

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

July 23, 2024

5:00 P.M.

PRESENT: Kevin Foltz, Chairman, Nancy Babis, Meghan Lutz, Shelia Tracy, Andrew Rosenberg, Kevin McDonough, Kathleen Kugler, Deputy Corporation Counsel, Jason Dool, Chief 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. 2325. Appeal of Amanda Gorko to erect a 3.75' x 3' wall sign on the south side of the house, a 24" diameter sign on the southeast porch and a 2' x 1' ground sign on the east portion of the lawn for Miss Bella Salon located at 329 East Avenue, Lockport, New York, Lockport, New York situated in an R-2 Zone.

Ms. Gorko stated that she was granted a home occupation about a month and an half ago. She said that she would like to install some signs for her salon. She said that she has submitted some pictures to give the Board a good idea of what she is looking to do. She said that she is new to this and is open to suggestions.

Mr. Foltz said that she is applying for three signs. He said that is a large amount of signage for a residential area. He said that there are businesses down the street that don't have that much signage. He said that the one over the bay window is too much.

Ms. Gorko said that she applied for everything since she was applying. She said that if only one or some of the signs are approved it is extra. She said that the only one she is going to install now is the one by the bird house. She said that the other two would come later.

Mr. Foltz asked if she was ok with them only approving two of the signs.

Ms. Gorko asked if he was talking about the one on the porch and the one on the post.

Mr. Foltz said yes.

Ms. Tracy said that looking down East Avenue, the sign on the bird house will be hard to see because the City tree needs to be trimmed. She asked if Ms. Gorko contacted the Streets Department.

Ms. Gorko said not yet, she will contact the City to have it trimmed or she will do it herself.

Mr. Foltz said that if she trims that tree she needs to tell the City what she is doing.

Ms. Gorko said that she would get permission.

Ms. Babis asked if there is currently signage on the porch door.

Ms. Gorko said that she has her business hours listed on the door window.

Ms. Babis said that is still considered signage.

Ms. Gorko asked if she had to remove it.

Ms. Babis said that would not be allowed.

Megan Brewer explained that in a Business Zone the City only allows 50% of a window to be covered.

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 install a 2'x 1' ground sign on the east portion of the property 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  
Nancy Babis-yes  
Andy Rosenberg-yes  
Kevin McDonough-yes  
Sheila Tracy-yes  
Meghan Lutz-yes

**USE VARIANCE GRANTED**

Nancy Babis made a motion to approve the request to install a 24” diameter sign on the southeast porch 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  
Nancy Babis-yes  
Andy Rosenberg-yes  
Kevin McDonough-yes  
Sheila Tracy-yes  
Meghan Lutz-yes

**USE VARIANCE GRANTED**

Nancy Babis made a motion to deny the request to install a 3.75’ x 3’ wall sign on the south side of the house as the request is substantial. Seconded by Meghan Lutz.

Kevin Foltz-yes  
Nancy Babis-yes  
Andy Rosenberg-yes  
Kevin McDonough-yes  
Sheila Tracy-yes  
Meghan Lutz-yes

**USE VARIANCE DENIED**

The next case to be called was Case No. 2327. Appeal of Kevin Cain to install a 588 square foot in-ground pool located at 49 Hi-Point Drive, Lockport, New York situated in an R-1 Zone.

Ms. Krista Cain stated that they would like to put an in-ground pool and patio in the rear yard.

Mr. Foltz said that this is a pretty big pool.

Ms. Cain said that when they came and measured it out, it really isn't that big.

Mr. Foltz asked if they have had a pool before. He said that they need to make sure that they don't shed water onto their neighbor's property.

Ms. Tracy asked if the pool will be fenced in.

Ms. Cain said yes.

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

Ms. Cain said just the pool lights. She said they have a flood light in the back now but it doesn't work.

Mr. Foltz said that if they do install more lighting, it cannot shine onto the neighbor's property.

The meeting is open to the public.

The meeting is closed to the public.

There being nothing further Meghan Lutz made a motion to approve the request to install a 588 square foot in-ground 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  
Nancy Babis-yes  
Andy Rosenberg-recused  
Kevin McDonough-yes  
Sheila Tracy-yes  
Meghan Lutz-yes

#### **AREA VARIANCE GRANTED**

The next case to be called was Case No. 2329. Appeal of Alexander Kapaan to erect a 10' x 12' storage shed in the rear yard located at 25 Price, Street, Lockport, New York situated in an R-1 Zone.

