

Gayle S.

CITY OF TONAWANDA, NEW YORK

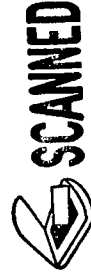
BOARD OF APPEALS

200 Niagara Street • Tonawanda, New York 14150-1099
716-695-1806



David Bernosky
Chairman

MEETING MINUTES July 25, 2016



- I. Meeting called to order at 6:30 pm by Chairman Bernosky. Members present: Bernosky, Bognar, Horn, Koch, Scinta.
- II. Approve minutes of June 27, 2016. Motion to accept the minutes by Scinta, second by Koch. Vote: Bernosky-yes, Bognar-yes, Horn-yes, Koch-yes, Scinta-yes. Minutes approved.
- III. Variance(s) to be discussed tonight:
06-16 618 Delaware Street by William Paladino. Mr. Paladino is asking for the variance to build a multi-family and mixed use building on an existing vacant lot. The multi-family building was denied due to the side yard setback. The mixed-use building was denied since this parcel is not zoned C-1 which is necessary to operate a restaurant. Two pieces of correspondence were received in opposition to this variance. Mr. Paladino was present and displayed plans for the property. He is proposing a 12-unit multi-family apartment building as well as a mixed use building with Tim Horton's as a tenant. He stated there will be 57 parking places on site, which is more than required. It will also have three (3) access driveways. Other retailers in the mixed-use building are to be determined at a later date. There will be 3 apartments on the second floor of this building. Apartments above the retail will not have garages. The building may shift slightly from plans that have been provided. The back portion of the building is the only piece that is part of this variance request. When asked if this could be altered, Mr. Paladino said, yes, it could be done. It would not be a great plan but it could be done.

Bernosky stated he would like to see new plans with changes made such as widening the driveway and taking the second driveway and move it away from the Gallagher house on Dexter toward Delaware Street heading east. He is in favor of the project and likes the idea of commercial and residential development. Let's make everyone happy. Horn: I'm not sure if we have resolved this. Is a re-zoning required? If restaurant is put on all C-1 portion of the property then it is not required. Building will proceed. Bognar: we can't touch zoning? Correct. Horn questioned the dumpsters, will they be enclosed? Yes. George Ferber, 141 Delton Street was present and asked about what was being done about the car/traffic noise. Plans call for a 6-foot stockade fence. Mr. Ferber asked if this is the same proposal that he saw previously. Yes, no changes have been made. Jack Gallagher, 204 Dexter Street said his property is the most impacted. He respectfully disagreed with the Building Inspector. If the 25-feet can be put in the commercial district, it should not encroach on the residential district. Dexter Street is straight on where the commercial section starts. Mr. Paladino said the commercial zone cuts the other property in half. These three properties were merged in 2011. This does not change the zoning. Mr. Gallagher stated he thought there were questions as to the correct

zoning of these parcels which needs to be further addressed. C-1 in the front, R-2 in back and another R-2 on the side near Touch of Italy. Mr. Paladino believes the house which used to be on the property was in a residential district. It was mentioned the Common Council has not heard about these plans yet. Mr. Paladino said they don't have to hear this proposal. Mr. Gallagher said they should be brought up to speed and should be aware of the situation. He thinks the entire project is ill-conceived for this neighborhood. Twelve townhomes in the back is oversaturating the market. He believes it will have a direct negative impact to the neighborhood. It is quite possible this could be a 24-hour Tim Hortons. There will be more traffic off Tussing. The driveway located near the residential area will cause a lot more traffic. Even moving it back 25 feet will not solve this. Any encroachment into a residential area, loss of green space will have too much blacktop. Lori Schultz, 161 Highland Avenue said she is also concerned about traffic. She is happy to see the land developed, but see a problem with traffic. Richard Baltz, Clarence Harder Drive also has concerns about traffic. Lynn Fedeson, Clarence Harder Drive says people rarely stop at the stop sign at the end of her street. The City Clerk was present and providing a current zoning map for review. Mr. Paladino was asked how many cars the drive-through could accommodate at one time: 11 cars. So during peak hours where will cars go? On Tussing Lane. Horn: It seems like most of the concerns are coming from residents of Tussing. Have you thought about taking out the entrance from Tussing? Would this ease some of the traffic concerns by having 2 entrances? Has traffic and safety looked at this? They will look at it at their next meeting. Bernosky stated he had concerns about neighbors looking out at a dumpster every day when the gates are left open. He would like to see it moved to the other side. Mr. Paladino was agreeable to this. He would like to see a nice white PVC fence instead of a pressure treated fence. Are you contemplating any other curbing such as curb stops? No, they will use the 6 inch curbing to act as a buffer. Scinta asked why Tim Hortons was so important to this project? Mr. Paladino answered they work with Tim Horton's on many projects. This project will not move forward without them. Both buildings are working collectively together. Bernosky asked if he could see a plan with the building put on all of the commercial zoned land. This just feels like too much congestion. Bognar asked if it was 25 feet into the other zone is ok, this is the plan? Yes. Not dealing with zoning. The whole variance is because of the setback and the C-1 designation. Mr. Gallagher said this project affects more neighborhood and they should be made aware of this. Since we no longer have the Tonawanda News, there is no way to notify everyone. The Building Inspector noted all residents 250 feet and closer were notified. Mr. Gallagher said he believes this should be delayed since there are still unanswered questions regarding zoning. Mr. Gallagher said the need for a fourth Tim Horton's in 1.4 miles is excessive. In this one block from this proposal, There are 42 apartment buildings and the area seems to be saturated. He would propose single family homes. Mr. Paladino stated not everyone can afford a house. Bernosky said this project is lacking approval by the County. He does not feel comfortable voting on this before hearing from the County. A motion was made by Bernosky to table this variance pending a new set of plans. They should be sent to Board members ahead of the meeting to allow them to review prior to the meeting. Second by Scinta.

Vote: Bernosky: yes, Bognar: yes, Horn-no, Koch-no, Scinta-yes.

Variance tabled until next meeting.

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- IV. Variances to be discussed next month:
NONE

Bernosky said last month Horn brought up a suggestion. Since 2 board members are relatively new, could we meet a half hour prior to the formal meeting? This would allow members to ask questions off the record and be better prepared for the meeting. Yes, we would be able to do this as long as the meeting is published and it is not a private meeting. Mrs. Kossow was directed to email the Clerk meeting minutes after they have been approved to place on the City's website. Gsyposs@ci.tonawanda.us.

Next meeting August 22, 2016

Motion to adjourn made by Bernosky. All in favor. Meeting adjourned at 7:25 pm.

Respectfully submitted,

Melissa Kossow

Melissa C. Kossow CPS
Recording Secretary

cc: all BOA members, Mayor Davis, E. Lindhurst, G. Syposs