



# Zoning Board of Appeals

2919 Delaware Avenue, RM 14  
Kenmore, NY 14217  
(716) 877-8800  
[www.tonawanda.ny.us](http://www.tonawanda.ny.us)

**Regular  
~ Minutes ~**

**Marguerite Greco  
Town Clerk**

Wednesday, November 15, 2017

6:30 PM

Council Chambers - Municipal Building

## I. CALL TO ORDER

CHAIRMAN: 6:30 PM Meeting called to order on November 15, 2017 at Council Chambers - Municipal Building, 2919 Delaware Ave., Kenmore, NY.

Attendee Name	Organization	Title	Status	Arrived
John Joseph	Town of Tonawanda	Chairman	Present	
James Louis	Town of Tonawanda	Member	Present	
Florine Luhr	Town of Tonawanda	Member	Absent	
Brian C. Mahoney	Town of Tonawanda	Member	Absent	
Karen Ginnane	Town of Tonawanda	Member	Present	
James McGee	Town of Tonawanda	Alternate	Present	
Joseph Wolf	Town of Tonawanda	Alternate	Present	

## II. APPROVAL OF MINUTES

### A. Approve Minutes of Zoning Board Meeting held October 18<sup>th</sup>, 2017.

CHAIRMAN: The Clerk presented MINUTES of the Zoning Board of Appeals meeting held on October 18<sup>th</sup>, 2017.

CHAIRMAN: Motion to approve these minutes as typed and presented.

<b>RESULT:</b>	<b>APPROVE MINUTES OF OCTOBER 18<sup>TH</sup>, 2017 GRANTED [UNANIMOUS]</b>
<b>MOVER:</b>	James McGee, Alternate
<b>SECONDER:</b>	Karen Ginnane, Member
<b>AYES:</b>	John Joseph, James Louis, Karen Ginnane, James McGee, Joseph Wolf

## III. HEARINGS ON APPEAL - (5)

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 December 20th, 2017 at 6:30 PM.

- 1. **Applicant Name:** Niagara Mohawk Power Corp.  
**Owner Name:** Niagara Mohawk Power Corp.  
**841 Two Mile Creek Road**  
**Town of Tonawanda, NY**

**Area Variance:**

Proposed electrical substation would encroach approximately (25) feet into the required side yard setback from Town/City Boundary line; Proposed fence would be erected within setback areas and would exceed the maximum allowable height by (3) feet.

**Zoning Classification: WID- Waterfront Industrial**

**Section of Code: Article IXD; Section 215- 70.24F**

"Side yard setback: minimum of 25 feet";

**Section 2015-70.24F:** "No fence shall be erected within any setback area. Fences shall be limited to six feet in height."

City of Tonawanda has been notified.

Erie County Department of Environment and Planning has sent a recommendation letter back to the Town of Tonawanda Zoning Board of Appeals, which has been presented to this Board for review and is electronically attached to this hearing for the public.

THERE APPEARED Building Dept. Official: Mr. Thomas Duncan  
Applicant: Attorney o/b/o Niagara Mohawk

<b>RESULT:</b>	<b>CLOSE HEARING ZBA APPEAL 2017-41 GRANTED [UNANIMOUS]</b>
<b>MOVER:</b>	James Louis, Member
<b>SECONDER:</b>	Karen Ginnane, Member
<b>AYES:</b>	Joseph, Louis, Ginnane, McGee, Wolf

STATE OF NEW YORK )  
COUNTY OF ERIE ) ss:  
TOWN OF TONAWANDA )

I, Marguerite Greco, Town Clerk of the Town of Tonawanda, Erie County, New York, do hereby certify that at a meeting of the Zoning Board of Appeals of the aforesaid town, on the **15<sup>th</sup> day of November, 2017**, at the Municipal Building, Kenmore, New York, the following resolution was adopted, to wit, -

**James Louis** offered the following resolution and moved its adoption:

WHEREAS, the applicant, **Niagara Mohawk Power Corp., owner of** premises located on the **east side of Two Mile Creek Road, between Two Mile Creek Road and Military Road, commonly known as 841 Two Mile Creek Road**, Tonawanda, New York, has applied to the Zoning Board of Appeals for a permit for **an electrical substation**; which permit was refused by the Supervising Code Enforcement Officer on the grounds that the proposed **substation** would be in violation of the provisions of Chapter 215, Zoning, **§215-70.23D and §215-70.24F**, of the Code of the Town of Tonawanda for the reason that **the proposed electrical substation would encroach 25 feet into the required side yard setback from the Town/City boundary line and because the proposed fence around the substation would be erected within setback areas and would exceed the maximum allowable height by approximately 3 feet**; and

