



Zoning Board of Appeals

2919 Delaware Avenue, RM 14
Kenmore, NY 14217
(716) 877-8800

Zoning Board of Appeals

www.tonawanda.ny.us

Regular
~ Agenda ~

Marguerite Greco
Town Clerk

Wednesday, April 19, 2017

6:30 PM

Council Chambers - Municipal Building

I. CALL TO ORDER

CLERK: The April 19th, 2017, 6:30 PM Zoning Board of Appeals Meeting is called to order in the Council Chambers, Municipal Building, 2919 Delaware Avenue, Kenmore, New York.

Attendee Name	Present	Absent	Late	Arrived
Chairman John Joseph	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Member James Louis	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Member Florine Luhr	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Member Brian C. Mahoney	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Member Karen Ginnane	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Alternate James McGee	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Alternate Joseph Wolf	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

II. APPROVAL OF MINUTES

A. Approve Minutes of Zoning Board Meeting held March 29th, 2017.

CHAIRMAN: The Clerk presented MINUTES of the Zoning Board of Appeals meeting held on March 29th, 2017.

CHAIRMAN: Motion approve these minutes as typed and presented.

VOTING:

✓ Vote Record – APPROVE ZBA MINUTES OF MARCH 29 th , 2017					
			Yes/Aye	No/Nay	Abstain
<input type="checkbox"/> Granted	John Joseph		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	James Louis		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Florine Luhr		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Denied	Brian Mahoney		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Karen Ginnane		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	James McGee		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> As Amended	Joseph Wolf		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

III. HEARINGS ON APPEALS - (4)

CHAIRMAN: Decisions from tonight's hearings will be rendered after the hearings, if possible, or at the next Zoning Board of Appeals meeting to be held on May 17th, 2017 at 6:30 PM.

1. **Applicant Name: Michael Morgan**
Owner Name: Michael Morgan
402 Cornwall Avenue
Town of Tonawanda, NY

Area Variance:

Proposed utility building would encroach approximately (35) feet into the required front yard.

Zoning Classification: A - First Residential

Section of Code: Article IV; Section 215-12F:

"..No accessory structure...shall hereafter be located so as to encroach upon the half of the lot depth nearest the street in an "A" First Residential District."

No written communications have been received.

THERE APPEARED:

Building Department Official: _____

For Petitioner/Applicant: _____

Others (In Support of): _____

Others (In Opposition to): _____

VOTING:

✓ Vote Record – CLOSE HEARING ZBA APPEAL 2017-8				
		Yes/Aye	No/Nay	Abstain
<input type="checkbox"/> Close	John Joseph	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	James Louis	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Florine Luhr	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Reopen	Brian Mahoney	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Karen Ginnane	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	James McGee	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Joseph Wolf	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ZONING BOARD OF APPEALS AREA VARIANCE FINDINGS AND DECISION:

- A. Will an undesirable change be produced in the character of the neighborhood? Yes
 No

- B. Can the benefit sought by applicant(s) be achieved by a feasible alternative to the variance? Yes
 No

Reasons: _____

- C. Is requested variance substantial? Yes
 No

- D. Will the variance have an adverse impact on the physical or environmental conditions of the neighborhood? Yes No

Reasons: _____

- E. Is the alleged difficulty self-created? Yes No

Reasons: _____

- F. Does the benefit to the applicant(s) outweigh the detriment to the Neighborhood or community? Yes No

Reasons: _____

- G. Is this the minimum variance that should be granted in order to preserve and protect the character of the neighborhood and the health, safety and welfare of the community? Yes No

Reasons: _____

Conditions (if applicable): The ZBA finds that the following conditions are necessary in order to minimize adverse impacts upon the neighborhood or community, for the reasons following:

Condition No. 1: _____

Adverse impact to be minimized: _____

Condition No. 2: _____

Adverse impact to be minimized: _____

VOTING:

✓ Vote Record – ZBA APPEAL 2017-8					
			Yes/Aye	No/Nay	Abstain
<input type="checkbox"/>	Granted	John Joseph	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Tabled	James Louis	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Denied	Florine Luhr	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Withdrawn	Brian Mahoney	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Karen Ginnane	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		James McGee	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Joseph Wolf	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

- 2. **Applicant Name: Joseph Coughlin**
Owner Name: Joseph Coughlin
256 Glendale Drive
Town of Tonawanda, NY

Area Variance:

Proposed lot-line fence would exceed the maximum allowable height by approximately (2) feet.

