

BOARD OF APPEALS
Regular Session
North Tonawanda, New York 14120
Monday, December 8, 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
Building Inspector Robert C. DePaolo

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.

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.

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.

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.

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.

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	Re:	Area Variance to install a 14' x 28' shed
542 Sweeney Street		in addition to the 729 sq. ft detached
North Tonawanda, NY 14120		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.

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.

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.

#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.

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.

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.

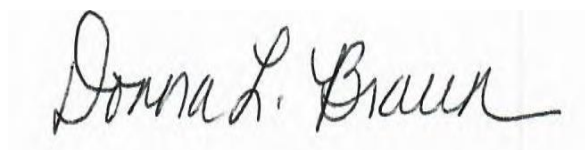
ADJOURNMENT

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

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 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