WHEREAS, this Board finds that the premises in question is zoned **WID - Waterfront Industrial District** and that applicant seeks an **area variance**, and

WHEREAS, the applicant's application stated that the variance was being sought **because the substation has been deemed necessary to render safe and adequate service to the local area, including the adjacent business parks, and because the site is adjacent to existing transmission lines; it further stated that the requested height variance for the fence will provide the minimum necessary security for the substation and the safety of passing pedestrians; and**

**WHEREAS, this Board must consider the testimony and evidence submitted by the applicant and the following factors detailed in §267-b(3)(b) of the Town Law:**

- ) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance,
- ) whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance
- ) whether the requested area variance is substantial,
- ) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district
- ) whether the alleged difficulty was self-created; and

**WHEREAS, this Board has reviewed the evidence, testimony and the above-recited factors which are set forth in §267-b(3)(b) of the Town Law of the State of New York pertaining to area variances; and**

WHEREAS, based upon the evidence presented, this Board finds that the variance is not substantial, that it will not have an adverse impact on the physical or environmental conditions of the neighborhood and that it will not create any undesirable change in the character of the neighborhood; and

WHEREAS, the benefit to the applicant if the variance is granted outweighs the detriment to the health, safety and welfare of the neighborhood or community by such grant based upon a balancing of the factors contained in §267-b(3)(b) of the Town Law; and

WHEREAS, this Board believes that the variance requested is the minimum variance that this Board deems necessary and adequate and at the same time preserves and protects the character of the neighborhood and the health, safety and welfare of the community; and

WHEREAS, a record having been made by electronic means and preserved in digital format is available in the Town Clerk's Office;

NOW, THEREFORE, BE IT RESOLVED that this Board does hereby **GRANT** an area variance from the above-mentioned provisions of the Code of the Town of Tonawanda and directs the Supervising Code Enforcement Officer to issue the appropriate permit.

<b>RESULT:</b>	<b>ZBA APPEAL 2017-41 GRANTED [UNANIMOUS]</b>
<b>MOVER:</b>	James Louis, Member
<b>SECONDER:</b>	Karen Ginnane, Member
<b>AYES:</b>	Joseph, Louis, Ginnane, McGee, Wolf

I do further certify that I have compared the foregoing with the original minutes of the meeting of the Zoning Board of Appeals of the said Town held on November 15, 2017 and that the foregoing is a true and correct transcript from said original minutes and the whole thereof, and that the resolutions duly adopted by the said Board are on file in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the said Town of Tonawanda, Erie County, New York, this 20th day of November, 2017.



*Marguerite Greco*  
 Marguerite Greco, Town Clerk  
 Town of Tonawanda, New York

- 2. **Applicant Name:** Charter School For Applied Tech  
**Owner Name:** Charter School For Applied Tech  
**2235 Kenmore Avenue**  
**Town of Tonawanda, NY**

**Area Variance:**

Proposed Parking area does not provide landscaping areas as recommended by the Planning Board.

**Zoning Classification: P- S- Performance Standards**

**Section of Code: Article VIII; Section 215-64.2(C)3:**

"Parking areas shall not exceed 10,000 square feet in area unless interrupted by a minimum 15 foot wide landscaped strip. The Planning Board may relax the median requirements if the parking lot configuration is irregularly shaped."

City of Buffalo has been notified.

Erie County Department of Environment and Planning has no recommendation and considers this a local matter.

THERE APPEARED Building Dept. Official: Mr. Thomas Duncan  
Applicant: Representatives of Charter School for Applied Tech.

<b>RESULT:</b>	<b>CLOSE HEARING ZBA APPEAL 2017-42 GRANTED [UNANIMOUS]</b>
<b>MOVER:</b>	Karen Ginnane, Member
<b>SECONDER:</b>	James McGee, Alternate
<b>AYES:</b>	Joseph, Louis, Ginnane, McGee, Wolf

STATE OF NEW YORK )  
COUNTY OF ERIE ) ss:  
TOWN OF TONAWANDA )

I, Marguerite Greco, Town Clerk of the Town of Tonawanda, Erie County, New York, do hereby certify that at a meeting of the Zoning Board of Appeals of the aforesaid town, on the **15<sup>th</sup> day of November, 2017**, at the Municipal Building, Kenmore, New York, the following resolution was adopted, to wit, -

