

MINUTES
MUNICIPAL BUILDING
ZONING BOARD OF APPEALS

March 22, 2022

6:00 P.M.

PRESENT: Kevin Foltz, Chairman, Andy Rosenberg, Nancy Babis, Sam Marotta, Roxanne Devine, Pat McGrath, Deputy Corporation Counsel, Clayton Dimmick, Senior Building Inspector.

ABSENT: Sheila Tracy, Meghan Lutz

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. 2255, Appeal of Joseph Taylor to install an 8-space parking lot for a recreational building located at 322 Hawley Street, Lockport, New York situated in an I-2 Zone.

Mr. Taylor, 84 Pound Street, Lockport, New York stated that he is here to apply to install an 8-space parking lot at his property at 322 Hawley Street.

Mr. Foltz asked if the parking spaces are going to go back to where they were before, but out of the City right-of-way.

Mr. Taylor said yes, they won't block the sidewalk. He said that he is installing new blacktop.

Ms. Babis asked if the spaces are going to be between the street and sidewalk.

Mr. Taylor said yes.

Mr. Foltz asked if they are going to block the sidewalk.

Mr. Taylor said no.

Mr. Foltz asked if he has enough room.

Mr. Taylor said yes.

Mr. Foltz asked if there is going to be adequate lighting for the parking lot.

Mr. Taylor said yes.

The meeting was opened to the public.

Mr. Ken Lewis, 304 Hawley Street asked to speak.

Mr. Foltz reminded the public that we are only here to speak about the parking.

Mr. Lewis stated that Mr. Taylor is proposing a 64' x 64' building which is 3,328 s.f. He said that according to the City's parking schedule he would be required to have 17 spaces. He said that what he is proposing is 47% less than what the City Code requires. He said that this won't be adequate parking, he wants it to be safe to walk by.

Mr. Lewis presented a whiteboard showing the City's parking schedule.

Mr. Lewis said that he has other issues with this project.

Mr. Foltz reiterated that we are only here to speak about the parking.

Mr. Lewis said that what he is asking for is less than what the City requires and he has an issue with that. He said that he is all for businesses, but you can't change the parking rules. He asked if he can park on the grass or wherever he wants. He said that there is a large city right-of-way on the west side.

Megan Brewer explained that the Planning Board approved the layout of the parking lot.

Mr. Lewis asked if he can come in and get approval for different parking. He said that Mr. Taylor is going to have employees. He said that two or three of the spaces will be taken up by that. He asked where everyone else is going to park.

Mr. Taylor said that there is going to be enough parking because 90% of the people coming to the facility are going to be neighborhood kids. He said that the kids will walk. He said that there will only be a few employees there for the after-school program to do arts and crafts and himself. He said that most people coming will either walk or get dropped off.

Mr. Taylor said that most of the people inside the building will either walk or get dropped off, 8 spaces is enough. He said that the majority of the people there will be kids. He said that the after-school program will be from 3 pm to 6 pm and after that he will have private sessions with clients that will be one person at a time for one hour. He said that he has another space for his gym, 322 Hawley will be used mostly for kids.

Mr. Lewis asked how many kids there are in the neighborhood.

Mr. Taylor said a lot, there are two schools right down the street.

Mr. Lewis said that he only sees a few kids walk down his street. He said that he is against the City changing the parking rules.

Mr. Foltz explained that anyone can apply for a variance.

Mr. Lewis said that they are changing the ordinance to allow 47% fewer parking spaces.

Mr. Foltz said that he has kids that used to take classes, most of the time there are 9 or 10 kids that get dropped off.

Mr. Lewis said that he still doesn't have enough parking, you have to have enough by the code. He said that if you change the code for one person you have to change it for everyone.

Mr. Foltz said that Mr. Taylor is going through the process, not changing the code.

Mr. Lewis said that this is a business in an I-2 zone, the area is residential.

Mr. Foltz explained that the property is actually zoned industrial.

Mr. Tim Saul, 193 Grand Street stated that he is the owner of E & R Machine shop. He said that they already have a parking problem. He said that they have a ton of people that drive through their parking lot. He said that people also park in their lot all the time. He asked Mr. Taylor if he can guarantee that will not continue.

Mr. Taylor said that he will not allow his clients to park in their parking lot.

Mr. Saul asked what time the building is going to be open until.

Mr. Taylor said that they will be closed by 8 pm.

Mr. Saul said that he will have the cars towed if they are in his lot. He said that people use their parking lot for overflow all the time. He said that he doesn't want kids in his lot. He said that the parking in his lot is for his tenants.

Mr. Foltz said that he already has an issue with people parking in his lot now, Mr. Taylor's building isn't even up. He said that Mr. Taylor can't be blamed for a problem that he didn't create.

Mr. Saul said that he already has a problem.

Mr. Foltz asked if Mr. Saul has signage up in his parking lot that he will tow cars.

Mr. Saul said yes, and still has a problem.

Mr. Saul said that his office window is on the side of the building and there is constant traffic driving through from Green Street to Grand Street.

Megan Brewer asked if he has every done anything to try and alleviate that issue.

Mr. Saul said that this is going to increase traffic flow.

Mr. Foltz said that if Mr. Saul tows people, they will learn their lesson.

The meeting was closed to the public.

There being nothing further Nancy Babis made a motion to approve the variance request to install an 8-space parking lot for a recreational building 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
Sam Marotta-yes
Andy Rosenberg-yes
Nancy Babis-yes
Roxanne Devine-yes

AREA VARIANCE GRANTED

The next case to be called was Case No. 2256, Appeal of Brooke Smith to erect a 6' wooden fence on the north side of the property located at 287 Pine Street, Lockport, New York situated in an R-1 Zone.