Zoning Classification: A - First Residential
Section of Code: Article IV; Section 215-16A

"No lot-line fence exceeding (4) feet in height shall be erected from...the rear of the main body of the dwelling forward to...the front of the main body of the dwelling."

No written communications have been received.

THERE APPEARED:

Building Department Official: _____

For Petitioner/Applicant: _____

Others (In Support of): _____

Others (In Opposition to): _____

VOTING:

✓ Vote Record – CLOSE HEARING ZBA APPEAL 2017-9				
		Yes/Aye	No/Nay	Abstain
<input type="checkbox"/> Close	John Joseph	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	James Louis	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Florine Luhr	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Reopen	Brian Mahoney	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Karen Ginnane	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	James McGee	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Joseph Wolf	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ZONING BOARD OF APPEALS AREA VARIANCE FINDINGS AND DECISION:

- A. Will an undesirable change be produced in the character of the neighborhood? Yes
 No

- B. Can the benefit sought by applicant(s) be achieved by a feasible alternative to the variance? Yes
 No

Reasons: _____

- C. Is requested variance substantial? Yes
 No

- D. Will the variance have an adverse impact on the physical or environmental conditions of the neighborhood? Yes No

Reasons: _____

- E. Is the alleged difficulty self-created? Yes No

Reasons: _____

- F. Does the benefit to the applicant(s) outweigh the detriment to the Neighborhood or community? Yes No

Reasons: _____

- G. Is this the minimum variance that should be granted in order to preserve and protect the character of the neighborhood and the health, safety and welfare of the community? Yes No

Reasons: _____

Conditions (if applicable): The ZBA finds that the following conditions are necessary in order to minimize adverse impacts upon the neighborhood or community, for the reasons following:

Condition No. 1: _____

Adverse impact to be minimized: _____

Condition No. 2: _____

Adverse impact to be minimized: _____

VOTING:

✓ Vote Record – ZBA APPEAL 2017-9					
			Yes/Aye	No/Nay	Abstain
<input type="checkbox"/>	Granted	John Joseph	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Tabled	James Louis	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Denied	Florine Luhr	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Withdrawn	Brian Mahoney	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Karen Ginnane	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		James McGee	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Joseph Wolf	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

3. **Applicant Name: Michael Garigen**
Owner Name: Michael Garigen
395 Fairfield Avenue
Town of Tonawanda, NY

Area Variance:

Proposed detached garage would exceed the maximum allowable height by approximately (3) feet.

Zoning Classification: A - First Residential

Section of Code: Article IV; Section 215-12 E:

"No private garage...shall exceed (15) feet in height."

No written communications have been received.

THERE APPEARED:

Building Department Official: _____

For Petitioner/Applicant: _____

Others (In Support of): _____

Others (In Opposition to): _____

VOTING:

✓ Vote Record – CLOSE HEARING ZBA APPEAL 2017-10				
		Yes/Aye	No/Nay	Abstain
<input type="checkbox"/> Close	John Joseph	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	James Louis	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Florine Luhr	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Reopen	Brian Mahoney	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Karen Ginnane	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	James McGee	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Joseph Wolf	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ZONING BOARD OF APPEALS AREA VARIANCE FINDINGS AND DECISION:

- A. Will an undesirable change be produced in the character of the neighborhood? Yes
 No

- B. Can the benefit sought by applicant(s) be achieved by a feasible alternative to the variance? Yes
 No

Reasons: _____

- C. Is requested variance substantial? Yes
 No

- D. Will the variance have an adverse impact on the physical or environmental conditions of the neighborhood? Yes No

