

**MINUTES**  
**MUNICIPAL BUILDING**  
**ZONING BOARD OF APPEALS**

November 28, 2023

5:00 P.M.

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

EXCUSED: Sheila Tracy, 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. 2314. Appeal of James Sparks to erect two two-unit dwellings located at 113 Passaic Avenue, Lockport, New York situated in an R-2 Zone.

Mr. James Sparks, Mr. Dave Sparks and Ms. Kathy Dimillo-Sparks were present.

Mr. Dave Sparks stated that he is Jim's father and will be representing him. He stated that Jim just built a duplex at 125 Passaic Ave. He said that he is in the process of buying 113 Passaic Ave. He said that section of Phelps Street is only a paper street. He said that Phelps Street was supposed to go through from Passaic to Trowbridge but it does not. He said that there are four lots that face Phelps Street.

Mr. Dave Sparks said that the lot has 40' of frontage on Passaic Avenue. He said they would like to build two duplexes on the four lots just like the one at 125 Passaic Ave. He said that the houses would face Phelps Street if the street was finished but they cannot because it is a paper street. He said that the parking lot for the house will be on the north side where Phelps Street is.

Meghan Lutz stated that use variance has very strict criteria, one of which is a financial hardship. She asked if they had any evidence of the financial difficulty.

Ms. Kathy DiMillo-Sparks stated that she is the real estate agent. She said that these lots were part of the estate of Mary Ann Taylor. She said that her son Bob Taylor has had the lots for sale for four years and he couldn't sell them. She said that because the lots were

on a paper street it has been difficult. She said that because there is 40' of frontage on Passaic Ave, Bob decided to combine the four lots into one parcel in June. She said that the combine parcel has been on market for a year and has not been sold.

Ms. DiMillo-Sparks stated that there are two families in the area, her father built 11 or of 14 of them.

Ms. Lutz said that the lots were on the market for four years with no interest.

Ms. DiMillo-Sparks said yes.

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 two two-unit dwellings 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.

Ms. Peta-Gail Murphy, 110 Trowbridge asked where the driveway is going to be.

Mr. Dave Sparks said on the Passaic Ave side. (He showed her a map)

Kevin Foltz-yes  
Meghan Lutz-yes  
Nancy Babis-yes  
Roxanne Devine-yes  
Andrew Rosenberg-yes

**USE VARIANCE GRANTED**

Nancy Babis made a motion to approve the minutes of the October 24, 2023 meeting.  
Seconded by Sheila Andy Rosenberg. Ayes-5 Noes-0

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

**MEETING ADJOURNED**

**The next regularly scheduled meeting will be Tuesday, January 23, 2024 at 5:00  
p.m.**

**HAPPY HOLIDAY!**