



THE CITY OF BUFFALO
The City of Buffalo Zoning Board of Appeals

901 City Hall

Minutes • July 19, 2017

Buffalo, NY 14202
<http://www.city-buffalo.com>
 James Lewis

Regular

OSP Conference Room
 901 City Hall, 65 Niagara Sq., Buffalo, NY 14202

2:00 PM

I. Call to Order

The meeting was called to order at 2:10 PM by Vice Chairman Anthony Diina

Attendee Name	Present	Absent	Late	Arrived
Bernice Radle	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Thomas Dearing	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Janice McKinnie	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
James A. Lewis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3:21 PM
Anthony Diina	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

II. Minutes Approval

Zoning Board of Appeals - Regular - Jun 21, 2017 2:00 PM

RESULT:	ACCEPTED [4 TO 0]
MOVER:	Bernice Radle
SECONDER:	Anthony Diina, Vice Chairman
AYES:	Bernice Radle, Janice McKinnie, James A. Lewis, Anthony Diina
ABSTAIN:	Thomas Dearing

III. Agenda Items in Room 901 City Hall

Old Business

- 2929 Main Street - Construct 320 dwelling units and commercial space; in excess of permitted front and interior side yards; deficient in required tree conservation; deficient in required interior parking lot landscape; and in excess of permitted driveway width (9431727). N-1C Zone. Section 496-3.2.11.D, 7.1.3, 7.1.5.C and 8.3.2 (Unlisted-Uncoordinated)

Approved variance "In excess of permitted front yard"

RESULT:	APPROVE VARIANCE [UNANIMOUS]
MOVER:	Anthony Diina, Vice Chairman
SECONDER:	Bernice Radle
AYES:	Bernice Radle, Thomas Dearing, Janice McKinnie, Anthony Diina
ABSENT:	James A. Lewis

- 2929 Main Street - Construct Mixed Use Project including 320 apartments, office and retail

Approved variance "Deficient in required interior side yard".

RESULT:	APPROVE VARIANCE [UNANIMOUS]
MOVER:	Bernice Radle
SECONDER:	Janice McKinnie
AYES:	Bernice Radle, Thomas Dearing, Janice McKinnie, Anthony Diina
ABSENT:	James A. Lewis

2929 Main Street - Construct Mixed Use Project including 320 apartments, office and retail

Approved variance "In excess of permitted driveway width".

RESULT:	APPROVE VARIANCE [UNANIMOUS]
MOVER:	Bernice Radle
SECONDER:	Janice McKinnie
AYES:	Bernice Radle, Thomas Dearing, Janice McKinnie, Anthony Diina
ABSENT:	James A. Lewis

2. 700 Military Road - Establish a Self-Storage Use; Use Not Permitted in Zone (9432348). DIH Zone. Section 496-6.1.1. (Unlisted-Uncoordinated)

RESULT:	ACCEPT SEQR DECLARATION [UNANIMOUS]
MOVER:	Bernice Radle
SECONDER:	Janice McKinnie
AYES:	Bernice Radle, Thomas Dearing, Janice McKinnie, Anthony Diina
ABSENT:	James A. Lewis

- 700 Military Road - Establish a Self-Storage Use; Use Not Permitted in Zone (9432348). DIH Zone. Section 496-6.1.1. (Unlisted-Uncoordinated)

RESULT:	APPROVE VARIANCE [UNANIMOUS]
MOVER:	Bernice Radle
SECONDER:	Janice McKinnie
AYES:	Bernice Radle, Thomas Dearing, Janice McKinnie, Anthony Diina
ABSENT:	James A. Lewis

3. 80 Milton Street - Establish a Contractor Storage Facility; Use Not Permitted in Zone (9429996). N-3R Zone. Section 496-6.1.1. (Unlisted- Uncoordinated)

RESULT:	ACCEPT SEQR DECLARATION [UNANIMOUS]
MOVER:	Janice McKinnie
SECONDER:	Anthony Diina, Vice Chairman
AYES:	Bernice Radle, Thomas Dearing, Janice McKinnie, Anthony Diina
ABSENT:	James A. Lewis

- 80 Milton Street - Establish a Contractor Storage Facility; Use Not Permitted in Zone (9429996). N-3R Zone. Section 496-6.1.1. (Unlisted- Uncoordinated)

Denial Reason: Applicant didnot provide proof of financial hardship.

RESULT:	DENY VARIANCE [UNANIMOUS]
MOVER:	Bernice Radle, Anthony Diina
SECONDER:	Janice McKinnie
AYES:	Bernice Radle, Thomas Dearing, Janice McKinnie, Anthony Diina
ABSENT:	James A. Lewis

4. 109 Mayer Avenue - Establish a Contractor Storage Yard; Use Not Permitted in Zone (9431528). N-3R Zone. Section 496-6.1.1. (Unlisted-Uncoordinated)

RESULT:	ACCEPT SEQR DECLARATION [UNANIMOUS]
MOVER:	Janice McKinnie
SECONDER:	Bernice Radle
AYES:	Bernice Radle, Thomas Dearing, Janice McKinnie, Anthony Diina
ABSENT:	James A. Lewis

- 109 Mayer Avenue - Establish a Contractor Storage Yard; Use Not Permitted in Zone (9431528). N-3R Zone. Section 496-6.1.1. (Unlisted-Uncoordinated)

"Denied without prejudice"

