

MINUTES
MUNICIPAL BUILDING
ZONING BOARD OF APPEALS

October 22, 2024

5:00 P.M.

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

EXCUSED: Meghan Lutz

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. 2336. Appeal of Harrison Studio to install three apartments on the second floor of the existing building located at 7 Ontario Street, Lockport, New York situated in a B-2 Zone.

Mr. Tim Arlington, Apex Consulting, 102 East Avenue, Lockport, New York was present with Chuck Bell, owner of the property.

Mr. Arlington stated that Chuck Bell was successful with the renovation of 4 Lock Street the adjacent property. He said that they would like to install three apartments on the second floor of this building and utilize the first floor for a bar/restaurant. He said that the building encompasses the entire lot and there is no room for parking.

Mr. Arlington said that currently Mr. Bell has an arrangement with the Dale Association for his tenants at 4 Lock Street. He said that he is willing to make the same arrangements for the apartments for this building. He said that they will need six spaces for the three apartments.

Mr. Arlington said that the current configuration of the second floor shows that it was residential use as some point. He said that there is a small area on the west end of the building that is approximately 350 square feet that they are proposing as one of the units. He said that they would like the split the other side of the second floor into two units, one would be 496 square feet and the other would conform to the requirement.

Mr. Arlington said that there isn't much they can do with the smaller apartment because there is a stairwell there. He said that reconfiguring that stairwell would be a significant structural concern if they were to try and make the one unit larger. He said that this is the only feasible way to break up the space.

Mr. Arlington said that the current code requires units be a minimum of 600 square feet, if the new ordinance passes the way it is proposed, that requirement will not be there.

Mr. Arlington said that they do not have any other option with the parking, same as the other building. He said that the building is built to the street. He said that this is consistent with the neighborhood. He said that they can make arrangements with the Dale Association.

Mr. Bell said that he has a contract for 4 Lock Street that he pays monthly for parking spaces. He said that he talked to Maureen Wendt from the Dale Association and she was all for it. He said that the only thing he is missing is designated signage for his tenants.

Mr. Arlington said that the small unit they have labeled 359 square feet needs to be reduced to 352 square feet. He said that they had to make a minor adjustment with the stairwell to meet the NYS Code for stairwells.

Ms. Tracy asked if the laundry room shown is for all three units.

Mr. Bell said yes, and they are adding 1st floor storage units in the current garage to make up for the lack of storage in the units.

Mr. Foltz said that he thinks this is a great use of the building, it's the last piece to the neighborhood.

Mr. Arlington showed the board a rendering of the exterior of the building. He said that they are trying to blend the building into the neighborhood.

Mr. Foltz said that he watched the Planning Board meeting. He asked if they have discovered if they can salvage the brick.

Mr. Bell said that they have only chipped away at the stucco. He said that they don't know yet if or how much of the brick can be saved.

Mr. Arlington said that they got lucky on Lock Street. He said that if they can do the same with this building they will. He said that if they can't, they will find a finish to match the look.

Ms. Tracy asked if they plan on putting a bar on the first floor.

Mr. Arlington said potentially.

Ms. Tracy asked how much larger the first floor is compared to the other building.

Mr. Bell said that it is comparable space. He said that he doesn't have a tenant yet. He said that they are going to the Common Council for approval for outdoor seating to make the space more marketable. He said that a food and beverage business makes sense for the space but he doesn't have a tenant.

Ms. Tracy said that outdoor seating will blend in with Canal Street.

Mr. Bell said that he hopes so.

The meeting was opened to the public.

Mr. Doug Zimmerman, 51 Canal Street, stated that he thinks this is a great idea. He said that they need to make the approval contingent on the parking agreement being made because people park all the way up by the dumpster in his lot.

Mr. Foltz explained that Mr. Bell currently has an agreement with the Dale Association, not the City lot.

Mr. Zimmerman said he understands but the City lot is always full.

The meeting was closed to the public.

Ms. Babis made a motion to approve the variance request for there to be zero parking spaces located on the property with the stipulation that an agreement be made with the Dale Association to provide the appropriate spaces.

Mr. Bell requested that the agreement requested not be exclusively with the Dale Association.

Ms. Babis retracted her previous motion.

Ms. Babis made a motion to approve the variance request for there be zero parking spaces located on the property as follows:

AND IT APPEARING, an agreement be made to provide six parking spots off site within two-thirds of a mile of 7 Ontario Street as follows:

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
Sam Marotta-yes
Andy Rosenberg-yes
Kevin McDonough-yes
Sheila Tracy-yes
Nancy Babis-yes

AREA VARIANCE GRANTED

Andy Rosenberg made a motion to approve the variance request to install three apartments on the second floor of the building two, being under the 600 square feet minimum 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 Sam Marotta.