**Karen Ginnane** offered the following resolution and moved its adoption:

WHEREAS, the applicant, **Charter School for Applied Technologies**, owner of premises located on the **north side of Kenmore Avenue, between Vulcan Street and Doyle Avenue, commonly known as 2235 Kenmore Avenue**, Tonawanda, New York, has applied to the Zoning Board of Appeals for a permit **to install landscaping as recommended by the Town Planning Board**; which permit was refused by the Supervising Code Enforcement Officer on the grounds that the proposed **parking area** would be in violation of the provisions of Chapter 215, Zoning, §215-64.2(C)3, of the Code of the Town of Tonawanda for the reason that **the proposed parking area does not provide landscaping areas as recommended by the Planning Board**; and

WHEREAS, this Board finds that the premises in question is zoned **PS - Performance Standards** and that applicant seeks an **area variance**, and

WHEREAS, the applicant's application stated that the variance was being sought **in order to provide additional parking spaces; it further stated that the school is located in an industrial area and that the previous landscaping islands had rock fill and not green space, which provided no value**; and

**WHEREAS, this Board must consider the testimony and evidence submitted by the applicant and the following factors detailed in §267-b(3)(b) of the Town Law:**

- ) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance,
- ) whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance
- ) whether the requested area variance is substantial,
- ) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district
- ) whether the alleged difficulty was self-created; and

**WHEREAS, this Board has reviewed the evidence, testimony and the above-recited factors which are set forth in §267-b(3)(b) of the Town Law of the State of New York pertaining to area variances; and**

WHEREAS, based upon the evidence presented, this Board finds that the variance is not substantial, that it will not have an adverse impact on the physical or environmental conditions of the neighborhood and that it will not create any undesirable change in the character of the neighborhood; and

WHEREAS, the benefit to the applicant if the variance is granted outweighs the detriment to the health, safety and welfare of the neighborhood or community by such grant based upon a balancing of the factors contained in §267-b(3)(b) of the Town Law; and

WHEREAS, this Board believes that the variance requested is the minimum variance that this Board deems necessary and adequate and at the same time preserves and protects the character of the neighborhood and the health, safety and welfare of the community; and

WHEREAS, a record having been made by electronic means and preserved in digital format is available in the Town Clerk’s Office;

NOW, THEREFORE, BE IT RESOLVED that this Board does hereby **GRANT** an area variance from the above-mentioned provisions of the Code of the Town of Tonawanda and directs the Supervising Code Enforcement Officer to issue the appropriate permit on the condition that applicant completes the proposed landscaping plan submitted to the Zoning Board of Appeals.

<b>RESULT:</b>	<b>ZBA APPEAL 2017-42 GRANTED [UNANIMOUS]</b>
<b>MOVER:</b>	Karen Ginnane, Member
<b>SECONDER:</b>	Joseph Wolf, Alternate
<b>AYES:</b>	Joseph, Louis, Ginnane, McGee, Wolf

I do further certify that I have compared the foregoing with the original minutes of the meeting of the Zoning Board of Appeals of the said Town held on November 15, 2017 and that the foregoing is a true and correct transcript from said original minutes and the whole thereof, and that the resolutions duly adopted by the said Board are on file in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the said Town of Tonawanda, Erie County, New York, this 20th day of November, 2017.



*Marguerite Greco*  
Marguerite Greco, Town Clerk  
Town of Tonawanda, New York

3. **Applicant Name:** Christopher Kreiger  
**Owner Name:** Christopher Kreiger  
 231 Deumant Terrace  
 Town of Tonawanda, NY

**Area Variance:**

Proposed utility building would exceed the maximum allowable height by approximately (2) feet.

**Zoning Classification: A - First Residential**

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

"The accessory structure shall not exceed 12 feet in height."

No written communications have been received.