Mr. Kapaan stated that he would like to install a 10' x 12' shed. He said that he is going to demolish the existing cheap metal shed. He said that the current shed is on part of the driveway and he is going to replace that with grass. He said that he is going to use the new shed for lawn equipment storage as well as general storage because his basement is stone and it leaks.

Ms. Tracy asked what material the shed will be.

Mr. Kapaan said that it will have a concrete foundation, 2' x 4' walls with plywood and vinyl siding.

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

Mr. Kapaan said that it will be different color with a metal roof.

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 request to install 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 Andy Rosenberg.

Kevin Foltz-yes  
Nancy Babis-yes  
Andy Rosenberg-yes  
Kevin McDonough-yes  
Sheila Tracy-yes  
Meghan Lutz-yes

#### **AREA VARIANCE GRANTED**

The next case to be called was Case No. 2330. Appeal of Lockport United Church of Christ to utilize a tenant space as a church located at 80 Main Street, Lockport, New York situated in a B-2 Zone.

Ms. Cindy Corrieri, 7745 Cottage Rd, Gasport, New York was present to represent the church.

Ms. Corrieri stated that their church has been in Lockport since 1838 and on East Avenue since 1890. She said that the building is now too large for their congregation and they have sold the building. She said that they are looking for a smaller location. She said that they want to continue to be part of downtown Lockport. She said that they are looking for a space that is more affordable for their congregation.

Ms. Lutz asked what their regular attendance is for a service.

Ms. Corrieri said 20-25 people.

Ms. Lutz asked if their services are only on Sundays.

Ms. Corrieri said that they have services on Sundays that are about an hour. She said that they have bible study classes twice a week that 5-6 people attend and there is a staff of two that will be in and out of the space.

Mr. Foltz said that this is a business district that they can't complain about the types of businesses in the area.

Ms. Corrieri said that is in their lease as well as standards for signage color. She said that they are aware that there are businesses with liquor licenses in the building and they don't intend to interfere with them.

Mr. Foltz asked if their congregation got larger, if they would expand into another space.

Ms. Corrieri said that if the space was available next door they would if they needed to.

Mr. Mike Corrieri said that if they expand their congregation they could look at another site as well, Mr. Trusso owns a lot of the surrounding properties.

Ms. Corrieri said that they like this space because there is plenty of parking behind the building and it won't be a problem. She said that the other spaces they have looked at had no parking.

Ms. Corrieri said that they have an older congregation and it is nice to have the parking behind the space.

The meeting was opened to the public.

Ms. Hope Schwartz, 3057 Ewings Rd, Newfane, stated that she is the pastor of church. She said that they are looking to keep their presence in the community in Lockport. She said that they have deep roots in the community. She said that if their congregation expands they can consider having multiple services on Sundays.

The meeting was closed to the public.

There being nothing further Meghan Lutz made a motion to approve the request to utilize a tenant space as a church as follows:

AND IT APPEARING, the church return to the Board in the event that they wish to expand their church into another tenant space,

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 Kevin McDonough.

Kevin Foltz-yes  
Nancy Babis-yes  
Andy Rosenberg-yes  
Kevin McDonough-yes  
Sheila Tracy-yes  
Meghan Lutz-yes

#### **USE VARIANCE GRANTED**

The next case to be called was Case No. 2328. Appeal of Ryan Neidrauer to erect a 12' x 12' addition to the rear of the house located at 522 Prospect Street, Lockport, New York situated in an R-2 Zone.

Mr. Neidrauer, 6929 Lockwood Lane, Lockport New York, stated that he would like to put a one bedroom addition on the back of the house. He said that he would be going straight back on the south side and there would be an inlet on the north side for a walk way.

Ms. Lutz asked if he is continuing the existing line of the house.

Mr. Neidrauer said yes.

Ms. Babis asked if the addition is going to match the existing building.

Mr. Neidrauer said yes.

The meeting was opened to the public.

The meeting was closed to the public.

Mr. Foltz read aloud a communication in favor of the project.



There being nothing further Nancy Babis made a motion to approve the request to erect a 12' x 12' addition to the rear 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 Kevin McDonough.

Kevin Foltz-yes  
Nancy Babis-yes  
Andy Rosenberg-yes  
Kevin McDonough-yes  
Sheila Tracy-yes  
Meghan Lutz-yes

**AREA VARIANCE GRANTED**

Shelia Tracy made a motion to approve the minutes of the June 25, 2024 meeting.  
Seconded by Kevin McDonough. Ayes-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, August 27, 2024 at 5:00 p.m.**