RESULT:	DENIED [UNANIMOUS]
MOVER:	Bernice Radle
SECONDER:	Anthony Diina, Vice Chairman
AYES:	Bernice Radle, Thomas Dearing, Janice McKinnie, Anthony Diina
ABSENT:	James A. Lewis

5. 2695 Bailey Avenue - Establish Two Storage Containers in Rear Yard; Storage Containers Not Permitted as Permanent Uses (9429672). D-S Zone. Section 496-6.3.2.E. (Unlisted-Uncoordinated)

RESULT:	ACCEPT SEQR DECLARATION [UNANIMOUS]
MOVER:	Bernice Radle
SECONDER:	Anthony Diina, Vice Chairman
AYES:	Bernice Radle, Thomas Dearing, Janice McKinnie, Anthony Diina
ABSENT:	James A. Lewis

- 2695 Bailey Avenue - Establish Two Storage Containers in Rear Yard; Storage Containers Not Permitted as Permanent Uses (9429672). D-S Zone. Section 496-6.3.2.E. (Unlisted-Uncoordinated)

Applicant asked to provide proof of financial hardship.

RESULT:	TABLED [UNANIMOUS]
	Next: 9/20/2017 2:00 PM
MOVER:	Anthony Diina, Vice Chairman
SECONDER:	Bernice Radle
AYES:	Bernice Radle, Thomas Dearing, Janice McKinnie, Anthony Diina
ABSENT:	James A. Lewis

Public Hearings

6. 79 Rother Avenue - Install Fence; Exceeding Permitted Height (9433288). N-3R Zone. Section 496-7.2.2.B. (Type II)

Applicant must provide "Posted Notice".

RESULT:	TABLED [UNANIMOUS]
	Next: 9/20/2017 2:00 PM
MOVER:	Janice McKinnie
SECONDER:	Anthony Diina, Vice Chairman
AYES:	Bernice Radle, Thomas Dearing, Janice McKinnie, Anthony Diina
ABSENT:	James A. Lewis

7. 39 Lexington Avenue - Install Parking Pad; Not Permitted in Front Yard (9429853). N-2R Zone. Section 496-8.3.3.A. (Type II)

Applicant must provide "Posted Notice".

RESULT:	TABLED [UNANIMOUS]
	Next: 9/20/2017 2:00 PM
MOVER:	Janice McKinnie
SECONDER:	Bernice Radle
AYES:	Bernice Radle, Thomas Dearing, Janice McKinnie, Anthony Diina
ABSENT:	James A. Lewis

8. 135 Herman Street - Construct an Accessory Parking Lot; Use Not Permitted in Zone (9429935). N-3R Zone. Section 496.6.1.1 (Unlisted-Uncoordinated).

RESULT:	CLOSED PUBLIC HEARING [UNANIMOUS]
MOVER:	Bernice Radle
SECONDER:	Janice McKinnie
AYES:	Bernice Radle, Thomas Dearing, Janice McKinnie, Anthony Diina
ABSENT:	James A. Lewis

- 135 Herman Street - Construct an Accessory Parking Lot; Use Not Permitted in Zone (9429935). N-3R Zone. Section 496.6.1.1 (Unlisted-Uncoordinated).

RESULT:	ACCEPT SEQR DECLARATION [UNANIMOUS]
MOVER:	Anthony Diina, Vice Chairman
SECONDER:	Thomas Dearing
AYES:	Bernice Radle, Thomas Dearing, Janice McKinnie, Anthony Diina
ABSENT:	James A. Lewis

135 Herman Street - Construct an Accessory Parking Lot; Use Not Permitted in Zone (9429935). N-3R Zone. Section 496.6.1.1 (Unlisted-Uncoordinated).

Applicant asked to provide proof of financial hardship and a diagram of the parking lot.

RESULT:	TABLED [UNANIMOUS]
	Next: 9/20/2017 2:00 PM
MOVER:	Bernice Radle
SECONDER:	Thomas Dearing
AYES:	Bernice Radle, Thomas Dearing, Janice McKinnie, Anthony Diina
ABSENT:	James A. Lewis

9. 83 Hodge Avenue - Establish a 9-Unit Multiple Dwelling; in Excess of Permitted Density (9431443). N2R Zone. Section 496-3.2.1.E (Unlisted-Uncoordinated)

RESULT:	CLOSED PUBLIC HEARING [UNANIMOUS]
MOVER:	Janice McKinnie
SECONDER:	Thomas Dearing
AYES:	Bernice Radle, Thomas Dearing, Janice McKinnie, Anthony Diina
ABSENT:	James A. Lewis

83 Hodge Avenue - Establish a 9-Unit Multiple Dwelling; in Excess of Permitted Density (9431443). N2R Zone. Section 496-3.2.1.E (Unlisted-Uncoordinated)

RESULT:	ACCEPT SEQR DECLARATION [UNANIMOUS]
MOVER:	Thomas Dearing
SECONDER:	Anthony Diina, Vice Chairman
AYES:	Bernice Radle, Thomas Dearing, Janice McKinnie, Anthony Diina
ABSENT:	James A. Lewis

83 Hodge Avenue - Establish a 9-Unit Multiple Dwelling; in Excess of Permitted Density (9431443). N2R Zone. Section 496-3.2.1.E (Unlisted-Uncoordinated)

Denial Reason: Due to increased density and negative impact on the surrounding neighborhood; applicant also stated that she could accommodate downsizing from 9 units to 8 units.