Kevin Foltz-yes
Sam Marotta-yes
Andy Rosenberg-yes
Kevin McDonough-yes
Sheila Tracy-yes

Nancy Babis-yes

AREA VARIANCE GRANTED

The next case to be called was Case No. 2337. Appeal of Sandra Burbank to erect a 17' x 12' carport on the north side of the property and erect a 10' x 14' roof covering on the east side of the house located at 406 Prospect Street, Lockport, New York situated in an R-2 Zone.

Ms. Burbank was present with Mr. Brian Coon of Near Me Remodeling.

Ms. Burbank stated that she would like an awning in her back yard to cover her hot tub and keep out the prying eyes of her neighbors as well as to keep it out of the elements and weather.

Mr. Coon said that they would like to build a carport and rear roof cover to make it easier with heavy snow removal. He said that Ms. Burbank has a bad back. He said that with the carport, they would like to go out 12', enough to cover the driveway. He said that he would set the post into the blacktop and support it with either 4' x 4's or 6' x 6's. He said that he will make sure it stays on her land.

Mr. Coon said that with the rear roof, the cement pad sticks out farther than the house, he said that he will set some of the post into the concrete.

Ms. Burbank said that two of the post will be in the grass.

Mr. Coon said that they want to cover the whole pad, the pad goes toward the property line farther than the house.

Mr. Foltz asked what they are going to do about drainage.

Mr. Coon said that they are going to install gutters and downspouts, some of the water will discharge to the front and some to the backyard.

Mr. Foltz asked if the carport is going to slope away from the house.

Mr. Coon said that it will have a 12/3 pitch so they can use shingles.

Mr. Foltz said that the gutter will have to stay on her property.

Mr. Foltz asked if some of the water is discharging into the backyard.

Mr. Coon said yes, both the carport and roof on the rear will drain into the yard.

Mr. Foltz asked if any lights will be installed.

Ms. Burbank said that she may put up twinkle lights.

Mr. Foltz said that any lighting installed can't shine onto the neighbor's property.

Ms. Burbank said that she will turn them off when he isn't using the hot tub.

Mr. Foltz asked if they plan on putting any sides on the carport.

Mr. Coon said that all three sides will be open.

Mr. Foltz asked if the sides of the hot tub cover will be left open as well.

Mr. Coon said yes.

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 request to increase the lot coverage to 32.6% 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
Sam Marotta-yes
Andy Rosenberg-yes
Kevin McDonough-yes
Sheila Tracy-yes
Nancy Babis-yes

AREA VARIANCE GRANTED

Andy Rosenberg made a motion to approve the variance request for the carport to be located 0' from the north property line as follows:

AND IT APPEARING, drainage be installed to prevent any discharge onto the neighboring property,

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 Sheila Tracy.

Kevin Foltz-yes
Sam Marotta-yes
Andy Rosenberg-yes
Kevin McDonough-yes
Sheila Tracy-yes
Nancy Babis-yes

AREA VARIANCE GRANTED

Sam Marotta made a motion to approve the variance request for the rear roof covering to be located 3.38' from the south property line 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 Nancy Babis.

Kevin Foltz-yes
Sam Marotta-yes
Andy Rosenberg-yes
Kevin McDonough-yes
Sheila Tracy-yes
Nancy Babis-yes

AREA VARIANCE GRANTED

The next case to be called was Case No. 2338. Appeal of Adam Parsons to erect a 14' x 14' mud room and a 30' x 30' garage and master suite addition on the west side of the existing house located at 101 Lincoln Avenue, Lockport, New York situated in an R-1 Zone.

Mr. Parsons said that he is requesting a variance because his family is growing, they are a family of six. He said that because of the housing market, they have chosen to build an addition. He said that he didn't know the addition was going to be 6' from the property line until a month and a half ago, the architect screwed up.

Mr. Foltz said that the architect screwed up.

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

Mr. Parsons said yes, it will be stone and stucco. He said that it will match the neighborhood as well.

The meeting was opened to the public.

The meeting was closed to the public.

There being nothing further Nancy Babis made a motion to approved the variance request for the addition to be located 6' 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 Andy Rosenberg.

