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CITY OF TONAWANDA, NEW YORK

BOARD OF APPEALS

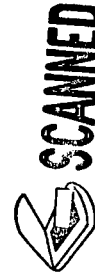
200 Niagara Street • Tonawanda, New York 14150-1099

716-695-1806



David Bernosky
Chairman

MEETING MINUTES June 27, 2016



- I. Meeting called to order at 6:30 pm by Chairman Bernosky. Members present: Bernosky, Bognar, Horn, Koch, Scinta.
- II. Approve minutes of May 23, 2016. Koch noted the request for the tabling of variance 05-16 was made by Koch and not Horn. Scinta noted Item #4 should have read a re-hearing of #05-16 not "None." Motion to accept the minutes as corrected by Horn, second by Scinta. Vote: Bernosky-yes, Bognar-yes, Horn-yes, Koch-yes, Scinta-yes. Minutes approved.
- III. Variance(s) to be discussed tonight:

05-16 56 Amsterdam Street made by Shannon Bronson. Ms. Bronson has applied for a permit to erect a 6' high vinyl privacy fence in her side yard along the Syracuse Street side of her property. This is in violation due to visibility. No solid fence in excess of 30 inches in height shall be erected or allowed in any yard within 15 feet of the street right of way. The proposed fence will exceed the height restrictions allowed within 2' from the sidewalk. Five pieces of correspondence were received regarding this variance. Three were in favor, 2 against. This variance was tabled at the May 23, 2016, so Ms. Bronson could be present to explain her intentions. She was present with her husband this evening. Mr. Ron Tetro, 95 Syracuse Street was in the audience and said he lived three houses from the corner. When the postal truck is parked at the corner it is difficult to see on-coming traffic. Perhaps a no parking sign would be in order. Mr. Gall, the previous owner, was asked to take a portion of his fence down. If this fence is approved tonight, it would open up a can of worms for other corner properties. Bernosky noted the original variance for the fence was approved in September 1992 and the original fence was replaced in 2000 (with a building permit). The Bronsons are asking for this fence for the safety of their child (and future children) along with a pet. They don't have a typical yard and want to extend the existing fence to at least the end of the house so they have a safe place for their child and dog to play. Mr. Tetro asked if they wanted the fence to the corner? NO. They are not going to the corner, just to the end of the house. They recently had a large pine tree removed to make room for the fence. The tree actually blocked more than the fence would. They may go past the house 2-3 feet. Horn was confused with the dimensions and asked for clarification. It was asked if going past the house 2-3 feet could you graduate the size down? Perhaps cutting the corner at a 45 degree angle? If we cut the corner, we thought we would not have to cut the height. They wish to extend what they already have. Bernosky stated if you went with a black chain link fence it would solve all of your problems. The Bronsons want to extend the vinyl fence for privacy. Koch asked if the gate would be on the driveway side? YES. Horn asked so we don't know the exact distance? As far as we are able to go. Bognar said back yard is ok for 6 feet, but all

the way around is a visibility problem. Scinta asked how big was the pine tree? It took up the whole yard. Bernosky told Horn the distance is 24 feet. Horn asked if they would be willing to stop at the house? YES. They explained they don't have a drawing yet since they were waiting to see if they were approved. The drawings showed a double gate but they are planning a single 3-foot wide gate. Bognar: Would you consider 6 feet from the sidewalk? No, this would interfere with the deck pad. Bognar said we are fighting a sight issue here. Bernosky said he is up and down this street 4-5 times a day and if someone is parking near the corner you can't see anything on the other street. Horn: What would your recommendation be? Cut down the height. The Bronsons asked if it was necessary to cut down the height if they cut the corner? Horn asked where would that start? Horn suggested a chain link and it could go all the way out and around the corner. The Bronsons were not willing to make this compromise. CLOSED. Horn made a motion to approve the variance request to erect a 6-foot high fence going back 33 feet from the back lot line and cutting the corner to the halfway point of the proposed front fence line (15 feet) at a 45 degree angle. The fence will proceed north to the corner of the house then west with a 3-foot gate. Second by Koch. VOTE: Bernosky-yes, Bognar-yes, Horn-yes, Koch-yes, Scinta-yes. VARIANCE APPROVED. Bernosky instructed the Bronsons to make sure their fence contractor was licensed and insured prior to getting the permit.

IV. Variances to be discussed next month:

06-16 618 Delaware Street - C1 zoning variance

Lindhurst was present and explained the proposed building is on an existing lot formerly housing Jerry and Larry's Automotive. It is a proposed mixed use building in front with a Tim Hortons along with townhouses and apartments. It is zoned C-1 which does not allow a restaurant. Touch of Italy and Francos are both zoned C-1a. Koch asked if the underground tanks are gone? YES. Traffic and Safety has already looked at it and don't foresee any problems. Erik must also submit this to the County since it is within 500 feet of a municipal boundary. The time frame for completion is ASAP.

Bognar made a motion to hear this variance. Second by Scinta.

VOTE: Bernosky-yes, Bognar-yes, Horn-yes, Koch-yes, Scinta-yes.

Next meeting July 25, 2016

Motion to adjourn made by Bernosky. All in favor. Meeting adjourned at 7:00 pm.

Respectfully submitted,

Melissa Kossow

Melissa C. Kossow CPS
Recording Secretary

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