

MINUTES
MUNICIPAL BUILDING
ZONING BOARD OF APPEALS

October 26, 2021

6:00 P.M.

PRESENT: Kevin Foltz, Chairman, Andy Rosenberg, Meghan Lutz, Andrew Rosenberg, Sheila Tracy, Pat McGrath, Deputy Corporation Counsel, Jason Dool, Chief Building Inspector.

ABSENT: Lynn Harper

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. 2245, Appeal of Larissa Irwin to subdivide the easterly 37' x 132' section of the lot located at 15 Minard Street, Lockport, New York situated in an R-2 Zone.

Ms. Irwin stated that she is the purchaser of 15 Minard Street. She said there is a section of 15 Minard Street that is perpendicular to the house. She said that it has frontage on So. Transit Street. She said that she would like to subdivide the section facing So. Transit and combine it with her lot at 175 So. Transit Street.

The meeting was opened to the public.

The meeting was closed to the public.

There being nothing further Andy Rosenberg made a motion to approve the request to subdivide the easterly 37' x 132' section of the lot 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 Sheila Tracy.

Kevin Foltz-yes
Andy Rosenberg-yes
Meghan Lutz-yes
Sheila Tracy-yes
Nancy Babis-yes

AREA VARIANCE GRANTED

The next case to be called was Case No. 2246, Appeal of Larissa Irwin to amend variance Case No. 2173 by extending the parking area to the north located at 175 So. Transit Street situated in an R-2 Zone.

Ms. Irwin gave the Board members a potential layout of what the parking lot will look like.

Ms. Irwin said that she would like to extend the existing parking lot onto the lot that she is subdividing. She said that her building is multiuse, with two loft style apartments upstairs and an office downstairs. She said that parking is tight.

Ms. Tracy asked if she has six parking spaces now.

Ms. Irwin said that there isn't a parking lot on the parcel now.

Ms. Lutz said that Ms. Irwin is here to extend her existing parking lot.

Mr. Foltz said that it is nice to see the building being used.

Ms. Irwin said that the outside of the building is almost done.

Ms. Lutz asked if the fence that is on the property is going to stay.

Ms. Irwin said yes.

Ms. Lutz asked if she plans on installing an entrance on So. Transit for the parking lot.

Ms. Irwin said no, she doesn't have a DOT permit to do that.

Mr. Foltz said that the fence is good for the neighbors, one should be installed on the Minard Street side.

Mr. Irwin said that the fence will stay, it looks good.

Mr. Foltz said that she needs to make sure any lighting installed doesn't shine on the neighbor's property and that the water run off is drained in the proper manner.

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 variance to amend Case No. 2173 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
Andy Rosenberg-yes
Meghan Lutz-yes
Sheila Tracy-yes
Nancy Babis-yes

USE VARIANCE GRANTED

The next case to be called was Case No. 2247, Appeal of Hellen Nguyen to permanently installed a mobile home for human habitation on the property, utilize the land for agricultural purposes and harbor farm animals located at 304 Plank Rd, Lockport, New York situated in an R-1 Zone.

Mr. Foltz stated that this is not a normal use in the City of Lockport.

Mr. Foltz pointed out that the drawing given to the Board shows a mobile home and 15' trailers. He asked if the 15' trailers are going to be habitable.

Ms. Nguyen said that she would like to have one small, 22' RV, 1 trailer for a kitchen and the other one for livestock storage.

Mr. Foltz asked what type of veggies would be grown.

Ms. Nguyen said that she would like to grow Asian vegetables.

Ms. Babis asked what the vegetables will be used for.

Ms. Nguyen said they would be for herself.

Mr. Foltz asked what type of farm animals she would like to have.

Ms. Nguyen said that she would like chickens and ducks for food.

The meeting was opened to the public.

Mr. David Scott, 300 Plank Road, stated that his lot abuts this one on the east and west lot lines. He said that there is no water or sewer available on the street. He said that if this is approved and a well is dug, it may disturb his well. He said that he also doesn't want all of the water run-off from the property in his well.

The meeting was closed to the public.

Ms. Tracy asked if Ms. Nguyen plans on drilling a well.

Mr. Scott said that when you drill a well you don't know what you are going to get. He said that her lot is 144' wide, she might have to drill in the middle of the property. He said that she would have to install a septic system that would be within 100' of his well. He said that her lot is higher than his. He said that the natural drainage is an issue.

There being nothing further Ms. Lutz made a motion to deny the variance request to permanently install a mobile home for human habitation on the property as follows:

WHEREAS, the applicant purchased the property understanding the zoning restrictions for an R-1 Zone,

WHEREAS, no evidence was provided to substantiate a financial hardship, and

WHEREAS, the request will substantially change the neighborhood.

Seconded by Sheila Tracy.

Kevin Foltz-yes
Andy Rosenberg-yes
Meghan Lutz-yes
Sheila Tracy-yes
Nancy Babis-yes

USE VARIANCE DENIED

Nancy Babis made a motion to deny the variance request to utilize the land for agricultural purposes as follows:

WHEREAS, the applicant purchased the property understanding the zoning restrictions for an R-1 Zone,

WHEREAS, no evidence was provided to substantiate a financial hardship, and

WHEREAS, the request will substantially change the neighborhood.

Seconded by Andy Rosenberg.

Kevin Foltz-yes
Andy Rosenberg-yes
Meghan Lutz-yes
Sheila Tracy-yes
Nancy Babis-yes

USE VARIANCE DENIED

Andy Rosenberg made a motion to deny the variance request to harbor farm animals as follows:

WHEREAS, the applicant purchased the property understanding the zoning restrictions for an R-1 Zone,

WHEREAS, no evidence was provided to substantiate a financial hardship, and

WHEREAS, the request will substantially change the neighborhood.

Seconded by Sheila Tracy.

Kevin Foltz-yes
Andy Rosenberg-yes
Meghan Lutz-yes
Sheila Tracy-yes
Nancy Babis-yes

USE VARIANCE DENIED

Meghan Lutz made a motion to approve the extension of Case No. 2227 for one year.
Seconded by Nancy Babis.

Kevin Foltz-yes
Andy Rosenberg-yes
Meghan Lutz-yes
Sheila Tracy-yes
Nancy Babis-yes

EXTENSION GRANTED

Sheila Tracy made a motion to approve the minutes of the September 28, 2021 meeting.
Seconded by Meghan Lutz. 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, November 23, 2021 at 6:00 p.m.