Kevin Foltz-yes
Sam Marotta-yes
Andy Rosenberg-yes
Kevin McDonough-yes
Sheila Tracy-yes
Nancy Babis-yes

AREA VARIANCE GRANTED

The next case to be called was Case No. 2339. Appeal of James Kane to remove the existing detached garage and erect a 28' x 24' detached garage in the rear yard located at 10 LeVan Avenue, Lockport, New York situated in an R-1 Zone.

Mr. Kane said that he purchased the home last year. He said that he lived across the street for three years in an apartment house that he owns. He said that the property was in disrepair. He said that since he purchased the property he has built a new porch on the house and painted it. He said that he had to demolish the old garage because of its condition, the roof was caved in. He said that he would like to build a new garage that will be 24'x 28'. He said that it will be 3.4% larger than the existing.

Mr. Kane said that the garage will match the house and he will install gutters that will direct water away from the neighbors.

Mr. Foltz said that the gutters and the lighting have to be away from the neighbors.

Mr. Kane said ok.

Mr. Foltz asked if the new garage is going to be on the same footer as the old garage that sits 4.5' from the property line.

Mr. Kane said yes.

Mr. Foltz asked if the siding on the garage will be similar to the house.

Mr. Kane said yes.

The meeting was opened to the public.

The meeting was closed to the public.

There being nothing further Sam Marotta made a motion to approve the variance request for the lot coverage to increase to 23.4% 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
Nancy Babis-yes

AREA VARIANCE GRANTED

Andy Rosenberg made a motion to approve the variance request for the garage to be located 4.5' 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 Kevin McDonough.

Kevin Foltz-yes
Sam Marotta-yes
Andy Rosenberg-yes
Kevin McDonough-yes
Sheila Tracy-yes
Nancy Babis-yes

AREA VARIANCE GRANTED

The next case to be called was Case No. 2340 Appeal of Wilber Stiles to erect a 6' vinyl fence on the east property line located at 1 Hoover Parkway, Lockport, New York situated in an R-1 Zone.

Mr. Stiles stated that he needs a variance for the fence in his backyard. He said that the fence is up already. He said that he applied for a permit and his mom was in the hospital. He said that he had just moved into the house four days prior. He said that he had his brother pick up the permit and he never looked at it to see that the fence needed to be moved from where the prior one was. He said then his mom passed away and he had a baby. He said that the contractor installed the fence.

He said that there is a bamboo garden in the backyard and if he was to put the fence where it was supposed to go, he would have had to remove it or put the fence up in the middle of the yard. He said that he did not do this maliciously, he is asking for forgiveness.

Mr. Foltz said that corner lots are notorious for issues with fencing and driveways.

Mr. Stiles said that the fence looks good.

The meeting was opened to the public.

Ms. Carol Puusepp, 11 Alabama Pl. & Ms. Karen Granlowski, 9 Alabama Pl. came to the microphone.

Ms. Puusepp said that they are concerned with the height of the fence with it being in the front yard. She said that they are worried about traffic going around the corner.

Mr. Stiles explained that the fence is in the backyard and is already up.

Ms. Puusepp said she apologizes, she was mistaken.

The meeting was closed to the public.

There being nothing further Nancy Babis made a motion to approve the variance request for the fence to be higher than 36” 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
Nancy Babis-yes

AREA VARIANCE GRANTED

The next case to be called was Case No. 2335. Appeal of Varinder Sigh to erect two wall signs for OS Clouds located at 1195 Lincoln Avenue, Lockport, New York situated in a B-1 Zone.

Mr. Sigh stated that he is the sign contractor for OS Clouds. He said that the reason they need two signs is because the space has two fronts. He said that they would like to put signs up on both sides. He said that they want people to be able to see them from both the corner and inside the plaza.

Mr. Rosenberg asked if the signs are going to be illuminated.

Mr. Sigh said yes.

The meeting was opened to the public.

The meeting was closed to the public.

There being nothing further Kevin McDonough made a motion to approve the variance request for 30 square feet of signage 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
Sam Marotta-yes
Andy Rosenberg-yes
Kevin McDonough-yes
Sheila Tracy-yes
Nancy Babis-yes

AREA VARIANCE GRANTED

Andy Rosenberg made a motion to approve the minutes of the September 24, 2024 meeting. Seconded by Kevin McDonough. Ayes-6 Noes-0

Sheila Tracy made a motion to adjourn; Motion seconded by Nancy Babis. Ayes-6 Noes-0

MEETING ADJOURNED

The next regularly scheduled meeting will be Tuesday, November 26, 2024 at 5:00 p.m.