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MINUTES  
MUNICIPAL BUILDING  
ZONING BOARD OF APPEALS

August 23, 2022

5:00 P.M.

PRESENT: Kevin Foltz, Chairman, Andy Rosenberg, Sheila Tracy, Nancy Babis, Meghan Lutz, Roxanne Devine, Pat McGrath, Deputy Corporation Counsel, Daniel Wojewoda, Building Inspector.

ABSENT: Sam Marotta

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. 2271. Appeal of Nicholas and Regina Granchelli to install a 12' x 24' inground pool in the rear yard located at 393 Pine Street, Lockport, New York situated in an R-1 Zone.

Attorney David Haylett was present with Mr. and Mrs. Granchelli.

Mr. Haylett stated that they are looking for an area variance to install a 12' x 24' inground pool. He said that the maximum lot coverage in that zone is 20% and by installing the pool, the lot coverage will be raised to 21%. He said that this is basically the minimum variance that they could get.

Mr. Haylett said that there is no alternative besides tearing down their garage or part of their house. He stated that the inground pool they are installing is one of the smallest sized that are made. He said that it is not gigantic.

Mr. Haylett said that this will not change the character of the neighborhood. He said that if you Google map the area there are numerous pools in the neighborhood. He said that the above ground pool that they demolished was larger than the inground pool they would like to install. He said that this will actually reduce the lot coverage.

Mr. Foltz said that his concern would be that the pool would be elevated from ground level. He said that water drainage could be an issue. He said that they need to make sure that the water doesn't shed toward the neighbors.

Mr. Haylett said that the pool will be 5' off the property line, but he understands.



The meeting was opened to the public.

Mr. Clifford Ellis, 397 Pine Street, stated that he owns the neighboring property to the south. He said that he has no objections. He said that their request is reasonable and he is in support of the request.

Mr. Jessie Parish, 389 Pine Street, stated that he has no objections to the request. He said that he just moved into the house four years ago and doesn't plan on going anywhere.

The meeting was closed to the public.

Mr. Foltz asked if there is going to be any lighting added for the pool.

Mr. Granchelli said that there is a light that come inside of the pool, it is underwater.

Mr. Foltz said that if they install any outdoor lighting that they need to make sure it doesn't shine on the neighboring properties.

Mr. Granchelli said that he has flood lights on the back of his house now that do not shine on the neighboring properties.

Mr. Foltz said that if he installs more lights that they shouldn't encroach on the neighbors.

Mr. Granchelli said that if anything, the neighbors shine onto his property now.

There being nothing further Nancy Babis made a motion to approve the request to install a 12' x 24' inground pool in the rear yard 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  
Sheila Tracy-yes  
Meghan Lutz-yes  
Roxanne Devine-yes  
Nancy Babis-yes

#### AREA VARIANCE GRANTED

The next case to be called was Case No. 2269. Appeal of Irina Venkova to erect a 9' x 12' storage shed in the rear yard located at 118 Woodbury Drive, Lockport, New York situated in an R-1 Zone.

Mr. Peter Venkova, 63 Russell Street, Lockport, New York, son of Irina was present with his parents.

Mr. Venkova stated that they would like to install a 9' x 12' shed in the rear yard. He said that they don't have anywhere to store their lawn mower or snow blower. He said that they have a two-car garage but they use it to park their cars. He said that they are trying to tidy up their yard.

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

Mr. Venkova said yes.

Mr. Foltz asked if they are going to take care of the drainage from the roof of the shed.

Mr. Venkova said yes.

Mr. Foltz asked if they knew where the shed can be placed.

Mr. Venkova said yes, 5' from the property line.

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 9' x 12' storage shed in the rear yard 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  
Sheila Tracy-yes  
Meghan Lutz-yes  
Roxanne Devine-yes  
Nancy Babis-yes

#### AREA VARIANCE GRANTED

The next to be called was Case No. 2270. Appeal of George Hess to convert the existing single-family dwelling into a two-family dwelling located at 189 Church Street, Lockport, New York situated in an R-3 Zone.

Mr. Hess stated that the required lot size is 20,000 s.f. He said that he would like to turn the house into a double instead of a single. He said that nothing is going to change with the outside of the house except he would like to add a driveway.

Ms. Lutz asked if the driveway is going to go on the north side of the property.

Mr. Hess said yes, he is going to redo the south driveway when the tree is removed.

Ms. Babis asked what type of driveway he is going to install.

Mr. Hess said blacktop.

The meeting was opened to the public.

Mr. Allen Bingham, 183 Church Street, stated that his house is to the south of Mr. Hess. He said that he has four kids and is a foster parent for Niagara County. He said that multiple unit buildings have less that desirable tenants. He said that he is not against the request but there are a lot of single-family houses in the area. He said that he is concerned with the quality of tenants that are going to be in the house. He said that he can trust the area now. He said that there is a multi-family building to the south of his house that a shooting happened at.



