

**MINUTES**  
**MUNICIPAL BUILDING**  
**ZONING BOARD OF APPEALS**

May 25, 2021

6:00 P.M.

PRESENT: Kevin Foltz, Chairman, Andy Rosenberg, Meghan Lutz, , Lynn Harper, Nancy Babis, Pat McGrath, Deputy Corporation Counsel, Clayton Dimmick, Senior Building Inspector.

EXCUSED: Tom Hull, Sheila Tracy, Andrew Rosenberg

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 wishes 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. 2231, Appeal of Joseph Taylor to erect a an 80' x 60' pole barn to be utilized as an indoor recreational facility at 322 Hawley Street, Lockport, New York situated in an I-2 Zone.

Mr. Taylor stated that he was born and raised in Lockport. He stated that he would like to build a recreation center. He said that he is trying to give the kids and the community something to do on this end of town. He said that right now he is located at 30 Pine Street, Joe Taylor MMA. He said that the closest indoor recreational facility around is the Kenan Center. He said that a lot of kids can't get there. He said that kids are board, his facility will have games and sports that the kids can play inside. He said that the YMCA is outside the City and kids don't have transportation to get there. He said that this facility will be good for the kids within walking distance to stay busy. He said that the rec center will be good from the community and the youth because there is nothing in the north end fort them.

Ms. Lutz asked what the hours of operation will be.

Mr. Taylor said that they will be similar to the hours that he has right now. It will be open for 9 am to 7 pm and 11 am to 2 pm on the weekends. He said that if he has to expand the hours he will. He said that Monday thru Friday it will be 9 am to 7 or 8 pm. He said that there are two schools right down the street, Anna Merritt and North Park. He said that this will give the kids something to do after school.



Ms. Babis asked if there is going to be educational classes.

Mr. Taylor said yes, he has a few people that want to run a program. He said one of them is from the Salvation Army, who would like to help kids with their homework. He said that he has another friend, Lori, who would like to help kids with homework and do an arts and crafts program.

Mr. Foltz said that he likes the idea. He said that it will be a good addition to the neighborhood. He said that this will have to go to the Planning Board, he hopes that the building will blend in with the neighborhood.

Mr. Taylor said that he doesn't have the final drawings yet but they will be landscaping and installing brick work, they will be making sure it blends in with the neighborhood.

The meeting was opened to the public.

Ms. Teresa Person, 200 Grand Street, stated that while this is a nice concept, she has issues with it. She said that the property is vacant land and is for sale. She asked why someone would put money into a piece of property that they don't own. She said that the store that was there burned and was taken down. She said that they put everything in the ground when they demolished the building. She asked if the EPA was involved. She said that there are a lot of vacant buildings in the City, why can't he just rehab one of those. She said that she has an issue with the traffic, both foot and vehicle. She said that the neighborhood went through this before.

Mr. Taylor said that they have a parking plan, it is not the same as the store was. He said that he will do anything to make the neighbors comfortable. He said that the business is very well organized.

Ms. Person said that there are a bunch of homes in the neighborhood.

Mr. Ken Lewis, 304 Hawley Street, stated that he understands that the area is light industrial. He stated that he has given the Board a sheet showing the requirements for I-2. He said that the lot has to be 150' deep and the building has to maintain a certain distance from the property lines. He said that they don't have enough room from parking and they are going to go over the maximum lot coverage. He said that he doesn't want people parking in the street. He asked why they aren't requesting a Special Use Permit.

Megan Brewer explained that with the zoning being I-2 that someone could build a factory or similar business. She explained that this is an existing lot of record and doesn't have to meet the standards for a newly created lot. She explained that after looking at the site drawing Mr. Taylor produced to the Board, the building will meet all the setbacks and lot coverage requirements, they are only here for the use of the property.

Mr. Foltz stated that a variance is permanent and a SUP is revocable.



Mr. Lewis said that the property is contaminated, there used to be a gas station there. He said that when the store was there traffic was an issue and the kids a problem.

Mr. Gary Saul, 193 Grand Street, stated that he has a problem with the foot traffic and people parking in his parking lot. He said that it is already an issue. He said that people pull through his lot from Green Street to Grand Street. He said that is a hazard to the kids. He said that he had the City rezone the area 40 years ago, all the way to the corner in case he every wanted to expand his business. He asked if the variance is granted, would he every be able to expand.

Megan Brewer explained that the zoning isn't changing, they are asking for relief from it.

