

MINUTES
MUNICIPAL BUILDING
ZONING BOARD OF APPEALS

August 22, 2023

5:00 P.M.

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

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. 2304. Appeal of Branden Bower to remove the 10' x 16.5' roof covering over the deck and erect a 10' x 16.5' roof covering located at 12 Juniper Street, Lockport, New York situated in an R-2 Zone.

Mr. Bower stated that he wants to take of the rotten deck and build a screened in enclosure with an outside deck.

Ms. Babis asked if he is going to replace the roof and deck.

Mr. Bower said yes, both.

Mr. Foltz asked if the deck and roof are going to be the same as what is existing.

Mr. Bower said that he is going out into his property more but the new roof and deck will be even with the house. He said before it was 1' past the house. He said that he is going 2' farther out into the yard, he used the original footers.

Mr. Foltz explained that he needs to install a gutter system in order to keep any water drainage onto his own property not his neighbors.

Mr. Bower said that he would not discharge onto the neighbor's property.

Mr. Foltz asked if the roof is going to match the house. He asked what material he is going to use.

Mr. Bower said that the roof will be plastic, that is what was on there before.

Ms. Tracy asked if the deck was also rotten.

Mr. Bower said yes.

The meeting was opened to the public.

Ms. Sarah Burke-Gruenauer, 16 Juniper Street said that she is in support of the project. She said that it is just a real roof for a screened in porch. She said that it does not infringe on her property.

The meeting was closed to the public.

There being nothing further Meghan Lutz made a motion to approve the variance to remove the 10' x 16.5' roof covering over the deck and erect a 10' x 16.5' roof covering 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
Nancy Babis-yes
Sheila Tracy-yes
Sam Marotta-yes
Roxanne Devine- yes

AREA VARIANCE GRANTED

The next case to be called was Case No. 2305. Appeal of Kristin and Steve Secord to install a 14' x 28' inground pool located at 109 Independence Drive, Lockport, New York situated in an R-1 Zone.

Mr. Secord stated that he would like to put in an inground pool.

Mr. Foltz asked if they are going to install a fence around the pool.

Mr. Secord said that there is already a fence up.

Mr. Foltz said that with inground pools there can be water runoff issues because of the elevation changes. He asked that they make sure that they don't create a water issue for their neighbors, maybe install drain tile.

Mr. Secord said that the entire neighborhood has water issues in the spring and fall.

Mr. Foltz said that he had a friend that had a spring in their yard.

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 to install a 14' x 28' 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 Andy Rosenberg.

Kevin Foltz-yes
Andy Rosenberg-yes
Meghan Lutz-yes
Nancy Babis-yes
Sheila Tracy-yes
Sam Marotta-yes
Roxanne Devine- yes

AREA VARIANCE GRANTED

Case No. 2306. Appeal of Fortress Hill, LLC to utilize a 22-parking space covered parking area for the multi-use, multi-dwelling buildings situated in a B-2 Zone was withdrawn.

The next case to be called was Case No. 2307. Appeal of Andrew Perilli to erect a 16' x 27' covered deck on the rear of the house located at 55 Independence Drive, Lockport, New York situated in an R-1 Zone.

No one showed up to represent the case.

The next case to be called was Case No. 2308. Appeal of Dennis Stachera to remove and replace the 18.5' x 20.5' detached garage located at 24 Regent Street, Lockport, New York situated in an R-1 Zone.

Mr. Stachera stated that he lives next door at 20 Regent Street and he property manages for his sister-in-law Carmella Hanely.

Mr. Stachera said that the garage is currently the leaning tower of Piza. He said that they would like to take the garage down and put up a 2.5 car garage. He said that the people on both sides of the property have these. He said that the garage would be in the same line, if they move the garage to 5' it would be ahead of everyone else's. He said that he has talked to the neighbors.

Mr. Foltz asked if the garage will be on the same foot as the existing. He asked if the garage is going to match the house.

Mr. Stachera said yes, it will be the same foot print.

Mr. Foltz asked if the siding is going to match.

Mr. Stachera said yes.

Mr. Foltz explained that they need to install gutters that keep the water runoff onto their own property.

Mr. Stachera agreed. He stated that they know they are going to have to fire rate the side and back side of the garage.

The meeting was opened the public.

The meeting was closed to the public.

There being nothing further Andy Rosenberg made a motion to approve the variance for the garage to increase the lot coverage to 30% 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
Nancy Babis-yes
Sheila Tracy-yes
Sam Marotta-yes
Roxanne Devine- yes

AREA VARIANCE GRANTED

Andy Rosenberg made a motion to approve the variance request for the garage to be located 1.82' from the east 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
Meghan Lutz-yes
Nancy Babis-yes
Sheila Tracy-yes
Sam Marotta-yes
Roxanne Devine- yes

AREA VARIANCE GRANTED

Meghan Lutz made a motion to approve the variance request for the garage to be located 2.98' 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 Sam Marotta.

Kevin Foltz-yes
Andy Rosenberg-yes
Meghan Lutz-yes
Nancy Babis-yes
Sheila Tracy-yes
Sam Marotta-yes
Roxanne Devine- yes

AREA VARIANCE GRANTED

Andy Rosenberg made a motion to approve the minutes of the July 25, 2023 meeting.

Seconded by Nancy Babis. Ayes-7 Noes-7

Meghan Lutz made a motion to adjourn; Motion seconded by Roxanne Devine. Ayes-7 Noes-0

MEETING ADJOURNED

The next regularly scheduled meeting will be Tuesday, September 26, 2023 at 5:00 p.m.