THERE APPEARED Building Dept. Official: Mr. Thomas Duncan

<b>RESULT:</b>	<b>CLOSE HEARING ZBA APPEAL 2017-44 GRANTED [UNANIMOUS]</b>
<b>MOVER:</b>	James McGee, Alternate
<b>SECONDER:</b>	Karen Ginnane, Member
<b>AYES:</b>	Joseph, Louis, Ginnane, McGee, Wolf

STATE OF NEW YORK    )  
 COUNTY OF ERIE        ) ss:  
 TOWN OF TONAWANDA    )

I, Marguerite Greco, Town Clerk of the Town of Tonawanda, Erie County, New York, do hereby certify that at a meeting of the Zoning Board of Appeals of the aforesaid town, on the **15<sup>th</sup> day of November, 2017**, at the Municipal Building, Kenmore, New York, the following resolution was adopted, to wit, -

**James McGee** offered the following resolution and moved its adoption:

WHEREAS, the applicant, **Christopher Kreiger, owner of** premises located on the **east side of Deumant Terrace, between Englewood Avenue and Worth Street, commonly known as 231 Deumant Terrace**, Tonawanda, New York, has applied to the Zoning Board of Appeals for a permit for a **utility building**; which permit was refused by the Supervising Code Enforcement Officer on the grounds that the proposed **utility building** would be in violation of the provisions of Chapter 215, Zoning, §215-12F, of the Code of the Town of Tonawanda for the reason that **the proposed utility building would exceed the maximum allowable height by approximately 2 feet**; and

WHEREAS, this Board finds that the premises in question is zoned **A - First Residential** and that applicant seeks an **area variance**, and

WHEREAS, the applicant's application stated that the variance was being sought **to provide additional storage and headroom because there is no garage**; and

**WHEREAS, this Board must consider the testimony and evidence submitted by the applicant and the following factors detailed in §267-b(3)(b) of the Town Law:**

- ) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance,
- ) whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance
- ) whether the requested area variance is substantial,
- ) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district
- ) whether the alleged difficulty was self-created; and

**WHEREAS, this Board has reviewed the evidence, testimony and the above-recited factors which are set forth in §267-b(3)(b) of the Town Law of the State of New York pertaining to area variances; and**

WHEREAS, based upon the evidence presented, this Board finds that the variance is not substantial, that it will not have an adverse impact on the physical or environmental conditions of the neighborhood and that it will not create any undesirable change in the character of the neighborhood; and

WHEREAS, the benefit to the applicant if the variance is granted outweighs the detriment to the health, safety and welfare of the neighborhood or community by such grant based upon a balancing of the factors contained in §267-b(3)(b) of the Town Law; and

WHEREAS, this Board believes that the variance requested is the minimum variance that this Board deems necessary and adequate and at the same time preserves and protects the character of the neighborhood and the health, safety and welfare of the community; and

WHEREAS, a record having been made by electronic means and preserved in digital format is available in the Town Clerk’s Office;

NOW, THEREFORE, BE IT RESOLVED that this Board does hereby **GRANT** an area variance from the above-mentioned provisions of the Code of the Town of Tonawanda and directs the Supervising Code Enforcement Officer to issue the appropriate permit.

<b>RESULT:</b>	<b>ZBA APPEAL 2017-44 GRANTED [UNANIMOUS]</b>
<b>MOVER:</b>	James McGee, Alternate
<b>SECONDER:</b>	Karen Ginnane, Member
<b>AYES:</b>	Joseph, Louis, Ginnane, McGee, Wolf

I do further certify that I have compared the foregoing with the original minutes of the meeting of the Zoning Board of Appeals of the said Town held on November 15, 2017 and that the foregoing is a true and correct transcript from said original minutes and the whole thereof, and that the resolutions duly adopted by the said Board are on file in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the said Town of Tonawanda, Erie County, New York, this 20th day of November, 2017.



*Marguerite Greco*  
 Marguerite Greco, Town Clerk  
 Town of Tonawanda, New York

4. **Applicant Name:** Charles Falzone  
**Owner Name:** Charles Falzone  
 583 Loretta Street  
 Town of Tonawanda, NY

**Area Variance:**

Proposed utility building would exceed the maximum number of allowable accessory structures by (1).

**Zoning Classification: A - First Residential**  
**Section of Code: Article IV; Section 215-12 E:**  
 "...the legal...accessory structure"

No written communications have been received.

THERE APPEARED Building Dept. Official: Mr. Thomas Duncan  
 Applicant: Mr. Charles Falzone

<b>RESULT:</b>	<b>CLOSE HEARING ZBA APPEAL 2017-45 GRANTED [UNANIMOUS]</b>
<b>MOVER:</b>	Karen Ginnane, Member
<b>SECONDER:</b>	Joseph Wolf, Alternate
<b>AYES:</b>	Joseph, Louis, Ginnane, McGee, Wolf

STATE OF NEW YORK )  
 COUNTY OF ERIE ) ss:  
 TOWN OF TONAWANDA )