Reasons: _____

- E. Is the alleged difficulty self-created? Yes No

Reasons: _____

- F. Does the benefit to the applicant(s) outweigh the detriment to the Neighborhood or community? Yes No

Reasons: _____

- G. Is this the minimum variance that should be granted in order to preserve and protect the character of the neighborhood and the health, safety and welfare of the community? Yes No

Reasons: _____

Conditions (if applicable): The ZBA finds that the following conditions are necessary in order to minimize adverse impacts upon the neighborhood or community, for the reasons following:

Condition No. 1: _____

Adverse impact to be minimized: _____

Condition No. 2: _____

Adverse impact to be minimized: _____

VOTING:

✓ Vote Record – ZBA APPEAL 2017-10					
			Yes/Aye	No/Nay	Abstain
<input type="checkbox"/>	Granted	John Joseph	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Tabled	James Louis	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Denied	Florine Luhr	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Withdrawn	Brian Mahoney	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Karen Ginnane	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		James McGee	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Joseph Wolf	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

4. **Applicant Name: Patrick Walters**
Owner Name: Patrick Walters
171 Paramount Pkwy
Town of Tonawanda, NY

Area Variance:

Proposed open porch would encroach approximately (3) feet into the required side yard setback.

Zoning Classification: A - First Residential

Section of Code: Article IV; Section 215-17B(2):

"...The maximum side yard of (6) feet shall be on the side of which the majority of constructed buildings have the maximum side yard..."

No written communications have been received.

THERE APPEARED:

Building Department Official: _____

For Petitioner/Applicant: _____

Others (In Support of): _____

Others (In Opposition to): _____

VOTING:

✓ Vote Record – CLOSE HEARING ZBA APPEAL 2017-11				
		Yes/Aye	No/Nay	Abstain
<input type="checkbox"/> Close	John Joseph	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	James Louis	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Florine Luhr	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Reopen	Brian Mahoney	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Karen Ginnane	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	James McGee	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Joseph Wolf	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ZONING BOARD OF APPEALS AREA VARIANCE FINDINGS AND DECISION:

- A. Will an undesirable change be produced in the character of the neighborhood? Yes
 No

- B. Can the benefit sought by applicant(s) be achieved by a feasible alternative to the variance? Yes
 No

Reasons: _____

- C. Is requested variance substantial? Yes
 No

- D. Will the variance have an adverse impact on the physical or environmental conditions of the neighborhood? Yes No

Reasons: _____

- E. Is the alleged difficulty self-created? Yes No

Reasons: _____

- F. Does the benefit to the applicant(s) outweigh the detriment to the Neighborhood or community? Yes No

Reasons: _____

- G. Is this the minimum variance that should be granted in order to preserve and protect the character of the neighborhood and the health, safety and welfare of the community? Yes No

Reasons: _____

Conditions (if applicable): The ZBA finds that the following conditions are necessary in order to minimize adverse impacts upon the neighborhood or community, for the reasons following:

Condition No. 1: _____

Adverse impact to be minimized: _____

Condition No. 2: _____

Adverse impact to be minimized: _____

VOTING:

✓ Vote Record – ZBA APPEAL 2017-10					
			Yes/Aye	No/Nay	Abstain
<input type="checkbox"/>	Granted	John Joseph	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Tabled	James Louis	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Denied	Florine Luhr	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Withdrawn	Brian Mahoney	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Karen Ginnane	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		James McGee	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Joseph Wolf	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

IV. ADJOURN TO THE NEXT ZONING BOARD OF APPEALS MEETING

CHAIRMAN: Motion to adjourn to the next Zoning board of Appeals meeting scheduled, Wednesday, May17th, 2017, at 6:30 PM.

VOTING:

✓ Vote Record – ADJOURN TO THE NEXT ZBA MEETING MAY 17 TH , 2017				
		Yes/Aye	No/Nay	Abstain
<input type="checkbox"/> Granted	John Joseph	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Tabled	James Louis	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Denied	Florine Luhr	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Withdrawn	Brian Mahoney	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Karen Ginnane	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	James McGee	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Joseph Wolf	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Meeting Adjourned at _____.