

City Clerk

# CITY OF TONAWANDA, NEW YORK

## BOARD OF APPEALS

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



David Bernosky  
Chairman

MEETING MINUTES  
May 23, 2016



- I. Meeting called to order at 6:30 pm by Chairman Bernosky.  
Members present: Bernosky, Bognar, Koch, Scinta. Absent: Horn
- II. Approve minutes of April 25, 2016. Motion to accept the minutes by Koch, second by Bognar. Vote: Bernosky-yes, Bognar-yes, Horn-no vote, Koch-yes, Scinta-abstain. Minutes approved.

Before starting the variances, Chairman Bernosky stated all 3 of the variances tonight are fences. It is important to note the Board does not want a fortress, a city of fences with visibility problems on corners. Site lines are very important. Since 2001, 17 cases have been fences. The Building Inspector is currently working on changing some of the wording in the way the fences are handled.

- III. Variance(s) to be discussed tonight:  
03-16 527 Fletcher Street made by Charles Partridge. Mr. Partridge would like to erect a 6-foot privacy wooden fence in his rear side yard two feet from the sidewalk in order to maximize the space in his backyard. This is in violation of the zoning ordinance. 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. Two pieces of correspondence were received in response to this variance. Mr. Partridge was present and stated his house is on a corner lot across the street from Fletcher School. This house sat vacant for over 8 years. He said he pays taxes on the property and wishes to maximize the size of his yard. At some point he also would like to put in a pool. Mr. Shawn Hasenstaab of 524 Fletcher Street was present and sees no problem seeing at any of the 4 stop signs. Mrs. Kocher, 131 Gibson said Mr. Partridge has been an asset to the property. She watched the house deteriorate with high grass and a tarp for a roof. It was an eye sore. They are so grateful he purchased the house and made nice improvements. Mr. Kocher, 131 Gibson Street said he seconds that. Bernosky: said he was confused on fence. Do you want to tie the fence into the garage? He asked for clarification. Mr. Partridge stated there is an existing 6 foot high fence and he wants to tie into that. Bognar: wants 6 foot all around? YES. Bernosky: are you agreeable to moving it in a little? Partridge: There was previously a chain link there. The original wood fence fell down. Bognar: The issue is the site line, can see all the way down the block. If you put in a 6 foot white fence, you can't see. Partridge: I am willing to negotiate and willing to move it in. He feels they have contributed and cleaned up an eyesore. Work with us. Mrs. Hasenstaab, 524 Fletcher Street said she has no problem with staring at a fence. Mr. Hasenstaab said they are in a

They are in a school zone where the speed limit is 15 miles an hour with plenty of time to stop. Bernosky - speed has no bearing. Fences are 15 feet back all over town. This will set a precedent. A lot of people have been denied. I would be willing to approve 6 feet in. Scinta: if everyone had fence, this City would look like a fort. Bognar: part of the code is the fences should line up. Scinta: Chain link is a different story, can see through them. Even a wrought iron fence is illegal. Bernosky: corner lot is the problem. Feel sorry for all of the previous applicants. Bernosky is proposing 15 feet in. You have a fairly large yard. It's a self-created problem. Bognar: discussion among board members. Koch: ornamental fence is still obstructing site? YES. A motion was made Bernosky to deny the variance as it will set an undesirable change in the community, variance is substantial since it is in excess of 86 percent. It is a self-created problem and will cause an adverse change to the neighborhood. Second by Scinta. Bernosky reminded the board a yes vote will be voting to deny the variance. VOTE: Bernosky-yes, Bognar-yes, Horn-no vote, Koch-yes, Scinta-yes. Variance DENIED.

04-16 249 Kohler Street made by Catherine Husvar. Ms. Husvar has applied for a permit to install a 36" to 42" high swooping vinyl picket fence in the front yard along Kohler Street approximately 18 to 20 inches from sidewalk. This is in violation due to location and visibility. No fence shall be erected nearer than two feet from the side line of the sidewalk. In addition, 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. One piece of correspondence was received in favor of this variance. Ms. Husvar was present and provided pictures for the board to view. She explained she had sewer problems in January. There was a hedge row in the front yard that was removed. Showed photos of beautiful English Garden in the back yard and wants to do the same to the front yard. Lives alone, bedroom in the front of the house and hedge offered some degree of security. None of the neighbors have any problems with improvements to this property. Bognar: I need clarification on what you are requesting. Ms. Husvar explained to Bognar and Scinta. Bognar: height? 36" swooping fence. It was noted there was more visibility than when the hedge was there. Picket fence is considered to be a solid fence. Bernosky: shortest fence is 36". Ms. Husvar is asking for a variance of 6 inches which is not substantial. A motion was made by Scinta to approve the variance as it will not produce an undesirable change in the neighborhood, it has been targeted for that specific use and the requested variance is minimal. This will not create any adverse physical or environmental conditions in the neighborhood. A stipulation was made that the fence must be set back 24" from the sidewalk. Second by Bognar. VOTE: Bernosky-yes, Bognar-yes, Horn-no vote, Koch-yes, Scinta-yes. VARIANCE APPROVED.

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. Ms. Bronson was not present to discuss this variance request. Erik Lindhurst was present and explained there

Scinta: Is the 6-foot fence to continue?

BOARD OF APPEALS  
MEETING MINUTES  
MAY 23, 2016  
PAGE 3

is no back-yard. They want to continue the fencing from the deck to the front of the house with the gate on the driveway. Should we postpone to give them the opportunity to speak? Horn: made a motion to revisit this variance next month. Second by Scinta. VOTE: Bernosky-no, Bogner-yes, Horn-no vote, Koch-yes, Scinta-yes. VARIANCE TABLED.

- IV. Variances to be discussed next month:  
NONE

Next meeting June 27, 2016.

Motion to adjourn made by Bernosky. All in favor. Meeting adjourned at 7:15 pm.

Respectfully submitted,

**Melissa Kossow**

Melissa C. Kossow CPS  
Recording Secretary

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