

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

August 27, 2024

5:00 P.M.

PRESENT: Kevin Foltz, Chairman, Sam Marotta, Meghan Lutz, Shelia Tracy, Andrew Rosenberg, Kevin McDonough, Kathleen Kugler, Deputy Corporation Counsel, Jason Dool, Chief Building Inspector.

ABSENT: Nancy Babis

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. 2331. Appeal of Haris Ali to erect a wooden fence around the perimeter of the vacant lot located at 163 South Street, Lockport, New York, Lockport, New York situated in an R-3 Zone.

Mr. Ali stated that he purchased the lot that is adjacent to his house on Elmwood. He said that he purchased it as a backyard for his child and wife. He said that the neighbors to the lot put their garbage on the property all the time. He said that he has asked them to stop. He said that he is asking permission to fence in the lot on three sides. He said that there is a garage on one side of the lot and a house on the other. He said that he would like his family to be able to enjoy the yard.

Mr. Foltz asked what type of fencing he plans on installing.

Mr. Ali said a privacy fence.

Mr. Foltz asked if the fence is going to be 5' or 6'.

Mr. Ali said yes.

Mr. Rosenberg asked if the fence is going to be vinyl or wooden.

Mr. Ali said wood. He said that the fence will taper down toward the street.

Mr. Foltz asked if he planned on putting a gate on the South Street side.

Mr. Ali said yes, there is a driveway there.

The meeting was opened to the public.

The meeting was closed to the public.

There being nothing further Meghan Lutz made a motion to grant the request to install a wooden fence around the perimeter of the vacant lot 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  
Sam Marotta-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. 2332. Appeal of Nicholas Pasceri to utilize a portion of the existing building as retail space located at 755 Market Street, Lockport, New York situated in an R-2 Zone.

Mr. Pasceri stated that currently there is a variance for the commercial space for Fleet Wash. He said that the business has been closed for ten years. He said that he applied to convert the space into a third apartment but it was denied. He said that the space has been vacant since and is not useful.

Mr. Pasceri said that he was approached by someone that has a tee shirt business that would like to utilize the space. He said that there would not be a lot of traffic as the stuff they make is made to order and people pick it up. He said that they would like to have a small retail space. He said that he doesn't know what else to do with the space because the apartment already go denied.

Ms. Lutz asked what the hours of operation would be for the business.

Ms. Krista Radwanski, 836 Willow Street, owner of the business stated that she and her co-worker started this small business years ago and have been using her basement. She said that they do all the school uniforms for DeSales, the Fire Department and school district sports teams. She said that she has a partner but she had school orientation tonight and is unable to attend.

Ms. Radwanski said that they are looking for a larger work space. She said that 2/3 of the rented space would be used as work space and equipment storage and there would be a small area in the front for retail. She said that they would like an outside spot for try-on events for things like the DeSales uniforms. She said that they need something different because right now they are using her basement in her home.

Ms. Radwanski said that they do a lot of fundraisers in the City. She said that they do Operation Warmth, Lockport School Boosters, and Unity Program and the High School as well as shirts for the Tops massacre and the Damar Hamlin foundation.

Ms. Radwanski said that they are currently working with WNY Hero's where \$7.16 from every shirt gets donated.

Ms. Lutz asked what the hours of operation would be.

Ms. Radwanski said that it is just the two of them working. She said that she thinks they would have hours Tuesday-Saturday from 10 am-6 pm or 12 pm- 7 pm for pick up so that people that work can get their orders. She said that she is a retired teacher and it is just her and her partner.

Mr. Foltz asked what else they sell beside shirts.

Ms. Radwanski said that they sell sports merchandise. She said that they sell Buffalo items, crafty things. She said most of their current contracts are for shirts.

Ms. Tracy asked if she is currently operating out of her house.

Ms. Radwanski said yes.

Mr. Foltz asked what the day to day traffic will look like.

Ms. Radwanski said that they hope they are successful. She said that if 5 to 10 people stopped per day, she would be happy. She said that people pick up their orders at her home on Willow now. She said that the Fire Fighters like this because they live in the area. She said they would like to have two pick up spots, one at her home and one on Market Street.

The meeting was opened to the public.

Ms. Patricia Quast, 715 Market Street, stated that she lived in the Town of Lockport all of her life. She said that a year ago she moved into the City. She said that she was drawn to the family friendly activity in the area. She said that retail belongs on Main Street. She said that this will lower her property value. She said that she is worried about the rezoning to retail, someone coming in and opening a liquor store or smoke shop. She said that she supports local businesses but maybe the Art building down the street would be a better fit.

Ms. Sara Molinaro, 887 Willow Street, stated that she is the owner of Molinaro's restaurant. She said that she has been a business owner for 22 years. She said that she pays a lot of taxes between her rental properties, business and home. She said that she is here to speak on behalf of Krista who is a friend and customer. She said that Krista was a teacher in her community.

Ms. Molinaro said that area has businesses in it. She said that if the property is zoned commercial she is not worried about them trying to install a liquor or marijuana. She said that there are families around. She said that they are looking to have a few people come into their store. She said that Krista does a great job and there is not an issue with traffic right now with them doing this out of her home. She said that this is a beautiful area and it is a very small, mostly shipping business. She said that it shouldn't cause a traffic pattern change. She said that they would enhance the property with upgrades.

Ms. Molinaro said that she likes to support local people who give back to the community. She said that this will provide people somewhere to buy products with a local business. She said that they make cups and coasters as well. She said that this will bring more tax revenue to the City and give the consumers a good local climate.

Mr. Nick Conkling, 681 Market Street, stated that he is concerned that if this property is turned into retail, someone down the road would put another type of business in the space.

Megan Brewer explained that they are not applying to rezone the property, they are asking for relief from the current zoning. She explained that the Board has the authority to restrict what can put into the space.

Mr. Pasceri said that they can restrict the variance.

Ms. Tara Johnson, 709 Market Street, said that she just bought her house. She said that she loves the location with the park, marina and playground for her daughter. She said that as for the business, she has no issues. She said that she is also a teacher. She said that she doesn't want just any business in the area, it would depend on what the business is. She said that she wouldn't be worried if it was stipulated for this specific business.

Mr. Pasceri said that there is a variance on the property now that is business specific, he can't use it.

Mr. Foltz asked if they plan on putting a sign up. He said that if they do, they can request that this be tabled so that they can amend their application to include the sign so they do not have to fully reapply.

Mr. Foltz said that they can come back next month with the signage.

Jason Dool explained that there is currently a variance for the property that is specific to Fleet Wash. He said that the Board has the ability to grant a variance specific to the clothing store and not just a blanket variance for retail.

Ms. Mary Morello, 653 Market Street, asked if people are going to be parking on the street. She said that when Fleet Wash was operating sometimes they used the City parking.

Mr. Pasceri said that there is plenty of parking on site, enough for 8-9 cars. He said that he has two tenants. He said that there is a garage on the other side of the property that they can park in as well. He said that he highly doubts that people would park across the street. He said they only plan on having 5-6 people in the store at a time.

Ms. Lutz asked if the parking area is marked off currently.

Mr. Pasceri said no, but he can.

Mr. Pasceri requested to table the decision until next month so that they can amend their application.

Andy Rosenberg made a motion to approve the minutes of the July 23, 2024 meeting. Seconded by Kevin McDonough. Ayes-6 Noes-0

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

### **MEETING ADJOURNED**

**The next regularly scheduled meeting will be Tuesday, September 24, 2024 at 5:00 p.m.**