RESULT:	DENY VARIANCE [UNANIMOUS]
MOVER:	Thomas Dearing
SECONDER:	Bernice Radle
AYES:	Bernice Radle, Thomas Dearing, Janice McKinnie, Anthony Diina
ABSENT:	James A. Lewis

10. 271 Howard Street - Establish Live Entertainment; Use Not Allowed in Zone (9432785). N4-30 Zone. Section 496-6.1.1 (Unlisted-Uncoordinated)

RESULT:	CLOSED PUBLIC HEARING [UNANIMOUS]
MOVER:	Janice McKinnie
SECONDER:	Thomas Dearing
AYES:	Bernice Radle, Thomas Dearing, Janice McKinnie, Anthony Diina
ABSENT:	James A. Lewis

- 271 Howard Street - Establish Live Entertainment; Use Not Allowed in Zone (9432785). N4-30 Zone. Section 496-6.1.1 (Unlisted-Uncoordinated)

RESULT:	ACCEPT SEQR DECLARATION [UNANIMOUS]
MOVER:	Thomas Dearing
SECONDER:	Janice McKinnie
AYES:	Bernice Radle, Thomas Dearing, Janice McKinnie, Anthony Diina
ABSENT:	James A. Lewis

- 271 Howard Street - Establish Live Entertainment; Use Not Allowed in Zone (9432785). N4-30 Zone. Section 496-6.1.1 (Unlisted-Uncoordinated)

Applicant asked to provide proof of financial hardship.

RESULT:	TABLED [UNANIMOUS]
	Next: 9/20/2017 2:00 PM
MOVER:	Thomas Dearing
SECONDER:	Anthony Diina, Vice Chairman
AYES:	Bernice Radle, Thomas Dearing, Janice McKinnie, Anthony Diina
ABSENT:	James A. Lewis

11. 352 Eden Street - Enclose a Front Porch; Porch Must be Open on All Sides Except the Exterior Wall of the House (9433098). N-3R Zone. Section 496-3.3.8. (Type II)

RESULT:	CLOSED PUBLIC HEARING [UNANIMOUS]
MOVER:	Bernice Radle
SECONDER:	Janice McKinnie
AYES:	Bernice Radle, Thomas Dearing, Janice McKinnie, Anthony Diina
ABSENT:	James A. Lewis

- 352 Eden Street - Enclose a Front Porch; Porch Must be Open on All Sides Except the Exterior Wall of the House (9433098). N-3R Zone. Section 496-3.3.8. (Type II)

Denial Reason: Due to the existence of open porches and front vestibules on the majority of the block; the inconsistency of enclosing the front porch with the character of the neighborhood and other porches in that area.

RESULT:	DENY VARIANCE [UNANIMOUS]
MOVER:	Thomas Dearing
SECONDER:	Bernice Radle
AYES:	Bernice Radle, Thomas Dearing, Janice McKinnie, Anthony Diina
ABSENT:	James A. Lewis

12. 754 Tonawanda Street - Establish Self-Storage Use; Not Permitted on the First Floor (9433978). N-3C Zone. Section 496-6.1.5.V. (Type II)

RESULT:	CLOSED PUBLIC HEARING [UNANIMOUS]
MOVER:	Thomas Dearing
SECONDER:	Janice McKinnie
AYES:	Bernice Radle, Thomas Dearing, Janice McKinnie, Anthony Diina
ABSENT:	James A. Lewis

- 754 Tonawanda Street - Establish Self-Storage Use; Not Permitted on the First Floor (9433978). N-3C Zone. Section 496-6.1.5.V. (Type II)

CONDITIONS:

*The request will have minimal impact to the character of the Tonawanda/Ontario Street mixed use neighborhood.

*Approval only applies to the garage portion of the space not the first floor.

RESULT:	APPROVE VARIANCE W/COND [UNANIMOUS]
MOVER:	Thomas Dearing
SECONDER:	Anthony Diina, Vice Chairman
AYES:	Bernice Radle, Thomas Dearing, Janice McKinnie, Anthony Diina
ABSENT:	James A. Lewis

13. 125 Washington Street - Utilize Existing Electronic Messaging Center for Animated Messages; Electronic Messaging Centers Must be Static for at Least Five Minutes Before Changing (9433960). N-1C Zone. Section 496-9.1.5.B.4. (Unlisted-Uncoordinated)

RESULT:	CLOSED PUBLIC HEARING [UNANIMOUS]
MOVER:	Bernice Radle
SECONDER:	Janice McKinnie
AYES:	Bernice Radle, Thomas Dearing, Janice McKinnie, Anthony Diina
ABSENT:	James A. Lewis

- 125 Washington Street - Utilize Existing Electronic Messaging Center for Animated Messages; Electronic Messaging Centers Must be Static for at Least Five Minutes Before Changing (9433960). N-1C Zone. Section 496-9.1.5.B.4. (Unlisted-Uncoordinated)

RESULT:	ACCEPT SEQR DECLARATION [UNANIMOUS]
MOVER:	Janice McKinnie
SECONDER:	Anthony Diina, Vice Chairman
AYES:	Bernice Radle, Thomas Dearing, Janice McKinnie, Anthony Diina
ABSENT:	James A. Lewis

125 Washington Street - Utilize Existing Electronic Messaging Center for Animated Messages; Electronic Messaging Centers Must be Static for at Least Five Minutes Before Changing (9433960). N-1C Zone. Section 496-9.1.5.B.4. (Unlisted-Uncoordinated)

Denial Reason: Does not fit within the character of the neighborhood community; it is a substantial variance; video messaging is not allowed in the city in this zone.