Mr. Taylor said that he will own the property. He said that he will do his best to make sure that people don't park in anyone else's parking lot. He said that he has people coming from all over town to his business and there isn't a problem. He said that he has kids walking from the north end to his current location. He said that he has been doing this for five years and hasn't had any issues. He said that he was located at 178 Walnut Street and he moved because he needed a bigger space. He said that he coaches and teaches MMA at his current location and doesn't have any issues. He said that a lot of kids and adults have a lot of respect for him, he doesn't play games. He said that if someone is a disturbance, they are thrown out. He said that he thinks this will benefit the neighborhood.

Mr. Foltz stated that the issues people are brining up are already happening, they can't blame Mr. Taylor.

Mr. Saul said that the kids are going to be a problem, he is worried about vandalism.

Mr. Foltz said that this project has to go before the Planning Board for site plan approval.

Mr. Joe Shugats, 321 Hawley Street, said he has concerns about the building being a pole barn, he asked when we are going to stop people from building them all over.

Mr. Foltz said that the project has to go before the Planning Board for site plan approval. He said that the building is going to have to meet all the Building Code regulations as well.

Mr. Shugats said that it is still a pole barn.

Mr. Foltz said that the property is zoned I-2, you could have worse issues with another project.

Mr. Peter Stutz, 317 Hawley Street, stated that he loves kids but has concerns about the parking and the building being a pole barn. He said that the building will be too hot in the summer and cold in the winter. He said that he doesn't want to see people parking on the



street. He said that he owns a seven-bedroom apartment building in the area and there are always parking issues. He said he doesn't like this idea.

Megan Brewer explained that the building will have to meet all of the Building Codes.

Mr. Stutz said that there will still be a parking problem.

Ms. Carol Shugats, 317 Hawley Street said that she has a concern with the recreational use being turned into a business.

Mr. Taylor said that they are going to offer programs like acrobatics, gymnastics and boxing.

Ms. Shugats asked if there is going to be enough parking for the instructors.

Mr. Taylor said yes, there isn't going to be 100 people at a time in the building. He said he has about 80 members now, and with the memberships he can control how many people are in the classes.

Ms. Shugats said that she doesn't like it. There aren't enough stop signs in the area.

Mr. Foltz said that is already an existing problem, not his fault.

Mr. Taylor showed the Board and public pictures of what the building will potentially look like.

Mr. Lewis asked Mr. Taylor what he is going to do with everything that was buried in the ground.

Mr. Taylor said that he is going to have the soil tested and if he has to, have it remediated.

Mr. Lewis said that they buried everything.

Mr. Foltz said that if there is contamination on the property it will have to be removed.

Mr. Joe Shugats asked if this project is grant money funded.

Mr. Taylor said no, no loans. He said that he sold his house and is going to try and use that money. He said that he isn't receiving any assistance. He said he just wants to help kids.

Mr. Jimmy Styles stated that he works for Joe at his current location. He said that North Park and Anna Merritt have a bunch of kids that have nothing to do, they are giving them something to do beside run the streets. He said that they teach kids discipline and manners through the programs that they run. He said that we need to teach our kids



respect. He said that the YMCA is too far for some of these kids to walk. He said that the north end is perfect for this. He said that there are some things that need to be worked out but as a community we can work it out.

Mr. Styles said that he coaches high school football and one of the things he does is give each kid a life goal sheet to fill out. He said that he does this so that he can enhance what each kid is doing to attain their goals. He said that have also starting doing this with Joe's kids. He said that he would love to see Joe expand his programs.

Ms. Laura Hayes, 229 Hawley Street, stated that the kids from North Park and Anna Merritt are bad kids. She asked what he is going to do with them.

Mr. Taylor said that they are not bad kids, they just need a mentor.

Ms. Hayes asked what is going to happen when they call him names.

Mr. Taylor said that he gets talked to like that all the time. He said that you have to work with the kids. He said that he works with autistic and suicidal kids a lot.

Ms. Hayes said that the kids don't have any respect for the elderly. She asked if he has a psychologist.

Mr. Taylor said no, he teaches kids respect. He said that when he was located on the corner of Walnut and Pine street, next to the corner store he had no issues. He said that location was in the hood.

Mr. Foltz said that this is not the time to be discussing neighborhood kids, it is not why we are here.

Ms. Hayes said that when there was a store on this property, they had kids there all the time, they would break windows and vandalize the building.

Mr. Taylor said that it is a corner store, that is what happens.

