

BOARD OF APPEALS
Regular Session
North Tonawanda, New York 14120
Monday, June 15, 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 APRIL 13, 2026

MOVED by Commissioner Brown SECONDED by Commissioner Wistner
That the minutes of the regular session held April 13, 2026, 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 APRIL 4, 2026

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 April 4, 2026, be received and filed.
Ayes: Commissioner Haacker, Kuebler, Wistner, Brown, Smolinski (5)
Nays: None (0)
CARRIED.

PROOF OF PUBLICATION PUBLISHED MAY 2, 2026

MOVED by Commissioner Haacker 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 May 2, 2026, be received and filed.
Ayes: Commissioner Haacker, Kuebler, Wistner, Brown, Smolinski (5)
Nays: None (0)
CARRIED.

MOVED by Commissioner Kuebler SECONDED by Commissioner Haacker
That the Zoning Board of Appeals hereby grants an Area Variance to Solvaira Specialty to
install a 6' chain link fence in front yard and beyond 15' from the front line of the principal
structure at 65 Bridge Street. The request did not change the character of the
neighborhood, the requested area variance was not substantial, and the alleged difficulty
was not self-created.

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

Nays: None (0)

CARRIED.

#3

AREA VARIANCE FOR THE INSTALLATION OF A 4' X 8' MONUMENT STYLE SIGN WITH LED MESSAGE BOARD IN FRONT YARD. [§103-9A (10) (b) [3] IS ATTACHED FLAT AGAINST THE WALL].

St. Mark's Episcopal Church
Faith Elliott
61 Payne Avenue
North Tonawanda, NY 14120

Re: Area Variance to install a 4' x 8' monument style sign in front yard with LED message board, located at 61 Payne Avenue

Ulrich Sign Co.
Jim Popiela
177 Oakhurst St.
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 Kuebler
That the Zoning Board of Appeals hereby officially designates themselves as lead agency
for said SEQR for 61 Payne Avenue and will notify other agencies involved. The Zoning
Board of Appeals finds that there will be no significant environmental impact for 61 Payne
Avenue and as such declares a Negative Declaration on the SEQR with a change to #1 to
No and #2 to Yes

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 grants an Area Variance to St. Mark's Episcopal Church to install a 4' x 8' monument style sign in front yard with LED message board located at 61 Payne Avenue (lighting must adhere to current regulations). 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 of the physical or environmental conditions of the neighborhood.

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

Nays: None (0)

CARRIED.

#4

AREA VARIANCE TO INSTALL A 6' SOLID FENCE BEHIND DWELLING AND WEST OF PROPERTY LINE. CORNER LOT FENCING MUST BE SET BACK 15' FROM SIDE PROPERTY LINE IF YOUR PROPERTY LINE ADJOINS YOUR NEIGHBORS SIDE PROPERTY LINE.

Nancy Marotta
1078 Nash Road
North Tonawanda, NY 14120

Re: Area Variance to install a 6' solid fence
along side yard and back property line,
located at 1078 Nash Road

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 Brown
That the Zoning Board of Appeals hereby officially designates themselves as lead agency for said SEQR for 1078 Nash Road and will notify other agencies involved. The Zoning Board of Appeals finds that there will be no significant environmental impact for 1078 Nash Road and as such declares a Negative Declaration on the SEQR with a change to #3 to less than acre, #4 to residential, 5a. to No, #5b. to No, and #8c. to No
Ayes: Commissioner Haacker, Kuebler, Wistner, Brown, Smolinski (5)
Nays: None (0)
CARRIED.

MOVED by Commissioner Haacker **SECONDED** by Commissioner Wistner
That the Zoning Board of Appeals hereby grants an Area Variance to Nancy Marotta to install a 6' solid fence along side yard and back yard property line, fence must be 3' off sidewalk and 15' cut in on Meadow backyard, located at 1078 Nash Road. The request did not change the character of the neighborhood, the requested area variance was not substantial, the request will not have an adverse effect on the physical or environmental conditions of the neighborhood and the alleged difficulty was not self-created.
Ayes: Commissioner Haacker, Kuebler, Wistner, Brown, Smolinski (5)
Nays: None (0)
CARRIED.

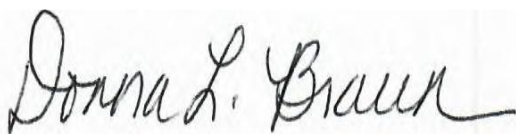
ADJOURNMENT

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

Time Adjourned: 6:45 P.M.

Next Regular Meeting: July 13, 2026, at 6:00 P.M.

Respectfully submitted,



Donna L. Braun
City Clerk-Treasurer