RESULT:	DENY VARIANCE [UNANIMOUS]
MOVER:	Bernice Radle
SECONDER:	Thomas Dearing
AYES:	Bernice Radle, Thomas Dearing, Janice McKinnie, Anthony Diina
ABSENT:	James A. Lewis

14. 297 West Utica - Construct apartment building not in compliance with side yard and rear yard requirements, excess of permitted residential density; and garage not setback from front facade of principal building (9433969). N-2R Zone. Section 496-3.2.11.D, -3.2.1.E, -6.2.2.G (Type I)

RESULT:	CLOSED PUBLIC HEARING [UNANIMOUS]
MOVER:	Bernice Radle
SECONDER:	Anthony Diina, Vice Chairman
AYES:	Radle, Dearing, McKinnie, Lewis, Diina

297 West Utica - Construction of New 9 Unit Multifamily Structure (N-2R)

Approved variance "Not in compliance with side yard and rear yard requirements".

RESULT:	APPROVE VARIANCE [UNANIMOUS]
MOVER:	Bernice Radle
SECONDER:	Anthony Diina, Vice Chairman
AYES:	Radle, Dearing, McKinnie, Lewis, Diina

297 West Utica - Construction of New 9 Unit Multifamily Structure (N-2R)

Approved variance "Excess of permitted residential density".

RESULT:	APPROVE VARIANCE [UNANIMOUS]
MOVER:	Anthony Diina, Vice Chairman
SECONDER:	Thomas Dearing
AYES:	Radle, Dearing, McKinnie, Lewis, Diina

297 West Utica - Construction of New 9 Unit Multifamily Structure (N-2R)

Approved variance "Garage not setback from front facade of principal building".

RESULT:	APPROVE VARIANCE [UNANIMOUS]
MOVER:	Thomas Dearing
SECONDER:	Bernice Radle
AYES:	Radle, Dearing, McKinnie, Lewis, Diina

15. 119 Glenwood Avenue - Construct a Attached Garage and Enclose a Front Porch; Garage Insufficient in Setback from Front Facade, Exceeding Permitted Driveway Width, and Porch Must be Open on All Sides Except the Exterior Wall of the House (9433962). N-2R Zone. Section 496-6.2.2.G, -8.3.2. and -3.3.8. (Type II)

RESULT:	CLOSED PUBLIC HEARING [UNANIMOUS]
MOVER:	Bernice Radle
SECONDER:	Anthony Diina, Vice Chairman
AYES:	Radle, Dearing, McKinnie, Lewis, Diina

- 119 Glenwood Avenue - Construct a Attached Garage and Enclose a Front Porch; Garage Insufficient in Setback from Front Facade, Exceeding Permitted Driveway Width, and Porch Must be Open on All Sides Except the Exterior Wall of the House (9433962). N-2R Zone. Section 496-6.2.2.G, -8.3.2. and -3.3.8. (Type II)

RESULT:	TABLED [4 TO 1]
	Next: 9/20/2017 2:00 PM
MOVER:	Anthony Diina, Vice Chairman
SECONDER:	Bernice Radle
AYES:	Bernice Radle, Janice McKinnie, James A. Lewis, Anthony Diina
NAYS:	Thomas Dearing

16. 110 Villa Avenue - Install a Front Parking Pad; Not Permitted in Front Yard (9433899). N-3R Zone. Section 496-8.3.3.A.2. (Type II)

RESULT:	CLOSED PUBLIC HEARING [UNANIMOUS]
MOVER:	Bernice Radle
SECONDER:	Anthony Diina, Vice Chairman
AYES:	Radle, Dearing, McKinnie, Lewis, Diina

- 110 Villa Avenue - Install a Front Parking Pad; Not Permitted in Front Yard (9433899). N-3R Zone. Section 496-8.3.3.A.2. (Type II)

Denial Reason: The presence of alternative parking spaces on the street and the lack of other parking pads on the block.

RESULT:	DENY VARIANCE [UNANIMOUS]
MOVER:	Thomas Dearing
SECONDER:	Anthony Diina, Vice Chairman
AYES:	Radle, Dearing, McKinnie, Lewis, Diina

17. 505 Seventh Street - Install Sign, Exceeding Maximum Sign Area (9433540). N-2R Zone. Section 496-9.2.1C. (Type II)

RESULT:	CLOSED PUBLIC HEARING [UNANIMOUS]
MOVER:	Bernice Radle
SECONDER:	Anthony Diina, Vice Chairman
AYES:	Radle, Dearing, McKinnie, Lewis, Diina

505 Seventh Street - Install Sign, Exceeding Maximum Sign Area (9433540). N-2R Zone. Section 496-9.2.1C. (Type II)

RESULT:	APPROVE VARIANCE [UNANIMOUS]
MOVER:	Thomas Dearing
SECONDER:	Anthony Diina, Vice Chairman
AYES:	Radle, Dearing, McKinnie, Lewis, Diina

18. 141 Vermont Street - Install 10 Yard Signs for Civic Use, Exceeding Number of Signs Permitted and Total Sign Area Permitted (9433627). N-2R Zone. Section 496-9.2.1.B and C. (Type II)

RESULT:	CLOSED PUBLIC HEARING [UNANIMOUS]
MOVER:	Bernice Radle
SECONDER:	Anthony Diina, Vice Chairman
AYES:	Radle, Dearing, McKinnie, Lewis, Diina

141 Vermont Street - Install 10 Yard Signs for Civic Use, Exceeding Number of Signs Permitted and Total Sign Area Permitted (9433627). N-2R Zone. Section 496-9.2.1.B and C. (Type II)

Approved variance " Exceeding number of signs permitted".

