



Public Agenda Zoning Board of Appeals

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

Zoning Board of Appeals

Special
~ Agenda ~

www.tonawanda.ny.us

Marguerite Greco
Town Clerk

Wednesday, March 29, 2017

6:30 PM

Council Chambers - Municipal Building

I. CALL TO ORDER

CLERK: The March 29Th, 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"/>	

MOTION: Appoint a present member of the Zoning Board of Appeals as acting Chairperson in the absence of Chairman Joseph.

II. APPROVAL OF MINUTES

A. Approve Minutes of Zoning Board Meeting held February 15th, 2017.

CHAIRPERSON: The Clerk presented MINUTES of the Zoning Board of Appeals meeting held on February 15th, 2017.

CHAIRPERSON: Motion approve these minutes as typed and presented.

VOTING:

✓ Vote Record – APPROVE ZBA MINUTES OF FEBRUARY 15 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"/>
<input type="checkbox"/> Denied	Florine Luhr		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Brian Mahoney		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> As Amended	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"/>

III. HEARINGS ON APPEALS - (3)

CHAIRPERSON: 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 April 19th, 2017 at 6:30 PM.

#1. **Applicant Name: Joseph Kazmark**
Owner Name: Joseph Kazmark
15 Lorna Ln.
Town of Tonawanda, NY

Area Variance:

Utility Building exceeds the maximum allowable size by approximately (48) square feet and encroaches approximately (5) feet into the required front yard.

Zoning Classification: A - First Residential
Section of Code: Article IV; Section 215-12F:

"An accessory structure...shall not exceed a maximum area of (144)square feet"; "No accessory structure shall hereafter be located so as to encroach upon the half of the lot depth nearest the street...any lot which is greater in depth than (140) feet shall...be considered as a lot of (140) feet in depth."

One written communication, in support, from 7 Lorna Ln has 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 2017-5				
		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 2017-5					
			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: Sturdevant Signs
Owner Name: United Refining
2209 Colvin Blvd.
Town of Tonawanda, NY

Area Variance:

Proposed replacement pole sign would exceed the maximum allowable size by approximately (15) square feet per side.

Zoning Classification: C- General Business

Section of Code: Article XXII; Section 215- 145B(4)

"The total face area of any pole sign...shall not exceed (120) square feet."

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

THERE APPEARED:

Building Department Official: _____

For Petitioner/Applicant: _____

Others (In Support of): _____

Others (In Opposition to): _____

VOTING:

✓ Vote Record – CLOSE HEARING ZBA APPEAL 2017-6					
			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 2017-6					
		Yes/Aye	No/Nay	Abstain	
<input type="checkbox"/>	Granted	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	Tabled	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	Denied	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	Withdrawn	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	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"/>	
	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: Thomas Broadley
Owner Name: Thomas Broadley
302 Forbes Avenue
Town of Tonawanda, NY

Area Variance:

Proposed air conditioner condenser would be located in the side yard and would encroach approximately (1.7) feet into the required side yard setback.

Zoning Classification: A - First Residential

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

"No air conditioner condenser...shall be located in any side or front yard."

Section 215-17: "An accessory structure...shall be erected not less than (2) feet...from the side lot line."

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 2017-7					
			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 2017-7					
			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, April 19th, 2017, at 6:30 PM.

VOTING:

✓ Vote Record – ADJOURN TO THE NEXT ZBA MEETING APRIL 19 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 _____.