

MINUTES
MUNICIPAL BUILDING
ZONING BOARD OF APPEALS

November 24, 2020

6:00 P.M.

PRESENT: Kevin Foltz, Chairman, Andy Rosenberg, Nancy Babis, Meghan Lutz, Lynn Harper, Jason Dool, Chief Building Inspector

EXCUSED: Tom Hull, Sheila Tracy

The Chairman explained to those present the procedure followed in these Hearings, First the explanation by the Appellant as to what he/she is appealing for, second, any questions those present wish to ask to clarify the appeal, and third, the Board will hear any opinions for or against the granting of this variance. The chairman stressed the point that anyone wishing to speak must first state their name and address.

Roll call was taken by Chairman Kevin Foltz and all the members present stated that they have seen the properties.

The first case to be called was Case No. 2222, Appeal of Jennifer Bohlman to demolish the existing detached garage and erect a 20' x 24' detached garage located at 104 Grant Street, Lockport, New York situated in an R-1 Zone.

Ms. Bohlman stated that she would like to erect a 20' x 24' garage where the existing one is now. She said that it will be in the same location with the same proximity to the neighboring property. She said that it will be a little wide and taller.

Mr. Foltz asked if this is going to be a steel building.

Ms. Bohlman said yes.

Mr. Foltz asked if the color is going to match the house.

Ms. Bohlman said yes.

Mr. Foltz asked why the garage needs to be so high.

Ms. Bohlman said for storage. She said that her husband run his business out of the garage.

Mr. Foltz questioned the business being in the garage. He asked what type of business it is.

Ms. Bohlman said that it is a garage door business. She said that he stores the garage doors at their house now and they need the storage space.

Ms. Lutz asked if they could move the garage farther from the property line.

Ms. Bohlman said that they have drainage in their yard that they would have to move. She said that if they move the driveway it would cover the drainage up and it is costly to move it.

The meeting was opened to the public.

Ms. Lacy Muscato, 100 Grant Street, stated that she is for the project and so is her husband.

The meeting was closed to the public.

Mr. Foltz asked if they are going to install gutters on the garage to keep the water off of their neighbor's property.

Ms. Bohlman said yes.

Mr. Foltz said that they need to make sure any lights on the garage point away from their neighbors.

Mr. Foltz stated that he has a problem with the garage being 22' tall. He said they usually only allow them to be 16' tall.

Ms. Bohlman said that there are several garages higher than 16' going toward Washburn Street.

Mr. Foltz said that those are preexisting. He said that when you build a new one it can only be 16' high. He said that he doesn't have a problem with the garage being 3.25' from the property line because it is already there.

Ms. Lutz asked Ms. Bohlman if she would consider reducing the height of the garage.

Ms. Bohlman said that it wouldn't suit their needs if they reduced the height.

Ms. Lutz said that going from 16' to 22' is a lot. She asked if Ms. Bohlman would be willing to compromise.

Ms. Bohlman said that they looked at a building that has a gambrel style roof but the cost difference is significant.

Ms. Harper asked why they can't order what they want.

Ms. Bohlman said because of how they want to use the garage, they want a taller lower level.

Ms. Harper asked how high they want the lower level.

Ms. Bohlman said that it is all in the plans, they want a 20' x 24' x 22' garage with 10' high ceilings in the lower floor and an attic above.

Mr. Foltz said that he has a problem with the height.

There being nothing further Nancy Babis made a motion to approve the variance to erect a 20' x 24' garage to be 3.25' from the west line as follows:

AND IT APPEARING, benefit cannot be achieved by other means feasible to the applicant, and

WHEREAS, there will be no change to the character of the neighborhood, and

WHEREAS, request is not substantial, and

WHEREAS, there will be no adverse physical or environmental effect, and

WHEREAS, alleged difficulty is not self-created, and

WHEREAS, premises shall be kept in a neat, clean and orderly condition

Seconded by Andy Rosenberg.

Kevin Foltz-yes
Andy Rosenberg-yes
Nancy Babis-yes
Meghan Lutz-yes
Lynn Harper-yes

AREA VARIANCE GRANTED

Meghan Lutz made a motion to approve the request to erect a 20' x 24' detached garage to be 22' in height as follows:

AND IT APPEARING, benefit cannot be achieved by other means feasible to the applicant, and

WHEREAS, there will be no change to the character of the neighborhood, and

WHEREAS, request is not substantial, and

WHEREAS, there will be no adverse physical or environmental effect, and

WHEREAS, alleged difficulty is not self-created, and

WHEREAS, premises shall be kept in a neat, clean and orderly condition

Seconded by Andy Rosenberg.

Kevin Foltz-no
Andy Rosenberg-yes
Nancy Babis-yes
Meghan Lutz-yes
Lynn Harper-no

AREA VARIANCE DENIED

After discussion regarding the vote it was determined that due to the absence of two Board members that a 3-2 split is a denial.