RESULT:	APPROVE VARIANCE [UNANIMOUS]
MOVER:	Anthony Diina, Vice Chairman
SECONDER:	Janice McKinnie
AYES:	Radle, Dearing, McKinnie, Lewis, Diina

141 Vermont Street - Install 10 Yard Signs for Civic Use, Exceeding Number of Signs Permitted and Total Sign Area Permitted (9433627). N-2R Zone. Section 496-9.2.1.B and C. (Type II)

Approve variance - "Total sign area permitted".

RESULT:	APPROVE VARIANCE [UNANIMOUS]
MOVER:	Anthony Diina, Vice Chairman
SECONDER:	Janice McKinnie
AYES:	Radle, Dearing, McKinnie, Lewis, Diina

19. 192 15Th Street - Construct Two Single-Family Dwellings; Insufficient in Build-To Percentage, Insufficient Side Yard, Insufficient Transparency Along Ground Floor Facade, Insufficient Transparency Along Second Floor Facade, Driveway in Excess of Permitted Width, and Parking Not Permitted in Front Yard (9432557). N-2R Zone. Section 496-3.2.6.D, -3.2.6.F, -3.3.8.1, -8.3.2 and -8.3.3.A.2. (Type II)

RESULT:	CLOSED PUBLIC HEARING [UNANIMOUS]
MOVER:	Anthony Diina, Vice Chairman
SECONDER:	Thomas Dearing
AYES:	Radle, Dearing, McKinnie, Lewis, Diina

192 15Th Street - Construct Two Single-Family Dwellings; Insufficient in Build-To Percentage, Insufficient Side Yard, Insufficient Transparency Along Ground Floor Facade, Insufficient Transparency Along Second Floor Facade, Driveway in Excess of Permitted Width, and Parking Not Permitted in Front Yard (9432557). N-2R Zone. Section 496-3.2.6.D, -3.2.6.F, -3.3.8.1, -8.3.2 and -8.3.3.A.2. (Type II)

RESULT:	TABLED [UNANIMOUS]
	Next: 9/20/2017 2:00 PM
MOVER:	Thomas Dearing
SECONDER:	Anthony Diina, Vice Chairman
AYES:	Radle, Dearing, McKinnie, Lewis, Diina

20. 227 14Th Street - Construct Parking Lot; Not Permitted in Interior Side Yard and Must be Designed So that the Driver Does Not Have to Back Out into Traffic (9434124). N-2R Zone. Section 496-8.3.3.A and -8.3.1.D.2. ((Unlisted-Uncoordinated))

RESULT:	CLOSED PUBLIC HEARING [UNANIMOUS]
MOVER:	Bernice Radle
SECONDER:	Anthony Diina, Vice Chairman
AYES:	Radle, Dearing, McKinnie, Lewis, Diina

227 14Th Street - Construct Parking Lot; Not Permitted in Interior Side Yard and Must be Designed So that the Driver Does Not Have to Back Out into Traffic (9434124). N-2R Zone. Section 496-8.3.3.A and -8.3.1.D.2. ((Unlisted-Uncoordinated))

RESULT:	ACCEPT SEQR DECLARATION [UNANIMOUS]
MOVER:	Anthony Diina, Vice Chairman
SECONDER:	Bernice Radle
AYES:	Radle, Dearing, McKinnie, Lewis, Diina

227 14Th Street - Construct Parking Lot; Not Permitted in Interior Side Yard and Must be Designed So that the Driver Does Not Have to Back Out into Traffic (9434124). N-2R Zone. Section 496-8.3.3.A and -8.3.1.D.2. ((Unlisted-Uncoordinated))

Denied variance for "Not permitted in interior side yard".

Denial Reason: The unsafe vehicle movements which would result in the existence of on street parking in an area which provides feasible alternatives to the proposed off street parking area.

RESULT:	DENY VARIANCE [UNANIMOUS]
MOVER:	Thomas Dearing
SECONDER:	Bernice Radle
AYES:	Radle, Dearing, McKinnie, Lewis, Diina

227 14Th Street - Construct Parking Lot; Not Permitted in Interior Side Yard and Must be Designed So that the Driver Does Not Have to Back Out into Traffic (9434124). N-2R Zone. Section 496-8.3.3.A and -8.3.1.D.2. ((Unlisted-Uncoordinated))

Denied variance for "Must be designed so that the drive does not have to back out into traffic".

Denial Reason: The unsafe vehicle movements which would result in the existence of on street parking in an area which provides feasible alternatives to the proposed off street parking area.

