONDED** by Commissioner Brown  
That the minutes of the regular session held October 20, 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.**

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## **PROOF OF PUBLICATION PUBLISHED OCTOBER 11, 2025**

**MOVED** by Commissioner Wistner **SECONDED** by Commissioner Brown  
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 October 11, 2025, be received and  
filed.

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

**Nays:** None **(0)**

**CARRIED.**

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## **OLD BUSINESS**

**#1.**

**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.**

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

Lockport, NY 14094

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 Wistner  
 That the Zoning Board of Appeals hereby officially designates themselves as lead agency for said SEQR for 105 Main St. and will notify other agencies involved. The Zoning Board of Appeals finds that there will be no significant environmental impact for 105 Main St. and as such declares a Negative Declaration on the SEQR with a change to #2 to Yes, #3a to less than an acre and #5a to No.

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

Nays: None (0)

Abstained: Commissioner Kuebler (1)

CARRIED.

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**MOVED** by Commissioner Brown **SECONDED** by Commissioner Haacker  
 That the Zoning Board of Appeals hereby approves the area variance to Cornerstone Community FCU, to install a 20'5" tall x 118" wide pylon LED sign to replace existing sign, located at 105 Main St. The sign is with limitations etc. no scrolling, flashing or moving effects. The request did not change the 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 condition of the neighborhood.

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

Nays: None (0)

Abstained: Commissioner Kuebler (1)

CARRIED.

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## NEW BUSINESS

#1.

**AREA VARIANCE TO INSTALL A 14' X 28' (392 SQUARE FOOT) ACCESSORY STRUCTURE (SHED) IN REAR YARD. IN ADDITION TO THE EXISTING DETACHED 729 SQUARE FOOT GARAGE. TOTAL STORAGE SQUARE FOOTAGE AFTER VARIANCE WOULD BE 1,121 SQUARE FEET. [§103-6A (9) (e) PRIVATE GARAGES WITH A LIMIT OF 750 SQUARE FEET IN SIZE AND OF SIMILAR CONSTRUCTION STYLE AS THE SURROUNDING NEIGHBORHOOD].**

Keith Boyce  
 542 Sweeney Street  
 North Tonawanda, NY 14120

Re: Area Variance to install a 14' x 28' shed  
 in addition to the 729 sq. ft detached  
 garage, located at, 542 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.

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**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 542 Sweeney St. and will notify other agencies involved. The Zoning Board of Appeals finds that there will be no significant environmental impact for 542 Sweeney St. and as such declares a Negative Declaration on the SEQR with a change to #1 to No, #2 to Yes, #3a to less than an acre and #5a to No., #5b to No, #6 to Yes, #9 to Yes, #14 to Suburban and #16 to No.

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

Nays: None (0)

**CARRIED.**

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**MOVED by Commissioner Kuebler      SECONDED by Commissioner Wistner**  
 That the Zoning Board of Appeals hereby approves the area variance to Keith Boyce to install a 14' x 28' shed in addition to the 729 sq. ft. detached garage, located at 542 Sweeney St. The request did not change the 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 condition of the neighborhood.

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

Nays: None      (0)

**CARRIED.**

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**#2.**

**AREA VARIANCE TO INSTALL A 6' X 8' (48 SQUARE FOOT) OPEN FRONT ENTRY PORCH WITH ROOF ETENDING INTO THE 25' REQUIRED FRONT YARD. TOTAL ENCROACHMENT TO BE 6' LEAVING 19' REMAINING TO FRONT PROPERTY LINE. [§103-8 D1 REQUIRED YARDS (1) FRONT YARD DEPTH, 25 FEET].**

**Shawn & Jill Jenkins  
 187 Oelkers Street  
 North Tonawanda, NY 14120**

**Re: Area Variance to install a 6' x 8' open front entry porch with extending roof, located at 187 Oelkers Street**

**Theo Young / Rainbow Builders  
 P.O. Box 453  
 Lewiston, NY 14092**

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 Wistner**  
 That the Zoning Board of Appeals hereby officially designates themselves as lead agency for said SEQR for 187 Oelkers St. and will notify other agencies involved. The Zoning Board of Appeals finds that there will be no significant environmental impact for 187 Oelkers St. and as such declares a Negative Declaration on the SEQR with a change to #2 to Yes, #3a to less than an acre #5b to N/A, #8b to No, #14 to Suburban and #16 to No.

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

Nays: None      (0)

**CARRIED.**

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**MOVED by Commissioner Haacker      SECONDED by Commissioner Brown**  
 That the Zoning Board of Appeals hereby approves the area variance to Shawn & Jill Jenkins to install a 6' x 8' open front entry porch w/ extending roof, located at 187 Oelkers. The request did not change the 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 condition of the neighborhood.

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

Nays: None      (0)

**CARRIED.**

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**ADJOURNMENT**

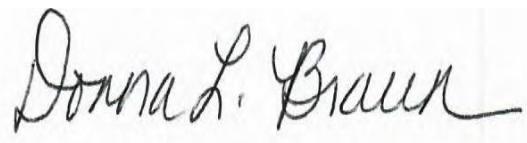
**MOVED by Commissioner Kuebler      SECONDED by Commissioner Wistner**  
**That the meeting of the Zoning Board of Appeals be adjourned.**  
**CARRIED.**

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**Time Adjourned: 6:21 P.M.**

**Next Regular Meeting: January 12, 2026, at 6:00 P.M.**

**Respectfully submitted,**

A handwritten signature in black ink, appearing to read "Donna L. Braun".

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