Meghan Lutz made a motion to approve the request to erect a 20' x 24' detached garage as follows:

AND IT APPEARING, the garage be a maximum 18' in height,

WHEREAS, benefit cannot be achieved by other means feasible to the applicant, and

WHEREAS, there will be no change to the character of the neighborhood, and

WHEREAS, request is not substantial, and

WHEREAS, there will be no adverse physical or environmental effect, and

WHEREAS, alleged difficulty is not self-created, and

WHEREAS, premises shall be kept in a neat, clean and orderly condition

Seconded by Nancy Babis.

Kevin Foltz-no
Andy Rosenberg-yes
Nancy Babis-yes
Meghan Lutz-yes
Lynn Harper-yes

AREA VARIANCE GRANTED

The next case to be called was Case No. 2223, Appeal of Falcon Land Development to utilize the property to erect single family homes located at 500 Park Lane Circle, Lockport, New York situated in an R-3 Zone.

Mr. Richard Gicewicz was present virtually from Falcon Land Development.

Mr. Gicewicz stated that they have a contract to purchase the 8.25-acre parcel of vacant land on Park Lane Circle. He said that they appeared before the Planning Board who was comfortable with the project as long as the use variance was granted. He said that they would like to be able to erect single family homes in an R-3 Zone. He said that the property is uniquely shaped. He said that part of the parcel is in the flood zone and there is a limited part of the parcel in wetland. He said that they feel single family homes is more marketable and will have no adverse effect on the neighborhood. He said that there is vacant land to the east of this property, single family homes to the west and commercial property behind. He said that they feel this is the best use of the property. He said that building single family homes will have a lower density than building multifamily homes.

Mr. Foltz asked what size lots these are going to be.

Mr. Gicewicz said that they are very good sized. He said that there will be 14 building lots ranging from .29 acres to 1.4 acres.

Mr. Foltz said that they just want to ensure the lots are buildable.

The meeting was opened to the public.

Mr. Jason Dool explained to the public that the current zoning of the property is R-3 and someone could just apply for permits to build an unlimited number of units without having to come in front of this Board. He said that the City Engineering Department has looked at the utilities and they are satisfied with the utilizes. He said that Falcon will be installed new water and sewer to finish the existing City mains. He said that this will reduce the density from what the City allows. He explained that the Residential Code dictates what can be built in a flood zone not this Board.

Ms. Alma Lafferty, owner of 503 Park Lane Circle said that she has no plans to build units on her property. She said that she has spoken to people in community and they would like to see more parks and recreation be installed. She said that her team has done environmental studies and are going to make sure that they follow all of the NYS and Federal guidelines for wetlands. She said that she has spoken to some elderly people that would like to see more luxury apartments be built. She said that she hopes what is being built at 500 Park Lane is affordable.

Mr. Dave Bernardi, 165 Park Lane Circle, stated that he lives across the street from the property. He asked what the price range of the homes would be and if there is going to be a new road cut in.

Mr. Gicewicz stated that the prices would range from 250K to 400K. He said that all of the parcels will have frontage on Park Lane Circle and no new roads would be installed.

Ms. Patricia Gardner, 161 Park Lane Circle, stated that price range is a lot higher than what their homes are worth. She said that she has lived in the area for a long time and has always been concerned with what would be built on this property.

Mr. Gicewicz stated that they intend to follow all of the zoning requirements for an R-1 zone. He said that this project should increase the property value of the surrounding homes.

Mr. Bernardi said that he would rather see single family homes be built than apartments.

The meeting was closed to the public.

Jason Dool explained that if the Board grants the variance that they should make a stipulation that all of the R-1 setback and lot coverage requirements are followed.

There being nothing further Nancy Babis made a motion to approve the variance request to utilize the property to erect single family homes as follows:

AND IT APPEARING, all R-1 setback and lot coverage requirements are adhered to,

WHEREAS, benefit cannot be achieved by other means feasible to the applicant, and

WHEREAS, there will be no change to the character of the neighborhood, and

WHEREAS, request is not substantial, and

WHEREAS, there will be no adverse physical or environmental effect, and

WHEREAS, alleged difficulty is not self-created, and

WHEREAS, premises shall be kept in a neat, clean and orderly condition

Seconded by Lynn Harper.

Kevin Foltz-yes
Andy Rosenberg-yes
Nancy Babis-yes
Meghan Lutz-yes
Lynn Harper-yes

USE VARIANCE GRANTED

Nancy Babis made a motion to approve the minutes of the October 27, 2020 meeting.
Seconded by Andy Rosenberg. yes-5 Noes-0

Meghan Lutz made a motion to adjourn; Motion seconded by Nancy Babis Ayes-5 Noes-0

MEETING ADJOURNED

**The next regularly scheduled meeting will be Tuesday, January 26, 2021 at 6:00
p.m.**

HAPPY HOLIDAYS!