RESULT:	DENY VARIANCE [UNANIMOUS]
MOVER:	Thomas Dearing
SECONDER:	Anthony Diina, Vice Chairman
AYES:	Radle, Dearing, McKinnie, Lewis, Diina

21. 2424 Delaware Avenue - Install Electronic Messaging Center; Not Permitted in Zone and Must be Static for at Least Five Minutes (9434108). N-3E Zone. Section 496-9.1.5.A and - 9.1.5.B.4. (Unlisted-Uncoordinated)

RESULT:	CLOSED PUBLIC HEARING [UNANIMOUS]
MOVER:	Janice McKinnie
SECONDER:	Anthony Diina, Vice Chairman
AYES:	Radle, Dearing, McKinnie, Lewis, Diina

- 2424 Delaware Avenue - Install Electronic Messaging Center; Not Permitted in Zone and Must be Static for at Least Five Minutes (9434108). N-3E Zone. Section 496-9.1.5.A and - 9.1.5.B.4. (Unlisted-Uncoordinated)

RESULT:	ACCEPT SEQR DECLARATION [UNANIMOUS]
MOVER:	Bernice Radle
SECONDER:	Janice McKinnie
AYES:	Radle, Dearing, McKinnie, Lewis, Diina

- 2424 Delaware Avenue - Install Electronic Messaging Center; Not Permitted in Zone and Must be Static for at Least Five Minutes (9434108). N-3E Zone. Section 496-9.1.5.A and - 9.1.5.B.4. (Unlisted-Uncoordinated)

Approved variance for "Not permitted in zone".

RESULT:	APPROVE VARIANCE [3 TO 2]
MOVER:	Anthony Diina, Vice Chairman
SECONDER:	Janice McKinnie
AYES:	Janice McKinnie, James A. Lewis, Anthony Diina
NAYS:	Bernice Radle, Thomas Dearing

- 2424 Delaware Avenue - Install Electronic Messaging Center; Not Permitted in Zone and Must be Static for at Least Five Minutes (9434108). N-3E Zone. Section 496-9.1.5.A and - 9.1.5.B.4. (Unlisted-Uncoordinated)

Approved with Conditions the variance for "Must be static for at least five minutes".

CONDITION:

* Message cannot change more than twice per minute to be less invasive to the neighborhood.

RESULT:	APPROVE VARIANCE W/COND [3 TO 2]
MOVER:	Anthony Diina, Vice Chairman
SECONDER:	Janice McKinnie
AYES:	Janice McKinnie, James A. Lewis, Anthony Diina
NAYS:	Bernice Radle, Thomas Dearing

22. 527 West Ferry Street - Construct an Art Gallery; Not in Compliance with Setback and Height Requirements, and Use Not Permitted in Zone (9434096). N-2R Zone. Section 496-3.2.11.D.E and -6.1.1. (Unlisted-Uncoordinated)

RESULT:	CLOSED PUBLIC HEARING [UNANIMOUS]
MOVER:	Anthony Diina, Vice Chairman
SECONDER:	Thomas Dearing
AYES:	Radle, Dearing, McKinnie, Lewis, Diina

- 527 West Ferry Street - Construct an Art Gallery; Not in Compliance with Setback and Height Requirements, and Use Not Permitted in Zone (9434096). N-2R Zone. Section 496-3.2.11.D.E and -6.1.1. (Unlisted-Uncoordinated)

Approved variance for "Not in compliance with setback requirements".

RESULT:	APPROVE VARIANCE [4 TO 0]
MOVER:	Anthony Diina, Vice Chairman
SECONDER:	Janice McKinnie
AYES:	Thomas Dearing, Janice McKinnie, James A. Lewis, Anthony Diina
ABSTAIN:	Bernice Radle

- 527 West Ferry Street - Construct an Art Gallery; Not in Compliance with Setback and Height Requirements, and Use Not Permitted in Zone (9434096). N-2R Zone. Section 496-3.2.11.D.E and -6.1.1. (Unlisted-Uncoordinated)

Approved variance for "Use not permitted in zone".

RESULT:	APPROVE VARIANCE [4 TO 0]
MOVER:	Anthony Diina, Vice Chairman
SECONDER:	Janice McKinnie
AYES:	Thomas Dearing, Janice McKinnie, James A. Lewis, Anthony Diina
ABSTAIN:	Bernice Radle

23. 2475 Niagara Street - Construct a One Story Addition to House, Insufficient in Interior Side Yard (9434037). N-3R Zone. Section 496-3.2.6.D. (Type II)

RESULT:	CLOSED PUBLIC HEARING [UNANIMOUS]
MOVER:	Anthony Diina, Vice Chairman
SECONDER:	Bernice Radle
AYES:	Radle, Dearing, McKinnie, Lewis, Diina

- 2475 Niagara Street - Construct a One Story Addition to House, Insufficient in Interior Side Yard (9434037). N-3R Zone. Section 496-3.2.6.D. (Type II)

RESULT:	APPROVE VARIANCE [UNANIMOUS]
MOVER:	Thomas Dearing
SECONDER:	Bernice Radle
AYES:	Radle, Dearing, McKinnie, Lewis, Diina

24. 55 Ojibwa Circle - Construct Two Town Houses; Deficient in Ground Floor Transparency and Garage Setback (9434214). D-R Zone. Section 496-4.1.6 and -6.2.2.G. (Type II)

RESULT:	CLOSED PUBLIC HEARING [UNANIMOUS]
MOVER:	Anthony Diina, Vice Chairman
SECONDER:	Thomas Dearing
AYES:	Radle, Dearing, McKinnie, Lewis, Diina

- 55 Ojibwa Circle - Construct Two Town Houses; Deficient in Ground Floor Transparency and Garage Setback (9434214). D-R Zone. Section 496-4.1.6 and -6.2.2.G. (Type II)

Approved variance for "Deficient in ground floor".

