

6:00 P.M.

ROLL CALL

Absent: Commissioner Brown

Also Present: **Asst. City Attorney Mario Gregori**
Building Inspector Robert C. DePaolo

MOVED by Commissioner Kuebler SECONDED by Commissioner Haacker
That the minutes of the regular session held June 15, 2026, be approved as circulated and
filed in the office of the City Clerk-Treasurer.

Ayes: Commissioner Haacker, Kuebler, Wistner, Smolinski

Nays: None

CARRIED.

(4)

(0)

MOVED by Commissioner Haacker SECONDED by Commissioner Wistner

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 June 6, 2026, be received and filed.

Ayes: Commissioner Haacker, Kuebler, Wistner, Smolinski

Nays: None

CARRIED.

(4)

(0)

#1.

AREA VARIANCE TO CONSTRUCT A 28' X 32' DETACHED ACCESSORY STRUCTURE IN REAR YARD. [§103-6 (9)(e) PRIVATE GARAGES WITH A LIMIT OF 750 SQUARE FEET IN SIZE AND OF SIMILAR CONSTRUCTION STYLE AS THE SURROUNDING NEIGHBORHOOD].

Daniel Slater
48 Allen Street
North Tonawanda, NY 14120

Re: Area Variance to erect a 28' x 32' detached structure in rear yard to house a golf simulator, located at 48 Allen Street

At this time the Chairman asked if anyone wanted to speak for or against the requested variance.

There were many neighborhood residents that were 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 48 Allen Street and will notify other agencies involved. The Zoning Board of Appeals finds that there will be no significant environmental impact for 48 Allen Street and as such declares a Negative Declaration on the SEQR with a change to #1. to No, #2. to Yes, #3. to less than 1 acre and #5a. to No and #5b. to No.
Ayes: Commissioner Haacker, Kuebler, Wistner, Smolinski (4)
Nays: None (0)
CARRIED.

MOVED by Commissioner Kuebler SECONDED by Commissioner Wistner
That the Zoning Board of Appeals hereby grants an Area Variance to Daniel Slater to erect a 28' x 32' detached structure in rear yard to house a golf simulator, located at 48 Allen 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, Smolinski (4)
Nays: None (0)
CARRIED.

#2.
AREA VARIANCE TO ERECT A 16' X 22' ROOM ADDITION, LESS THAN THE REQUIRED 5' SIDE SETBACK. [§103-7D(2)(a) DWELLINGS, MINIMUM, FIVE FEET; THE TOTAL OF BOTH SIDE YARDS SHALL BE NOT LESS THAN 13 FEET].

Heriberto Reyes	Re: Area Variance to construct a 16' x 22' room
979 Walck Road	addition less than the required setback,
North Tonawanda, NY 14120	located at 979 Walck 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 Wistner
That the Zoning Board of Appeals hereby officially designates themselves as lead agency for said SEQR for 979 Walck Road and will notify other agencies involved. The Zoning Board of Appeals finds that there will be no significant environmental impact for 979 Walck Road and as such declares a Negative Declaration on the SEQR with a change to #2 to Yes and #9. to Yes.
Ayes: Commissioner Haacker, Kuebler, Wistner, Smolinski (4)
Nays: None (0)
CARRIED.

MOVED by Commissioner Haacker SECONDED by Commissioner Kuebler
That the Zoning Board of Appeals hereby grants an Area Variance to Heriberto Reyes to construct a 16' x 22' room addition less than the required setback located at 979 Walck Road. 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 conditions of the neighborhood.
Ayes: Commissioner Haacker, Kuebler, Wistner, Smolinski (4)
Nays: None (0)
CARRIED.

#3.

AREA VARIANCE TO ERECT APPROXIMATELY 24 LINEAR FEET OF 10' TALL PRIVACY FENCE ALONG REAR PROPERTY LINE. [§103-15B(4)(a) SEVEN FEET (TALL) WHERE LOCATED IN THE BACK OF THE REAR WALL OF THE PRINCIPAL BUILDING AND SIX FEET WHERE LOCATED ON THE SIDE OF THE PRINCIPAL BUILDING AND HAVING A MINIMUM OF FIVE FEET OF SIDE YARD].

**Amy Chrzonowski
1363 Sweeney Street
North Tonawanda, NY 14120**

**Re: Area Variance to erect approximately 24' of
10' tall privacy fence along rear property
line, located at 1363 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 1363 Sweeney Street and will notify other agencies involved. The Zoning Board of Appeals finds that there will be no significant environmental impact for 1363 Sweeney Street and as such declares a Negative Declaration on the SEQR with a change to #5a. to No.

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

Nays: None (0)

CARRIED.

MOVED by Commissioner Haacker SECONDED by Commissioner Kuebler
That the Zoning Board of Appeals hereby tables the aforementioned request for further review, will have applicant return to next meeting.

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

Nays: None (0)

CARRIED.

#4.

AREA VARIANCE TO INSTALL A RIGID PATIO ROOF STRUCTURE OVER AN EXISTING CONCRETE PATIO ON FRONT YARD OF HOME. [§103-7D REQUIRED YARD, (1) FRONT YARD DEPTH; 25 FEET].

**Edward Kunze
717 Niagara Parkway
North Tonawanda, NY 14120**

**Re: Area Variance to install a rigid patio roof
structure on front yard of home, located at
717 Niagara Parkway**

**Scott Heisner
Niagara Awning**

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 717 Niagara Pkwy and will notify other agencies involved. The Zoning Board of Appeals finds that there will be no significant environmental impact for 717 Niagara Pkwy and as such declares a Negative Declaration on the SEQR with a change to #5a. to No and #5b to No, #9.to Yes, #10 to Yes, #11 to Yes and #16 to No.

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

Nays: None
CARRIED.

(0)

MOVED by Commissioner Haacker **SECONDED** by Commissioner Wistner
That the Zoning Board of Appeals hereby grants an Area Variance to Edward Kunze to install a rigid patio roof structure on front yard of home, located at 717 Niagara Pkwy. 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 conditions of the neighborhood.

Ayes: Commissioner Haacker, Kuebler, Wistner, Smolinski

(4)

Nays: None

(0)

CARRIED.

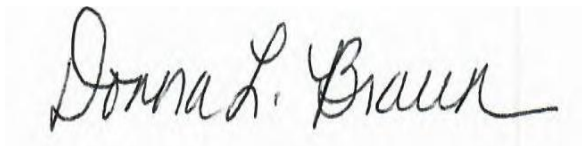
ADJOURNMENT

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

Time Adjourned: 6:28 P.M.

Next Regular Meeting: September 21, 2026, at 6:00 P.M.

Respectfully submitted,



Donna L. Braun
City Clerk-Treasurer