

MINUTES
MUNICIPAL BUILDING
ZONING BOARD OF APPEALS

September 27, 2022

5:00 P.M.

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

ABSENT: Nancy Babis, 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. 2274. Appeal of Eugene Joseph to remove the existing 9.6' x 5.3' section of the house and erect a 13' x 8' addition to the east side of the house located at 70 So. Niagara Street, Lockport, New York situated in a B-3 Zone.

Mr. Joseph stated that he is apply for a variance because he wants to replace a section of the house. He said that the floor fell out of that section of the house, the cement broke. He said that this is the last thing he wants to be doing but he must in order to make it safe. He said that he can feel the floor give from inside the house. He said that the metal detached from the house. He said that the house was built in 1910 and he doesn't have a lot of space on the first floor. He said that he uses this space to store his coats, shoes, and stuff. He said that he has to replace it. He said that he figured it was easier to bring the addition out to the corner of the house. He said that he has plenty of room going backwards.

Ms. Tracy asked if when this is built, if the roof slants so the water is not running onto the neighbor's property.

Mr. Joseph said that he provided a drawing.

Ms. Tracy asked if the water will run the other way.

Mr. Joseph said yes, into his backyard.

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

Mr. Joseph said that his house is brick, the addition will be vinyl with a hip roof.

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 remove the existing 9.6' x 5.3' section of the house and erect a 13' x 8' addition to the east side of the house 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 Sheila Tracy.

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

AREA VARIANCE GRANTED

The next case to be called was Case No. 2275. Appeal of Louis Joseph to demolish the exiting church building and erect a new 3,766 s.f. church in the same location located at 352 Ontario Street, Lockport, New York situated in an R-2 Zone.

Mr. Louis Joseph stated that he is there to represent the Board of Directors for the church. He said that the church is 56 years old and has been remodeled and expanded several times to make the building more accessible. He said after so many remodels it is becoming like putting new laces into old shoes. He said that the church likes this location to gather and would like to build a new building that is safe. He said that this will beautify the community.

Mr. Joseph said that he has the project coordinator Chris Puleo with him.

Mr. Puleo said that once they got into the project and looked at the building, they decided it would be better to build a new building. He said that they need a variance to utilize the same foundation. He said that the architect for the project is here with them.

Mr. Mike Miller, Fisher Associates, stated that the current foundation is concrete block that has a crawl space. He said that it has wooden floor joists. He said that they have water issues in the crawl space now. He said that they would like to keep the foundation and cap it with a concrete slab so there is no more crawl space. He said that it will also better insulate the building. He said that the side and front setbacks will remain the same as the existing. He said that because of the extent of the work they are doing, they need a variance.

Mr. Miller said that they looked at other options, moving the building into the property further. He said that it would be detrimental to their green space and parking. He said that rebuilding in the same place is the only good option. He said that the members of the congregation knocked on doors in the neighborhood and got favorable responses from people.

Mr. Foltz said that they want to build in the same place but the new version will be accessible.

Mr. Miller said yes, there is an addition on the new building for a concrete ramp.

The meeting was opened to the public.

The meeting was closed to the public.

Mr. Foltz asked if they are going to have a proper gutter system because they are using the same footprint.

Mr. Miller said yes.

There being nothing further Andy Rosenberg made a motion to approve the request for the new 3,766 s.f. church to be located 4.1' from the north property line 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
Andy Rosenberg-yes
Sheila Tracy-yes
Meghan Lutz-yes
Sam Marotta-yes

AREA VARIANCE GRANTED

Andy Rosenberg made a motion to approve the request for the new church building to be located 6.7' from the west 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 Andy Sheila Tracy.

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

AREA VARIANCE GRANTED

The next case to be called was Case No. 2276. Appeal of Ulrich Sign Company to remove the existing wall signs and erect a 2' x 5' wall sign on the west side of the building and erect a 5' x 37' wall sign on the east side of the building located at 24 Church Street, Lockport, New York situated in a B-2 Zone.

Mr. Chris McCaffrey owner of Ulrich Sign Company was present.

Mr. McCaffrey stated that they would like to remove the existing vertical sign on the east wall and replace it with individual, nonilluminated letters. He said that they will have an old-fashioned look to them. He said that they would also like to remove the existing vertical sign on the west side of the building and install a 2' x 5' sign. He said that these will enhance the signage. He said that they need a variance because of the square footage of the signs.

Ms. Tracy asked how they are going to affix the sign on the parking lot side of the building.

Mr. McCaffrey said that they will use threaded aluminum pins that are drilled into the building.

Ms. Tracy asked if the letters will fall off the building easily.

Mr. McCaffrey said no.

The meeting was opened to the public.

The meeting was closed to the public.

There being nothing further Sheila Tracy made a motion to approve the request to remove the existing wall signs and erect a 2' x 5' wall sign on the west side of the building and a 5' x 37' wall sign on the east side of the 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 Meghan Lutz.

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

Meghan Lutz-yes
Sam Marotta-yes

AREA VARIANCE GRANTED

The next case to be called was Case No. 2277. Appeal of Ulrich Sign Company to remove the existing manual change wall sign and erect a 3.5' x 18' electronic message sign located at 200 Upper Mountain Road, Lockport, New York situated in an I-3 Zone.

Mr. Chris McCaffrey, owner of Ulrich Sign Company was present.

Mr. McCaffrey said that he is there to represent General Motors. He said that they would like to remove the old-style manual change copy sign. He said that the sign is for visitors and employees. He said that the track is broken on the existing sign and they would like to install an electronic message sign. He said that you will not be able to see the sign from the road. He said that this will be an enhancement to the building.