Mr. Lenny Thomas, 145 Washington Street, stated that he has been a community activist for about 34 years. He said that this property is zoned I-2, there could be 18 wheelers coming in and out of the property.

Mr. Thomas said that Mr. Taylor will have the property tested for contamination and if there are issues, we can clean them up.

Mr. Thomas said that he did similar programs at Anna Merritt and North Park for years. He said that the kids didn't do anything to the neighborhood or the school. He said that he made sure kids held a B average in order to play in his basketball program. He said that he used to hold dances and North Park with 3 or 4 hundred kids and didn't have any issues. He said that he held dances at the High School with even more kids and never had



an issue. He said that he used to use our City's schools for these events. He said that this will help the north end.

Mr. Stutz said that he feels better knowing that Lenny is involved.

The meeting was closed to the public.

Mr. Taylor said that everyone is welcome to stop his place at 30 Pine Street to see how the program works. He said that some of the kids can't afford the program so he pays for it.

There being nothing further Nancy Babis made a motion to approve the request to erect an 80' x 60' pole barn to be utilized as an indoor recreational facility 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 Meghan Lutz

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

#### USE VARIANCE GRANTED

The next case to be called was Case No. 2232, Appeal of Carol Karp to erect a 14' x 10' storage shed in the rear yard located at 111 Grand Street, Lockport, New York situated in an I-2 Zone.

Ms. Debra Coder, co-owner of the house was present.

Ms. Coder stated that her mother's shed is in bad shape. She said that there is stuff stored on the back porch but it isn't enough room. She said that she bought a shed at Heritage

Structures and they told her to go a size bigger for more room. She said she then realized she had to apply for a building permit.

Mr. Foltz said that this is a very small lot.

Ms. Coder said that Mario next door is fine with it. She said that the house is surrounded by parking lot. She said that she is sorry she bought the shed before she applied for the permit.

Mr. Foltz said that the lot is small and so is the house, they need a shed for storage.

The meeting was opened to the public.

The meeting was closed to the public.

There being nothing further Meghan Lutz made a motion to approve the request to erect a 14' x 10' storage shed 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 Lynn Harper.

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

AREA VARIANCE GRANTED



The next case to be called was Case No. 2233, Appeal of Ronald Bernick to utilize the existing building as an indoor recreational facility located at 1051 Lincoln Avenue, Lockport, New York situated in a B-1 Zone.

Dawn from Hot Corner Athletics was present at the meeting.

Dawn stated that they are looking to purchase the building and use it as a sports and recreational facility. She said they will have a strength and condition room, batting cages, an infield for softball and baseball and a turf area for sprinting.

Mr. Foltz asked if they plan on doing anything to the outside of the building

Dawn said they are going to upgrade the lighting and landscaping.

Mr. Foltz asked if they are going to put an entrance in the rear of the building.

Dawn said that they are waiting to see what the interior layout of the building is going to be.

Mr. Foltz asked if they plan on having outdoor activities.

Dawn said no.

The meeting was opened to the public.

Mr. Maurice Cooper, owner of 1109 Lincoln Avenue, asked if they are rezoning the property.

Mr. Foltz said they are applying for a variance. He explained with the Comprehensive Plan changes, this entire area should be cleaned up.

Mr. Cooper said that he thinks it is a good use for the building.

Dawn stated that they need to expand their business.

Mr. Foltz said that if they ever have outdoor events in the rear, they need to be conscious of the neighbors.

Dawn stated that they are looking to build fields later and another location.

The meeting was closed to the public.

Ms. Babis asked how long they have been in business.

Dawn said five years.



Ms. Babis asked how many people are in the building at a time.

Dawn said that they are open from 9 am to 10 pm. During the day they have professional athletes in the building and at night about 100 athletes. She said that they schedule lessons for 50 minutes so it gives a 10 minutes grace period for people to get out while the new group comes in.

There being nothing further Meghan Lutz made a motion to approve the request to utilize the existing building as an indoor recreational facility 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 Nancy Babis.

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

USE VARIANCE GRANTED

Meghan Lutz made a motion to approve the minutes of the April 27, 2021 meeting.  
Seconded by Nancy Babis. yes-4 Noes-0

Meghan Lutz made a motion to adjourn; Motion seconded by Nancy Babis Ayes-4 Noes-0

**MEETING ADJOURNED**

**The next regularly scheduled meeting will be Tuesday, June 27, 2021 at 6:00 p.m.**