I, Marguerite Greco, Town Clerk of the Town of Tonawanda, Erie County, New York, do hereby certify that at a meeting of the Zoning Board of Appeals of the aforesaid town, on the **15<sup>th</sup> day of November, 2017**, at the Municipal Building, Kenmore, New York, the following resolution was adopted, to wit, -

**James Louis** offered the following resolution and moved its adoption:

WHEREAS, the applicant, **Charles Falzone, owner of** premises located on the **east side of Loretta Street, between Sheridan Drive and Ogden Road, commonly known as 583 Loretta Street**, Tonawanda, New York, has applied to the Zoning Board of Appeals for a permit for **a utility building**; which permit was refused by the Supervising Code Enforcement Officer on the grounds that the proposed **utility building** would be in violation of the provisions of Chapter 215, Zoning, §215-12E, of the Code of the Town of Tonawanda for the reason that **the proposed utility building would exceed the maximum number of allowable accessory structures by 1**; and

WHEREAS, this Board finds that the premises in question is zoned **A - First Residential** and that applicant seeks an **area variance**, and

WHEREAS, the applicant's application stated that the variance was being sought **to provide additional storage because the house does not have a basement nor a garage**; and



**WHEREAS, this Board must consider the testimony and evidence submitted by the applicant and the following factors detailed in §267-b(3)(b) of the Town Law:**

- ) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance,
- ) whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance
- ) whether the requested area variance is substantial,
- ) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district
- ) whether the alleged difficulty was self-created; and

**WHEREAS, this Board has reviewed the evidence, testimony and the above-recited factors which are set forth in §267-b(3)(b) of the Town Law of the State of New York pertaining to area variances; and**

WHEREAS, based upon the evidence presented, this Board finds that the variance is not substantial, that it will not have an adverse impact on the physical or environmental conditions of the neighborhood and that it will not create any undesirable change in the character of the neighborhood; and

WHEREAS, the benefit to the applicant if the variance is granted outweighs the detriment to the health, safety and welfare of the neighborhood or community by such grant based upon a balancing of the factors contained in §267-b(3)(b) of the Town Law; and

WHEREAS, this Board believes that the variance requested is the minimum variance that this Board deems necessary and adequate and at the same time preserves and protects the character of the neighborhood and the health, safety and welfare of the community; and

WHEREAS, a record having been made by electronic means and preserved in digital format is available in the Town Clerk's Office;

NOW, THEREFORE, BE IT RESOLVED that this Board does hereby **GRANT** an area variance from the above-mentioned provisions of the Code of the Town of Tonawanda and directs the Supervising Code Enforcement Officer to issue the appropriate permit with the condition that if a garage is ever built on the premises, only one utility building will be allowed.

<b>RESULT:</b>	<b>ZBA APPEAL 2017-45 GRANTED [UNANIMOUS]</b>
<b>MOVER:</b>	James Louis, Member
<b>SECONDER:</b>	Joseph Wolf, Alternate
<b>AYES:</b>	Joseph, Louis, Ginnane, McGee, Wolf

I do further certify that I have compared the foregoing with the original minutes of the meeting of the Zoning Board of Appeals of the said Town held on November 15, 2017 and that the foregoing is a true and correct transcript from said original minutes and the whole thereof, and that the resolutions duly adopted by the said Board are on file in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the said Town of Tonawanda, Erie County, New York, this 20th day of November, 2017.



*Marguerite Greco*  
 Marguerite Greco, Town Clerk  
 Town of Tonawanda, New York

5. **Applicant Name:** Guy Zee  
**Owner Name:** Guy Zee  
 2560 Eggert Road  
 Town of Tonawanda, NY

**Area Variance:**

Proposed corner fence creates a sight obstruction

**Zoning Classification: A - First Residential**

**Section of Code: Article IV; Section 215-8:**

"Unobstructed vision clearance shall apply to the area bounded by the first 15 feet from the...intersection of public or private rights-of-way in both directions and a line connecting the same"

Erie County Department of Environment and Planning has no recommendation and considers this a local matter.

One written communication in support has been received, 190 Fries Road, Ms. Liane Reardon.

