

MINUTES
MUNICIPAL BUILDING
ZONING BOARD OF APPEALS

February 25, 2025

5:00 P.M.

PRESENT: Kevin Foltz, Chairman, Sam Marotta, Shelia Tracy, Andrew Rosenberg, Meghan Lutz, Nancy Babis, Kevin McDonough, Anthony Serianni, 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. 2341. Appeal of Naman Adlakha to erect a second ground sign located at 66 Stevens Street, Lockport, New York situated in an I-3 Zone.

Mr. Adlakha stated that he is one of the owners of the company, a small cosmetic manufacturing company. He said that there is a second company in the building that is a design company. He said that they would like to have two signs. He said that they would like one for their office space and one for the people they lease to. He said that when their clients meet them at the location they want them to know it is a legit company. He said that they would like two signs.

Mr. Foltz asked if the signs are going to be lit.

Mr. Adlakha said there won't be any added lighting, the signs are LED.

Jason Dool explained that they are back lit.

Meghan Lutz asked if the sign message is going to be changeable.

Mr. Adlakha said that the sign is simple, there will be no changing messages.

Ms. Lutz asked if the sign has the option to change and if it set to turn on and off.

Mr. Adlakha said that the sign is set to turn on and off from 7 am to 10 pm right now. He said that he can change it to 7 am to 9 pm.

Mr. Foltz asked if the building is at full capacity.

Mr. Adlakha said yes, they have no plan to lease to others.

The meeting was opened to the public.

Ms. Ann Glenn, 111 Stevens Street, stated that they already have two signs on the property and they don't need one on all corners of the building. She said that she has lived there for 40 years. She said that they don't need all of that advertisement.

Ms. Glenn said that the signs not need to be lit.

Mr. Foltz said that both signs are lit. He asked if they are shining on her property or bothering her.

Ms. Glenn said no, this is across from the old Credit Union and Kathy O'Keefe's place. She said that it may bother her.

Ms. Tracy said that Kathy O'Keefe's business is not open at night.

The meeting was closed to the public.

Ms. Lutz asked what the hours of operation of the business are.

Mr. Adlakha said 8 am to 6 pm. He said that they don't have customers come in. He said that they are aware there are residents around. He said that there won't be any noise or trucks parked on the property unnecessarily. He said that they have four employees working at a time. He said that they manufacture cosmetics, the lab has to be clean. He said that they put a lot of money into the building.

Ms. Tracy asked how many people he employees.

Mr. Adlakha said that he employees 10 maximum. He said that some of his employees live in Rochester. He said that two work remotely and two work on site.

Mr. Foltz said that this property is adjacent to tire factory.

Mr. Adlakha said yes. He said that he can dim the lights to the bare minimum.

Mr. Foltz said that people don't understand that LED signs are actually brighter during the day than they are at night.

Jason Dool explained that these are not LED message signs they are backlit. He said that the property is zoned I-3. He said that if walked into the office and wanted a lit wall sign, we wouldn't be here. He said that they are there because they are asking for second ground sign.

Ms. Babis said that they already have two ground signs. She asked if they are keeping the ones they have or do they want two more.

Mr. Adlakha said they just want to keep what they have there, they do not want anymore.

Ms. Babis said that they already have the signs in place, they aren't asking for anything more.

There being nothing further Andrew Rosenberg made a motion to grant the request to erect a second ground sign 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
Meghan Lutz.

USE VARIANCE GRANTED

The next case to be called was Case No. 2343. Appeal of Kevin Schrader to subdivide the 297' x 135' northerly section of the property located at 38 Heath Street, Lockport, New York situated in an I-2 Zone.

Mr. Schrader stated that he would like to divide the lot that Elaine Stahler currently owns and put a structure on it. He said that he needs a variance because the lot will be .08 short of an acre and the lot frontage will be 15' less than the minimum required.

The meeting was opened to the public.

A letter was read aloud sent by Chris McCaffrey owner of 177 Oakhurst Street in favor of the project.

The meeting was closed to the public.

There being nothing further Nancy Babis made a motion to approve the variance request for the newly created lot to be .92 acres 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
Meghan Lutz-yes

AREA VARIANCE GRANTED

Meghan Lutz made a motion to grant the variance request for the newly created lot width be to 135' 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 Andrew 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.2343. Appeal of Cooper Neon Sign Company, Inc. to erect a 48" x 36" ground sign located at 21 Church Street, Lockport, New York situated in a B-5 Zone.

Robert Branch from Cooper sign was present to represent the case.

Mr. Branch stated that they would like to install a 3' x 4' sign on two posts.

Mr. Foltz asked if the sign is going to be lit.

Mr. Branch said no, just the one faced sign. He said that it will face Church Street.

Ms. Lutz asked where the sign is going to be located.

Mr. Branch said that it will be behind the monument sign.

