

BOARD OF APPEALS
Regular Session
North Tonawanda, New York 14120
Monday, February 9, 2026
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 DECEMBER 8, 2025

MOVED by Commissioner Haacker SECONDED by Commissioner Brown
That the minutes of the regular session held December 8, 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 NOVEMBER 29, 2025

MOVED by Commissioner Kuebler 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 November 29, 2025, be received and
filed.

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

NEW BUSINESS

#1
AREA VARIANCE FOR THE INSTALLATION OF A 30' X 40' (1,200 SQ FT)
DETACHED ACCESSORY STRUCTURE WITH 16' TALL WALLS ERECTED IN
REAR YARD AFTER REMOVAL OF EXISTING DETACHED GARAGE. [§103-6A (9)
(e) PRIVATE GARAGES WITH A LIMIT OF 750 SQUARE FEET IN SIZE AND OF
SIMILAR CONSTRUCTION STYLE AS THE SURROUNDING NEIGHBORHOOD].

Eric Horton Re: Area Variance to install a 30' x 40' (1,200
353 St. Joseph Dr. sq ft) pole barn/garage, located at
North Tonawanda, NY 14120 353 St. Joseph Dr.

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 353 St. Joseph Dr. and will notify other agencies involved. The Zoning
Board of Appeals finds that there will be no significant environmental impact for 353 St.
Joseph Dr. and as such declares a Negative Declaration on the SEQR with a change to #2 to
Building and #14 to Suburban.

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

Nays: None (0)

CARRIED.

MOVED by Commissioner Brown SECONDED by Commissioner Kuebler
That the Zoning Board of Appeals hereby approves the area variance to Eric Horton, 353
St. Joseph Dr. to install a 30' x 35' (1,050 sq. ft) pole barn/garage, with 12' walls 3' from
side yard and 5' from back yard, with demolition of existing garage. 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 OF PROPOSED SUB-DIVISION OF 445 TREMONT ST. RESULTING IN A NEW PARCEL CONTAINING AN EXISTING MULTI-STORY BUILDING. REQUESTED VARIANCE WILL ALLOW FOR LESS THAN THE REQUIRED SETBACKS ON THE NORTH, SOUTH, EAST AND WEST EXPOSURES. [§103-9D REQUIRED YARDS. FRONT YARD DEPTH: 25 FEET, SIDE YARD WIDTH. DWELLING UP TO 35 FEET IN HEIGHT: THE MINIMUM WIDTH OF ANY SIDE YARD SHALL BE FIVE FEET, AND THE TOTAL WIDTH OF BOTH SIDE YARDS SHALL BE NOT LESS THAN 13 FEET. DWELLINGS OVER 35 FEET IN HEIGHT AND OTHER PRINCIPAL BUILDINGS: EACH SIDE YARD SHALL EQUAL ½ THE BUILDING HEIGHT. REAR YARD DEPTH: 25% OF LOT DEPTH BUT NEED NOT EXCEED 30 FEET OR A DEPTH EQUAL TO THE HEIGHT OF THE PRINCIPAL BUILDING, WHICH EVER IS GREATER].

AREA VARIANCE OF PROPOSED REMODEL OF 445 TREMONT ST. TO ALLOW FOR 66 - 1 AND 2 BEDROOM DWELLING UNITS IN EXISTING BUILDING ON A NEW PARCEL WITH LESS THAN 3,000 SQUARE FEET PER DWELLING AND REDUCED REQUIRED PARKING SPACES LOCATED ON AN ADJACENT PARCEL. [§103-9C MINIMUM LOT SIZE FOR DWELLINGS. AREA: 3,000 SQUARE FEET PER DWELLING UNIT, BUT IN NO CASE SHALL ANY LOT BE LESS THAN 6,000 SQUARE FEET. WIDTH: 60 FEET. PARKING: TWO PARKING SPACES MUST BE PROVIDED FOR EACH DWELLING UNTI FOR MULTIPLE DWELLINGS].

Kaleida Health
445 Tremont Street
North Tonawanda, NY 14120

Re: Area Variance to sub divide existing parcel less than the required setbacks, allow for 66 - 1 and 2 bedroom dwelling units less than the required 6,000 sq ft per unit and less than the required parking spaces for each dwelling, located at 445 Tremont Street

People Inc.
1219 North Forest Rd.
Williamsville, NY 14221

Barclay Damon LLP
Corey Auerbach
200 Delaware Avenue, Suite 1200
Buffalo, NY 14202

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 approves the area variances to Kaleida Health and People Inc. for Job No. 2024-12, located at 445 Tremont Street. The Planning Board officially designated themselves as lead agency and approved said SEQR. The aforementioned project was also approved by the Niagara County Planning Board. 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, also the alleged difficulty was not self-created.

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

Nays: None (0)

CARRIED.

ADJOURNMENT

MOVED by Commissioner Haacker SECONDED by Commissioner Brown
That the meeting of the Zoning Board of Appeals be adjourned.

CARRIED.

Time Adjourned: 6:25 P.M.

Next Regular Meeting: March 9, 2026, at 6:00 P.M.

Respectfully submitted,

Donna L. Braun

Donna L. Braun
City Clerk-Treasurer