Mr. McCaffrey said that the sign will dim at night. He said that it will be parallel to the street. He said that they will follow the City Code with how often the sign can change. He said that they need a variance because when the City redid the ordinance electronic message signs are only allowed on certain streets. He said that Upper Mountain Road is not one of them.

Ms. Tracy said that the sign will also exceed 32 s.f.

Mr. McCaffrey said that the sign will be 41" tall and 19' long. He said that the sign will fit the building. He said that 32 s.f. would fit a typical building but on this building would look like an afterthought.

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 for the use of an electronic message sign 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
Sam Marotta-yes

AREA VARIANCE GRANTED

Meghan Lutz made a motion to approve the request for the electronic message sign to exceed 32 s.f. as follow:

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
Sam Marotta-yes

USE VARIANCE GRANTED

The next case to be called was Case No. 2278. Appeal of Daniel Bragg to erect a 4' x 1'' roof covering on the northwest side of the building located at 215 Davison Rd, Lockport, New York situated in a B-1 Zone.

Mr. Bragg provided a letter from Ms. Kathryn Ulrich, owner of Spalding Hardware allowing him to represent the project.

Mr. Bragg said that they would like to erect a 4' x 11' rack storage area for pipe on the west side of the fenced in area. He said that it will be a lean too. He said that it will all be metal. He said that the entire thing will be white. He said that this will increase shelf space inside the store.

Mr. Foltz asked if they are going to have to reposition the propane tanks.

Mr. Bragg said that he didn't think so. He said that has to do with window and door openings. He said that they are going to board up the one window anyways.

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 4' x 11' roof covering on the northwest side of the building as follow:

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
Sam Marotta-yes

AREA VARIANCE GRANTED

The next case to be called was Case No. 2279. Appeal of Mark Kahle to erect an 8.5' x 9.25' addition to the southwest corner of the building and erect a 370.6 square foot two storied porch addition on the east side of the building situated in a B-5 Zone.

Mr. Kahle stated that he needs an area variance to add onto the existing garage addition that he was granted in 2015. He said that the garage is already 0' from the back line and he would like it to be 0' from the west line. He said that he would like a 13' x 10' addition to follow the line of the building. He said that his second request is to extend the porch 30' to the north and 19' to the south. He said that the porch will be the same distance to the east as the existing porch. He said that it will be a two storied porch.

Ms. Lutz asked what the rear addition will be used for.

Mr. Kahle said that he needs it to fit two cars in the garage. He said that he cannot currently fit two cars.

Ms. Lutz asked if the exterior of the addition is going to match the existing.

Mr. Kahle said yes, it will be block with a fire rated door.

The meeting was opened to the public.

Ms. Tracy asked if the upper porch is going to go all the way across the building.

Mr. Kahle said yes.

Ms. Tracy asked if it will be used a lot.

Mr. Kahle said that it is for personal use, he has kids.

The meeting was closed to the public.

Megan Brewer read aloud a letter from Ms. Margaret Root, 74 Niagara Street opposed to the rear addition.

Mr. Foltz said that he has concerns with drainage if there is a 0' setback.

Mr. Kahle said that he can put something in to make sure it flows the other way.

Mr. Foltz asked if there is going to be any extra lighting installed.

Mr. Kahle said no, there is an emergency door that has a light on it but he won't be installing any more.

Ms. Lutz stated that he needs to find somewhere to drain the discharge from the building. She said asked how he plans on doing this if he doesn't have a 10' setback.

Mr. Kahle said that there is a lot to the south of his property that he thinks NYSEG owns.

Ms. Tracy asked if Mr. Kahle is cleaning up the property.

Mr. Foltz said that the drainage is his only concern.

Mr. Kahle said that he thought Ms. Root's only issue was with a fire. He said that the addition is all block.

Deputy Corporation Counsel McGrath stated that without looking at a deed no one knows who owns the easement shown on the survey. She said that we don't know if it is 7-11's property or NYSEG.

Mr. Foltz asked who cuts the grass on the vacant property in question.

Mr. Kahle said that he does.

Jason Dool explained that it doesn't matter who owns that property, you cannot discharge water onto someone else's property.

Ms. McGrath said that she agrees.

Mr. Marotta said that the GIS maps show that it is 7-11 property.

Mr. Foltz said that the drainage cannot affect the neighboring properties.

Ms. Lutz stated that Ms. Root has a concern with the exterior of the property being cleaned up. She asked if he will be able to get to the rear and west side of the property to clean debris up.

Mr. Kahle said yes.

There being nothing further Meghan Lutz made a motion to approve the request for the rear addition to be located 0' from the south property line 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
Sam Marotta-yes

AREA VARIANCE GRANTED

Andy Rosenberg made a motion to approve the request for the rear addition to be located 0' from the west property line 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
Sam Marotta-yes

AREA VARIANCE GRANTED

Meghan Lutz made a motion to approve the request for the lot coverage to be increased to 47.4% as follows:

AND IT APPEARING, the porches shall never be enclosed,
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 Andy Rosenberg.

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

AREA VARIANCE GRANTED

Andy Rosenberg made a motion to approve the minutes of the August 23, 2022 meeting.
Seconded by Sheila Tracy. yes-5 Noes-0

Meghan Lutz made a motion to adjourn; Motion seconded by Sheila Tracy. Ayes-5 Noes-0

MEETING ADJOURNED

The next regularly scheduled meeting will be Tuesday, October 25, 2022 at 5:00 p.m.