THERE APPEARED Building Dept. Official: Mr. Thomas Duncan  
Applicant: Mr. Guy Zee

<b>RESULT:</b>	<b>CLOSE HEARING ZBA APPEAL 2017-46 GRANTED [UNANIMOUS]</b>
<b>MOVER:</b>	James McGee, Alternate
<b>SECONDER:</b>	Joseph Wolf, Alternate
<b>AYES:</b>	Joseph, Louis, Ginnane, McGee, Wolf

STATE OF NEW YORK     )  
 COUNTY OF ERIE        ) ss:  
 TOWN OF TONAWANDA    )

I, Marguerite Greco, Town Clerk of the Town of Tonawanda, Erie County, New York, do hereby certify that at a meeting of the Zoning Board of Appeals of the aforesaid town, on the **15<sup>th</sup> day of November, 2017**, at the Municipal Building, Kenmore, New York, the following resolution was adopted, to wit, -

**Joseph Wolf** offered the following resolution and moved its adoption:

WHEREAS, the applicant, **Gully Zee, owner of** premises located on the **south side of Eggert Road, between Fries Road and Maplegrove Avenue, commonly known as 2560 Eggert Road**, Tonawanda, New York, has applied to the Zoning Board of Appeals for a **fence** permit; which permit was refused by the Supervising Code Enforcement Officer on the grounds that the proposed **corner fence** would be in violation of the provisions of Chapter 215, Zoning, §215-8, of the Code of the Town of Tonawanda for the reason that **the proposed fence creates a sight obstruction**; and

WHEREAS, this Board finds that the premises in question is zoned **A - First Residential** that applicant seeks an **area variance**, and

WHEREAS, the applicant's application stated that the variance was being sought **in order to replace the existing fence along the same lines which have been in place for approximately 18 years; it further states that the adjacent neighbor supports leaving the fence in place; and**

**WHEREAS, this Board must consider the testimony and evidence submitted by the applicant and the following factors detailed in §267-b(3)(b) of the Town Law:**

- ) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance,
- ) whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance
- ) whether the requested area variance is substantial,
- ) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district
- ) whether the alleged difficulty was self-created; and

**WHEREAS, this Board has reviewed the evidence, testimony and the above-recited factors which are set forth in §267-b(3)(b) of the Town Law of the State of New York pertaining to area variances; and**

WHEREAS, based upon the evidence presented, this Board finds that while the need for the variance is self-created, the variance is not substantial, that it will not have an adverse impact on the physical or environmental conditions of the neighborhood and that it will not create any undesirable change in the character of the neighborhood; and

WHEREAS, the benefit to the applicant if the variance is granted outweighs the detriment to the health, safety and welfare of the neighborhood or community by such grant based upon a balancing of the factors contained in §267-b(3)(b) of the Town Law; and

WHEREAS, this Board believes that the variance requested is the minimum variance that this Board deems necessary and adequate and at the same time preserves and protects the character of the neighborhood and the health, safety and welfare of the community; and

WHEREAS, a record having been made by electronic means and preserved in digital format is available in the Town Clerk's Office;

NOW, THEREFORE, BE IT RESOLVED that this Board does hereby **GRANT** an area variance from the above-mentioned provisions of the Code of the Town of Tonawanda and directs the Supervising Code Enforcement Officer to issue the appropriate permit.

<b>RESULT:</b>	<b>ZBA APPEAL 2017-46 GRANTED [UNANIMOUS]</b>
<b>MOVER:</b>	Joseph Wolf, Alternate
<b>SECONDER:</b>	Karen Ginnane, Member
<b>AYES:</b>	Joseph, Louis, Ginnane, McGee, Wolf

I do further certify that I have compared the foregoing with the original minutes of the meeting of the Zoning Board of Appeals of the said Town held on November 15, 2017 and that the foregoing is a true and correct transcript from said original minutes and the whole thereof, and that the resolutions duly adopted by the said Board are on file in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the said Town of Tonawanda, Erie County, New York, this 20th day of November, 2017.



*Marguerite Greco*  
 Marguerite Greco, Town Clerk  
 Town of Tonawanda, New York

#### **IV. ADJOURN TO THE NEXT ZONING BOARD OF APPEALS MEETING**

CHAIRMAN: Motion to adjourn to the next Zoning board of Appeals meeting scheduled, Wednesday, December 20<sup>th</sup>, 2017, at 6:30 PM.

<b>RESULT:</b>	<b>ADJOURN TO NEXT ZBA MEETING DECEMBER 20<sup>TH</sup>, 2017 GRANTED [UNANIMOUS]</b>
<b>MOVER:</b>	James Louis, Member
<b>SECONDER:</b>	Joseph Wolf, Alternate
<b>AYES:</b>	John Joseph, James Louis, Karen Ginnane, James McGee, Joseph Wolf

Meeting Adjourned at 7:14 PM.