Ms. Lutz said that it will be close to the entrance to the walkway.

The meeting was opened to the public.

The meeting was closed to the public.

There being nothing further Andrew Rosenberg made a motion to grant the request for the sign to be located less than 5' from the City right-of-way 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
Meghan Lutz-yes

AREA VARIANCE GRANTED

Andrew Rosenberg made a motion to grant the variance request erect a second ground sign 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
Sam Marotta-yes
Andy Rosenberg-yes
Kevin McDonough-yes
Sheila Tracy-yes
Nancy Babis-yes
Meghan Lutz-yes

USE VARIANCE GRANTED

The next case to be called was Case No. 2344. Appeal of Louis Marcantonio to erect two two-family dwellings on the property located at 87 Center Street, Lockport, New York situated in an R-1 Zone.

Mr. Louis Marcantonio, 140 Roby Street, Lockport, New York stated that he would like to build two duplex at 87 Center Street.

Mr. Foltz asked if he owns the property.

Mr. Marcantonio said that it is under contract.

Mr. Foltz asked why he wants to build two two-unit buildings on the same lot.

Mr. Marcantonio said that he can split the lot.

Mr. Foltz asked what the outside is going to look like.

Mr. Marcantonio said that they will be steel buildings, post and frame.

Mr. Foltz questioned the steel material look.

Mr. Marcantonio said that they make them.

Ms. Lutz stated that one of the criteria for a use variance is a financial hardship. She has if he had any financial documentation to provide to the board showing a hardship.

Mr. Marcantonio said that he could split the lot. He said that he would like to keep them all on one lot. He said that if he ends up selling them he can split the lot but he would like to have both duplexes on one lot.

Ms. Babis stated that duplex are not a permitted use.

Mr. Marcantonio said that there are other duplex on the road.

Ms. Lutz said that the board needs to see documentation showing why it is not advantageous to use the property for what it is zoned.

Mr. Marcantonio said that he could split the lot and build two single family homes.

Mr. Foltz said that he is asking for four units, no garages. He asked if that was correct.

Mr. Marcantonio said yes.

Mr. Foltz asked if he intended to allow anyone to store anything outside, boats, trailers, four wheelers.

Mr. Marcantonio said no, only the tenant's vehicles.

The meeting was opened to the public.

Ms. Crystal Sharts, 88 Center Street, Lockport, New York stated that she bought her house 4 years ago. She said that they came from Tonawanda, surrounded by duplexes and senior citizens. She said that this is not the place for duplexes. She said that they bought their property for the peace, tranquility and wildlife. She said that building 4 duplex, the owner isn't going to see what is going on. She said that they don't need tenants in the area. She said that they have invested into their property at 88 Center Street.

Mr. Foltz said that this would be two buildings with 4 units total.

Mr. Perry Sharts, 88 Center Street, Lockport, New York stated that this property is zoned R-1 single family home. He said that if they build this, it will be two two-family duplexes with two bedrooms a unit and 12 cars. He said that it is all single family homes in the area. He said that each person on their street has land. He said that he came from an area with duplexes and it was nothing but drugs. He said that the property is zoned R-1, he can't see two duplexes on a single lot. He said that it is too much.

Mr. Foltz asked if Mr. Sharts would be opposed to the lot being split and two single family homes being built.

Mr. Sharts said that he couldn't stop it. He said that they are asking to allow for something not allowed in R-1.

Mr. Marcantonio said that he has rentals in Lockport. He said that he lives behind this property.

Mr. Cliff Holmes, 149 Center Street, Lockport, NY stated that he is the one that built the two family home on the street. He said that he is not against a two-family but he does not like it being a pole barn style and not a stick build. He said that if the board grants the two dwellings the property should be subdivided. He said that he feels Mr. Marcantonio

is trying to pay less taxes. He said that his taxes are on a quarter of a million property and this one would be based on a half a million. He said that if it was all one lot he would get away with paying higher taxes.

Mr. Holmes said that he isn't against this if it looks nice.

Mr. Marcantonio said that he owns a house on Roby that he built.

Mr. Holmes said that years ago he was told he couldn't build a garage on an empty lot because you can't have an accessory structure without a primary. He said that he needs to subdivide the lot. He said that it used to be three 66' wide lots and the last owner must have put them together.

Mr. Foltz said that people keep say that there are no two-family units on the street, but Cliff has one.

Mr. Holmes said that he takes pride in his property. He said that if they pass this that he will be back to build a tiny home on his property. He said that he isn't against it but he was told no years ago.

Mr. Foltz said that they need to get back on track.

Deputy Corporation Counsel Serianni explained the criteria for a use variance to the applicant.

Mr. Holmes asked what it means for the hardship to be self-created.

Deputy Corporation Counsel Serianni said that the government cannot rendering a property useless. He said that the hardship needs to be out of the applicant's control.