RESULT:	APPROVE VARIANCE [UNANIMOUS]
MOVER:	Anthony Diina, Vice Chairman
SECONDER:	Thomas Dearing
AYES:	Radle, Dearing, McKinnie, Lewis, Diina

- 55 Ojibwa Circle - Construct Two Town Houses; Deficient in Ground Floor Transparency and Garage Setback (9434214). D-R Zone. Section 496-4.1.6 and -6.2.2.G. (Type II)

Approved variance for "Transparency".

RESULT:	APPROVE VARIANCE [UNANIMOUS]
MOVER:	Anthony Diina, Vice Chairman
SECONDER:	Thomas Dearing
AYES:	Radle, Dearing, McKinnie, Lewis, Diina

- 55 Ojibwa Circle - Construct Two Town Houses; Deficient in Ground Floor Transparency and Garage Setback (9434214). D-R Zone. Section 496-4.1.6 and -6.2.2.G. (Type II)

Approve variance for "Garage setback".

RESULT:	APPROVE VARIANCE [UNANIMOUS]
MOVER:	Thomas Dearing
SECONDER:	Anthony Diina, Vice Chairman
AYES:	Radle, Dearing, McKinnie, Lewis, Diina

IV. Agenda Items in Council Chambers @4:30pm

Public Hearings

25. 1764 Hertel -Construct a grocery store; Exceed max lot width; Exceed max side yard width; Deficient in rear yard; Deficient in ground floor transparency front facade; Deficient in ground floor transparency corner side facade; Exceed ground floor sill height front & corner facades; Exceed fence height; Deficient interior parking lot landscape; Parking not permitted interior side yard. N-3C. Section 496- 325.C.B, 325.D.E, 325.D.F, 325.F.A., 325.F.B, 325.F.F, 7.2.2.B, 7.1.5.C, 8.3.3.A

RESULT:	CLOSED PUBLIC HEARING [UNANIMOUS]
MOVER:	Anthony Diina, Vice Chairman
SECONDER:	Janice McKinnie
AYES:	Radle, Dearing, McKinnie, Lewis, Diina

1764 Hertel Avenue - Dash's Market - Construction of a New Grocery Store (N-3C)

Approved variance for "Exceeds max lot width".

RESULT:	APPROVE VARIANCE [UNANIMOUS]
MOVER:	Anthony Diina, Vice Chairman
SECONDER:	Janice McKinnie
AYES:	Radle, Dearing, McKinnie, Lewis, Diina

1764 Hertel Avenue - Dash's Market - Construction of a New Grocery Store (N-3C)

Approved variance for "Exceeds max side yard width".

RESULT:	APPROVE VARIANCE [UNANIMOUS]
MOVER:	Anthony Diina, Vice Chairman
SECONDER:	Thomas Dearing
AYES:	Radle, Dearing, McKinnie, Lewis, Diina

1764 Hertel Avenue - Dash's Market - Construction of a New Grocery Store (N-3C)

Approved variance for "Deficient in rear yard".

RESULT:	APPROVE VARIANCE [UNANIMOUS]
MOVER:	Thomas Dearing
SECONDER:	Anthony Diina, Vice Chairman
AYES:	Radle, Dearing, McKinnie, Lewis, Diina

1764 Hertel Avenue - Dash's Market - Construction of a New Grocery Store (N-3C)

Approved with Conditions variance for "Deficient in ground floor transparency front facade".

CONDITIONS:

*Sixty percent minimum window fenestration/transparency is achieved on the front facade

*Applicant is not allowed to place in windows (that provide direct viewing access into the store) any advertisements or posters on those windows.

RESULT:	APPROVE VARIANCE W/COND [4 TO 1]
MOVER:	Bernice Radle
SECONDER:	Anthony Diina, Vice Chairman
AYES:	Bernice Radle, Janice McKinnie, James A. Lewis, Anthony Diina
NAYS:	Thomas Dearing

1764 Hertel Avenue - Dash's Market - Construction of a New Grocery Store (N-3C)

Approved with Conditions variance for "Deficient in ground floor transparency corner side facade".

CONDITION:

*The architect provide some type of relief during the non summer months when the cafe cannot be operational that is acceptable by the Planning Board Staff during the site plan review.

RESULT:	APPROVE VARIANCE W/COND [UNANIMOUS]
MOVER:	Anthony Diina, Vice Chairman
SECONDER:	Janice McKinnie
AYES:	Radle, Dearing, McKinnie, Lewis, Diina

1764 Hertel Avenue - Dash's Market - Construction of a New Grocery Store (N-3C)

Approved variance for "Exceeds ground floor sill height front and corner facades".

RESULT:	APPROVE VARIANCE [UNANIMOUS]
MOVER:	Anthony Diina, Vice Chairman
SECONDER:	Thomas Dearing
AYES:	Radle, Dearing, McKinnie, Lewis, Diina

1764 Hertel Avenue - Dash's Market - Construction of a New Grocery Store (N-3C)

Approved with Conditions variance for "Exceeds fence height".

CONDITION:

*Only the fence parallel to Hertel Avenue between Hertel and Windgate along the back lot line.

RESULT:	APPROVE VARIANCE W/COND [UNANIMOUS]
MOVER:	Anthony Diina, Vice Chairman
SECONDER:	Thomas Dearing
AYES:	Radle, Dearing, McKinnie, Lewis, Diina

1764 Hertel Avenue - Dash's Market - Construction of a New Grocery Store (N-3C)

Approved variance for "Deficient interior parking lot landscape".

CONDITION:

*Ten percent including the buffer area that is within the public right of way.