Ms. Smith stated that she has a fence now that she would like to expand for the safety of her daughter and privacy.

Mr. Foltz asked if she is going to continue the fence that is there now.

Ms. Smith said yes.

Mr. Foltz said that the fence may be in the city right-of-way. He said that the fence might have to be moved. He asked if the fence is going to end where the picket fence used to be. He said that it can't go past the end of the house.

Ms. Smith said yes, it will be 6' wooden fence that ends that the corner of the house.

The meeting was opened to the public.

The meeting was closed to the public.

There being nothing further Nancy Babis made a motion to approve the variance request to erect a 6' wooden fence on the north side of the property 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 Sam Marotta.

Kevin Foltz-yes
Sam Marotta-yes
Andy Rosenberg-yes
Nancy Babis-yes
Roxanne Devine-yes

AREA VARIANCE GRANTED

The next issue brought before the Board was an appeal of a snow removal invoice sent to GenLock, LLC for the property located at 281 Genesee Street, Lockport, New York.

Mr. Brian Hutchison, managing member of GenLock was present.

Mr. Hutchison stated that he sent a letter to the Board with his appeal. He said that he does not perform the snow removal at the properties that they own at 271, 275 and 281 Genesee Street, they hire a company to do it. He said that 281 Genesee Street was the property that is in question and that he assumes it was the Washburn Street side of the property that was an issue.

Mr. Hutchison said that he doesn't understand what the issue is. He said that as stated in Mr. Olay's letter, who clears the snow, the snow removal was addressed and he was unaware of any issues. He said that Mr. Olay noticed a large amount of snow that was pushed up onto the sidewalk from the city plow. He said that rather than moving the snow he made a path further up into the yard.

Mr. Hutchison said that he would like to bring to the Board's attention that they have been good for the street and have always addressed any issues. He said that he thought they did a good job. He said that Building Inspection apparently didn't think the path they created was good enough and that the sidewalk was still covered.

Mr. Foltz asked if 281 Genesee Street is on the corner.

Mr. Hutchison said that 271, 275 and 281 Genesee Street is L shaped. He said that there were not notices given for 271 and 275, they were cleared. He said that they made a path into the yard at 281 so that people wouldn't have to walk around. He said the path was about 6' from the house. He said that later in February people were walking in the path in the yard still so they cleared the sidewalk because the yard was a mess.

Mr. Foltz asked if when they clear the snow, they go all the way to the street.

Mr. Hutchison said no, there is green space between the sidewalk and curb.

Mr. Foltz asked if they clear the crosswalk at the corner.

Mr. Hutchison said that they do, generally.

Mr. Hutchison said that he doesn't know how this happened, they have had the properties for three years and haven't received to a notice.

Mr. Foltz said that we haven't had this much snow in a long time.

Mr. Rosenberg said that that crosswalk was not cleared. He said that the snow was never removed from the T in the intersection. He said that he lives on the street and it was unsafe for the kids.

Mr. Hutchison said that he understands that the snow removal is their responsibility and that the city is asked to more with less. He said that he personally shovels and snow blows in front of his private office. He said that the company they use removed the snow after it fell but, when the city cleared the street, they pushed the snow back up onto the sidewalk.

Mr. Foltz said that it is the responsibility of the owner to clear the snow, whether it is from snow fall or from the plows it is still the owner's responsibility. He said that those streets have a lot of foot traffic and the sidewalk needs to be clear.

Mr. Hutchison said that he understands, but the bottom line is if the city cleared the streets in a timely manner his service wouldn't have to come back to the property. He said that it took the city 27 days to clear Main Street the right way. He said that they were throwing obstructions back onto properties. He said that at the end of the day if the city wants the \$180, he will pay it but the city should notify people when they are going to plow the street.

Mr. Foltz said that the people that plow the streets are already overworked, they aren't going to call people when they are plowing certain streets. He said that it is the homeowner's responsibility to pay attention.

Mr. Foltz said that you run a business, you need to hire someone knowledgeable with snow removal.

Mr. Hutchison said that he doesn't want to have a poor relationship with the city but he will put the city on notice for the hazardous conditions of the streets. He said that he doesn't want to do that.

Ms. Babis said that she is a homeowner and a single woman. She said that she has to do all of the driveway and sidewalk clearing herself. She said it wasn't pleasant but she went out and did it because there are children in her neighborhood and a school next door. She said that Mr. Hutchison has tenants, why can't they call and inform your when the sidewalks need to be cleared.

Mr. Hutchison said that he wishes he could rely on the tenants, but they won't take the initiative to call. He said that the tenants are supposed to shovel but they still hire a company because he knows they aren't going to do it.

There being no further discussion Nancy Babis made a motion that the invoice sent to GenLock, LLC for snow removal at 281 Genesee Street stands and shall be paid accordingly. Seconded by Sam Marotta.

Kevin Foltz-yes
Sam Marotta-yes
Andy Rosenberg-yes
Nancy Babis-yes

Roxanne Devine-yes

Andy Rosenberg made a motion to approve the minutes of the February 22, 2022 meeting. Seconded by Nancy Babis. yes-5 Noes-0

The Board has made the decision to change the meeting times from 6 pm to 5 pm.

Sam Marotta made a motion to adjourn; Motion seconded by Andy Rosenberg Ayes-5 Noes-0

MEETING ADJOURNED

The next regularly scheduled meeting will be Tuesday, April 26, 2022 at 5:00 p.m.