



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, February 15, 2017

6:30 PM

Council Chambers - Municipal Building

I. CALL TO ORDER

CHAIRMAN: The February 15th, 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 January 18th, 2017.

CHAIRMAN: The Clerk presented MINUTES of the Zoning Board of Appeals meeting held on January 18th, 2017.

CHAIRMAN: Motion approve these minutes as typed and presented.

VOTING:

✓ Vote Record – APPROVE ZBA MINUTES OF JANUARY 18 , 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 - (2)

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 March 15th, 2017 at 6:30 PM.

#1 **Applicant Name: A & B Heritage, Inc dba ASI Signage Innovations**
Owner Name: Kenmore Mercy Hospital
2950 Elmwood Avenue
Town of Tonawanda, NY

Area Variance:

Proposed ground signs would exceed the maximum allowable number of signs by (2); (3) signs would exceed maximum allowable size by approximately (30.75) square feet and maximum allowable height by (3.5) feet; (1) sign would exceed maximum size by approximately (13.75) square feet and maximum height by (0.5) feet.

Zoning Classification: TND- Traditional Neighborhood Design

Section of Code: Article XXII; Section 215-145C(3)(a)

"A maximum of (2) ground signs not to exceed (40) square feet of face area per sign";
 Section 215-145B(7): "All ground signs shall not be more than (10) feet in height as measured from the ground."

Erie County Department of Environment and Planning has been notified.

THERE APPEARED:

Building Department Official: _____

For Petitioner/Applicant: _____

Others (In Support of): _____

Others (In Opposition to): _____

VOTING:

✓ Vote Record – CLOSE HEARING ZBA APPEAL 2017-2				
		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 2017-2					
			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: 3755 River Road LLC**
Owner Name: 3755 River Road LLC
3755 River Road
Town of Tonawanda, NY

Area Variance:

Proposed non-commercial wind energy system would exceed the maximum height by approximately (10) feet; would encroach approximately (663) feet into the required setback from any dwelling.

Zoning Classification: G-I General Industrial

Section of Code: Article XXVI; Section 215- 170A

"Non- commercial wind energy system...which has total height less than 150 feet"

Section 215-172B(1)(b)(2):"Setbacks from structures...a minimum of 1,500 feet from any dwelling."

Erie County Dept. of Environment and Planning has been notified.

THERE APPEARED: Building Department Official: _____

For Petitioner/Applicant: _____

Others (In Support of): _____

Others (In Opposition to): _____

VOTING:

✓ Vote Record – CLOSE HEARING ZBA APPEAL 2017-3				
		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"/>

EAF Review:

Chairman: The Board will review and discuss the criteria of the Environmental Assessment Form.

SEQR DETERMINATION:

ZBA APPEAL 2017-4

Motion: Issue a Negative Declaration Relative to the Application on behalf of Triad Recycling & Energy Corp. For Installation of a Second Wind Turbine in a General Industrial District Located at 3755 River Road.

VOTING:

✓ Vote Record – SEQR DETERMINATION ZBA APPEAL 2016-4				
		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"/> Tabled	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"/>
<input type="checkbox"/> Withdrawn	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 2017-3				
		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, March 15th, 2017, at 6:30 PM.

VOTING:

✓ Vote Record – ADJOURN TO THE NEXT ZBA MEETING MARCH 15 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 _____.



Zoning Board of Appeals
2919 Delaware Avenue, RM 14
Kenmore, NY 14217

Marguerite Greco
Town Clerk
(716) 877-8800 X1810
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Meeting: 02/15/17 06:30 PM
DOC ID: 13172

ZBA APPEAL 2017-2

(Insert Legal Review Sheet here AFTER meeting)

(Insert Legal Review Sheet here AFTER meeting)

I do certify that I have compared the foregoing with the original minutes of the regular meeting of the Town Board held on February 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 said Town 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 21st day of February, 2017

Marguerite Greco, Town Clerk
Town of Tonawanda, NY



Zoning Board of Appeals

2919 Delaware Avenue, RM 14
Kenmore, NY 14217

ZBA APPEAL 2017-3

Marguerite Greco

Town Clerk
(716) 877-8800 X1810
www.tonawanda.ny.us

Meeting: 02/15/17 06:30 PM
DOC ID: 13175

I do certify that I have compared the foregoing with the original minutes of the regular meeting of the Town Board held on February 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 said Town 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 21st day of February, 2017

Marguerite Greco, Town Clerk
Town of Tonawanda, NY