RESULT:	APPROVE VARIANCE W/COND [UNANIMOUS]
MOVER:	Anthony Diina, Vice Chairman
SECONDER:	Bernice Radle
AYES:	Radle, Dearing, McKinnie, Lewis, Diina

1764 Hertel Avenue - Dash's Market - Construction of a New Grocery Store (N-3C)

Approved variance for "Parking not permitted interior side yard".

RESULT:	APPROVE VARIANCE [UNANIMOUS]
MOVER:	Bernice Radle
SECONDER:	Anthony Diina, Vice Chairman
AYES:	Radle, Dearing, McKinnie, Lewis, Diina

26. 1111 Elmwood Avenue - Construct a Four-Story Mixed Use Building in Excess of Permitted Lot Width and No More Than Two Parcels May be Combined for the Purposes of New Construction (9421384). N-2C Zone. Section 496-3.2.5.C and -3.2.1.J

RESULT:	CLOSED PUBLIC HEARING [UNANIMOUS]
MOVER:	Anthony Diina, Vice Chairman
SECONDER:	Janice McKinnie
AYES:	Radle, Dearing, McKinnie, Lewis, Diina

- 1111 Elmwood Avenue - Construct a Four-Story Mixed Use Building in Excess of Permitted Lot Width and No More Than Two Parcels May be Combined for the Purposes of New Construction (9421384). N-2C Zone. Section 496-3.2.5.C and -3.2.1.J

Adopted Interested Agency SEQR Findings

RESULT:	ADOPTED [4 TO 1]
MOVER:	Anthony Diina, Vice Chairman
SECONDER:	Janice McKinnie
AYES:	Thomas Dearing, Janice McKinnie, James A. Lewis, Anthony Diina
NAYS:	Bernice Radle

- 1111 Elmwood Avenue - Construct a Four-Story Mixed Use Building in Excess of Permitted Lot Width and No More Than Two Parcels May be Combined for the Purposes of New Construction (9421384). N-2C Zone. Section 496-3.2.5.C and -3.2.1.J

Approved variance for "Construct a four-story mixed use building in excess of permitted lot width".

RESULT:	APPROVE VARIANCE [UNANIMOUS]
MOVER:	Anthony Diina, Vice Chairman
SECONDER:	Thomas Dearing
AYES:	Radle, Dearing, McKinnie, Lewis, Diina

- 1111 Elmwood Avenue - Construct a Four-Story Mixed Use Building in Excess of Permitted Lot Width and No More Than Two Parcels May be Combined for the Purposes of New Construction (9421384). N-2C Zone. Section 496-3.2.5.C and -3.2.1.J

Approved variance for "No more than two parcels may be combined for the purposes of new construction".

RESULT:	APPROVE VARIANCE [UNANIMOUS]
MOVER:	Anthony Diina, Vice Chairman
SECONDER:	Janice McKinnie
AYES:	Radle, Dearing, McKinnie, Lewis, Diina

Old Business

27. 1111 Elmwood Avenue - Construct a four-story mixed-use building; in excess of permitted building width, in excess of permitted height, in excess of permitted finished ground floor level height, insufficient ground story height, in excess of permitted window sill height, and frontage element(stoop) not permitted. N-2C & N-2R Zones. Section 496-3.2.1.C.5, 3.2.5.E.A, 3.2.5.E.C, 3.2.5.E.D, 3.2.5.F.F, 3.2.5.B

Approved variance for "In excess of permitted building width".

RESULT:	APPROVE VARIANCE [UNANIMOUS]
MOVER:	Anthony Diina, Vice Chairman
SECONDER:	Janice McKinnie
AYES:	Radle, Dearing, McKinnie, Lewis, Diina

1111 Elmwood Avenue

Approved variance for "In excess of permitted height"

RESULT:	APPROVE VARIANCE [UNANIMOUS]
MOVER:	Anthony Diina, Vice Chairman
SECONDER:	Bernice Radle
AYES:	Radle, Dearing, McKinnie, Lewis, Diina

1111 Elmwood Avenue

Approve variance for "In excess of permitted finished ground floor level height".

RESULT:	APPROVE VARIANCE [3 TO 2]
MOVER:	Anthony Diina, Vice Chairman
SECONDER:	Janice McKinnie
AYES:	Janice McKinnie, James A. Lewis, Anthony Diina
NAYS:	Bernice Radle, Thomas Dearing

1111 Elmwood Avenue

Approve variance for "Insufficient ground story height".

RESULT:	APPROVE VARIANCE [3 TO 2]
MOVER:	Anthony Diina, Vice Chairman
SECONDER:	Janice McKinnie
AYES:	Janice McKinnie, James A. Lewis, Anthony Diina
NAYS:	Bernice Radle, Thomas Dearing

1111 Elmwood Avenue

Approve variance for "In excess of permitted window sill height"

RESULT:	APPROVE VARIANCE [3 TO 2]
MOVER:	Anthony Diina, Vice Chairman
SECONDER:	Janice McKinnie
AYES:	Janice McKinnie, James A. Lewis, Anthony Diina
NAYS:	Bernice Radle, Thomas Dearing

1111 Elmwood Avenue

Approve variance for Frontage element (stoop) not permitted".

RESULT:	APPROVE VARIANCE [3 TO 2]
MOVER:	Anthony Diina, Vice Chairman
SECONDER:	Janice McKinnie
AYES:	Janice McKinnie, James A. Lewis, Anthony Diina
NAYS:	Bernice Radle, Thomas Dearing

City Clerk