

MINUTES
MUNICIPAL BUILDING
ZONING BOARD OF APPEALS

June 28, 2022

5:00 P.M.

PRESENT: Kevin Foltz, Chairman, Andy Rosenberg, Sam Marotta, Sheila Tracy, Pat McGrath, Deputy Corporation Counsel, Daniel Wojewoda, Building Inspector.

EXCUSED: Nancy Babis, Meghan Lutz, Roxanne Devine.

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. 2262, Appeal of Richard Batt to install a 12' x 24' inground pool located at 116 LeVan Avenue, Lockport, New York situated in an R-1 Zone.

Mr. Batt stated that he would like to put in a 12' x 24' inground pool in the rear yard.

Mr. Foltz said that there is not a lot of room in the yard, it will be tight.

Mr. Batt said that they have more yard behind their garage, their lot is a crazy shape. He said that they can get in and out of the yard. He said that he can make the pool smaller if they would like.

Mr. Foltz said that it will look good.

The meeting was opened to the public.

Ms. Sue Batt, 116 LeVan Avenue said that she is for the request.

The meeting was closed to the public.

There being nothing further Andy Rosenberg made a motion to approve the request to install a 12' x 14' inground pool 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
Sam Marotta-yes
Andy Rosenberg-yes
Sheila Tracy-yes

AREA VARIANCE GRANTED

The next case to be called was Case No. 2263. Appeal of Nicholas DiVincenzo to erect a 10' x 14' storage shed in the rear yard located at 87 Pennsylvania Avenue, Lockport, New York situated in an R-1 Zone.

The applicant was a no show. They will be advised that they will have to appear at the July meeting.

The next case to be called was Case No. 2264. Appeal of Christopher Sova to erect a 6' high fence along the west property line from the rear of the house to the north property line, a 4' high wooden fence across the driveway and along the north property line located at 445 East Avenue, Lockport, New York situated in R-1 Zone.

Ms. Stephanie Sova, wife of Christopher Sova was present at the meeting.

Ms. Sova stated that they are looking to replace the existing fence. She said that the fence is broken in multiple places. She said that the fence will be 4' by the driveway and 5'6" along Livingston.

Mr. Foltz asked if the fence is going to be stockade.

Ms. Sova said that it will be dogeared.

Ms. Tracy stated the fence is going to be wooden.

Mr. Foltz asked if the fence is going to be pressure treated. He asked if they are going to move the fence out of the City right-of-way.

Ms. Sova said that there was a sight line issue.

Megan Brewer explained that the survey shows the current fence in the City right-of-way. If they wish to replace the fence in the same location, they would have to obtain Council permission.

Mr. Charles Sova, 343 Washburn Street, stated that he is Christopher's father. He said that he is the one that is building the fence. He said that Jason came out and looked at the location. He said that the survey shows the fence being close to the sidewalk but it is 3'4" from the sidewalk. He said that Jason's only concern was the line of sight at the driveway and they are going to cut the fence at a 45-degree angle there so that people can see backing out of the driveway.

Ms. Sova said that they want the fence for privacy for their family and the dogs.

The meeting was opened to the public.

The meeting was closed to the public.

Ms. Tracy asked if they are going to remove the bushes.

Ms. Sova said yes, to increase the line of sight.

There being nothing further Andy Rosenberg made a motion to approve the request to erect a 6' high fence along the west property line from the rear of the house to the north property line, a 4' high fence across the driveway and along the north property line as follows:

AND IT APPEARING, the fence be cut at a 45-degree angle at the driveway,

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 Sheila Tracy.

Kevin Foltz-yes
Sam Marotta-yes
Andy Rosenberg-yes
Sheila Tracy-yes

AREA VARIANCE GRANTED

Sheila Tracy made a motion to approve the minutes of the May 24, 2022 meeting.
Seconded by Andy Rosenberg. yes-4 Noes-0

Andy Rosenberg made a motion to adjourn; Motion seconded by Sheila Tracy. Ayes-4
Noes-0

MEETING ADJOURNED

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