Mr. Garth Wilson, 194 Church Street, stated that his driveway is right across the street. He said that this has always been a single-family home. He said that he moved into his house in 1981. He said that this house was a rental at one time and the tenants destroyed the place. He said that he is concerned with the two driveways and extra parking on the street. He said that you can now park on the street 24 hours a day.

Deputy Corporation Counsel McGrath stated that there is a moratorium that allows for on street parking from April 1<sup>st</sup> to November 1<sup>st</sup>. She said that is not permanent yet. She said that it is also not year-round.

Mr. Wilson said that he was told by the Police Department about the parking. He said that he is worried about the Section 8 people and the crime that would come from people renting there. He said that those people have no respect for anything.

Megan Brewer explained that Mr. Hess is before the board because of the size of his lot, not the use. She explained that a two-family dwelling is a permitted use in an R-3 Zone.

Mr. Wilson said that he cares about the people going into the house not the lot size.

The meeting was closed to the public.

Mr. Foltz stated that Mr. Hess needs a variance because the lot is 4,000 s.f. short. He said he understands that if this was an empty lot, they could build a three family. He said that this has always been a single-family. He said that he believes when the population is denser, there are more situations that can happen. He said that he needs a variance for this, and he doesn't think he can vote for it.

Megan Brewer explained that this request is an area variance, not a use variance.

Deputy Corporation Counsel McGrath explained that Mr. Hess is not asking for a use variance, this is permitted in an R-3 Zone. She said that it is an area variance for not having sufficient lot area.

There being nothing further Nancy Babis made a motion to approve the request to convert the single-family dwelling into a two-family dwelling 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-no  
Andy Rosenberg-yes  
Sheila Tracy-no  
Meghan Lutz-yes  
Roxanne Devine-yes  
Nancy Babis-yes

#### AREA VARIANCE GRANTED

The next case to be called was Case No. 2272. Appeal of Brian Bull to erect a 12' x 12' storage shed in the rear yard located 61 Morrow Avenue, Lockport, New York situated in an R-1 Zone.

Mr. Brian Bull was present with his daughter and the property owner Mary Elizabeth Bull.

Mr. Bull said that she just bought this property and there is no where to store anything. He said that the house needs work and there is no where to put a garage because of the way they put an addition on in 1985. He said that they need the shed to keep yard stuff neat and clean. He said that the lot is small, they would like to put the shed closer to the lot line.

Megan Brewer explained that the application that was submitted was only for the lot coverage.

Mr. Bull said that he will have to come back and apply for the shed to be closer to the lot line.

Mr. Foltz said that for now, the shed will have to be 5' from the property line.

Mr. Bull agreed.

Ms. Tracy asked if the shed is going to match the house.

Mr. Bull said that the house has aluminum siding now. He said that they are going to paint the house and then paint the shed the same color.

Mr. Foltz asked if they are going to address the drainage.

Mr. Bull said yes, they are going to install gutters.



Mr. Foltz asked if they are going to install any lighting.

Mr. Bull said no.

The meeting was opened to the public.

Ms. Amy Folby, 57 Morrow Avenue, stated that she and her husband are in favor of the shed. She said that they don't have a garage. She said that this is a young couple beautifying the house. She said that this will increase the value of her home. She said that she has met the couple and they are very determined to make the house beautiful and restore it. She said that she is also not opposed to the shed being closer to the property line.

The meeting was closed to the public.

There being nothing further Andy Rosenberg made a motion to approve the request to erect a 12' x 12' storage shed in the rear yard 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  
Sheila Tracy-yes  
Meghan Lutz-yes  
Roxanne Devine-yes  
Nancy Babis-yes

AREA VARIANCE GRANTED

The next case to be called was Case No. 2273. Appeal of Phill & Becki Visco to erect a 10' x 12' storage shed in the rear yard located at 6 Hamilton Drive, Lockport, New York situated in an R-1 Zone.

Ms. Visco stated that they would like to put a shed in the back yard because they don't have one. She said that they would use it for normal kids' toys, lawn mower and patio furniture. She said that they love the neighbors and the area, they want to stay here. She said that she has a picture of the shed, it is pretty. She said that she isn't sure what color they are going to paint it but, they will do anything the Board wants.

Mr. Foltz said that as long as it isn't pinstriped or polka dots, they should be ok. He said that they need to make sure to take care of the drainage and lighting.

Ms. Visco said that she has string lights out there now.

Mr. Foltz asked if she knows where the shed can be located.

Ms. Visco said the fence got moved last year, they are going to go 6' away from it to make sure it is ok.

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 10' x 12' storage shed in the rear yard 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  
Sheila Tracy-yes



Meghan Lutz-yes  
Roxanne Devine-yes  
Nancy Babis-yes

**AREA VARIANCE GRANTED**

Nancy Babis made a motion to approve the minutes of the July 26, 2022 meeting.  
Seconded by Meghan Lutz. yes-6 Noes-0

Meghan Lutz made a motion to adjourn; Motion seconded by Sheila Tracy. Ayes-6 Noes-0

**MEETING ADJOURNED**

**The next regularly scheduled meeting will be Tuesday, September 27, 2022 at 5:00 p.m.**