Mr. Holmes said that he likes the idea that someone is willing to build down there.

Deputy Corporation Counsel Serianni said that he suggest that Mr. Marcantonio brings back proof to the board.

Mr. Marcantonio requested that the case be tabled until the following meeting.

At Deputy Corporation Counsel Serianni's advisement, the public hearing is to remain open.

There being nothing further Sam Marotta made a motion to table the decision. Seconded by Andrew Rosenberg.

Kevin Foltz-yes
Sam Marotta-yes

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

TABLED

The next case to be called was Case No.2345. Appeal of SM Pynn & Sons to erect a 30' x 43' addition to the rear of the building located at 21 Simonds Street, Lockport, New York situated in an I-2 Zone.

Mr. Dave Pynn, 7901 Chestnut Ridge Rd was present.

Mr. Pynn stated that they would like to put an addition on the rear of the building on Simonds Street. He said that the property backs up to the Simonds Steel property. He said that their property is the only one that doesn't go back far.

Mr. Pynn displayed and explained his rendering to the Board.

Mr. Pynn said that they need more storage, they are running out of space.

Mr. Pynn said that they will be staying in line with everyone else. He said that the UPS building and all the others go all the way back to the property line.

Mr. Rosenberg asked what material the addition will be.

Mr. Pynn said that it will be a pole barn. He said that it will keep the same setbacks just expand the building back.

Ms. Babis asked if there will be an entrance on the addition.

Mr. Pynn said a man door will be installed.

Ms. Babis asked if there will access to the addition from the inside of the current building.

Mr. Pynn said that they own the lot next door.

The meeting was opened to the public.

The meeting was closed to the public.

There being nothing further Ms. Babis made a motion to grant the variance for the lot coverage to be increased to 59.3% 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
Meghan Lutz-yes

AREA VARIANCE GRANTED

Meghan Lutz made a motion to grant the variance request to allow the addition to remain 2.35' from the west 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
Meghan Lutz-yes

AREA VARIANCE GRANTED

Meghan Lutz made a motion to grant the variance request for the addition to be remain 7.5' 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 Sheila Tracy.

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

AREA VARIANCE GRANTED

Kevin McDonough made a motion to grant the variance for the addition to remain 3.25' 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 Sheila Tracy.

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

AREA VARIANCE GRANTED

The next case to be called was Karla Bow. Request for an extension of Variance Case No. 2319 granted April 23, 2024.

Ms. Bow, 74 Pfohl Place, Williamsville, 14221. Stated that is her temporary address. She stated that the building is not done. She said that she is asking for an extension. She said that she has an attorney up until a few hours ago but they couldn't get done what she wanted done. She said that the phase one of the project, which was the exterior is done. She said that she had NYSEG turn the power on in the building on December 7, 2024. She said that she has suffered a traumatic leg injury on a job site on December 9, 2024 and has not returned to do any work. She said that she had a contractor lined up but they couldn't get the work done.

Ms. Bow said that she was in the emergency room on December 16, 2024. She said that there seems to be some miscommunication going on. She said that this was a two-step work order. She said that she completed the fence and driveway. She said that she has been unable to do any construction work due to her traumatic leg injury.

Ms. Bow said that her leg is almost healed and she is able to return to resume the interior work. She said that she cannot because the Building Inspection Department put two stop work orders on the building. She said that she was not doing any work in the building as she was injured.

Mr. Foltz said that she is asking for an extension. He asked how long she needs to finish the building.

Ms. Bow said six months.

Mr. Foltz asked if this was the print shop building.

Ms. Bow said yes, this is phase 2 and 3. She said that it is the interior work.

Ms. Bow said that she has already put up some walls. She said that she has to put up the bathroom walls because it has never need used as a single family home. She said that she has to install cupboards. She said that the building has always been used as personal storage.

Mr. Foltz asked if she has a permit to do any of the work.

Ms. Bow said that she has not applied for one yet.

Mr. Foltz said that she needs one to do any work.

Ms. Bow said that the first contractor she had lined up ghosted her, she was ready to start work in December. Most likely because of all the miscommunications. She said that she is well aware that she needs a licensed contractor.

Mr. Foltz asked if she can finish the work within the extended period of time.

Ms. Bow said that she could finish within 6 months but Building Inspection has two stop work orders on the building and she has a court summons.

[

The meeting was opened to the public.

The meeting was closed to the public.

Ms. Lutz stated that one of the concerns is that there has been a significant amount of time to begin the project, now you are saying in December everything came to a screeching halt. She said based on the previous merits the property has been separated and the home has been sold. She asked if that was correct.

Ms. Bow said that is correct.

Mr. McDonough asked if the property has already been separated.

Ms. Bow said yes, by deed.

Jason Dool stated that the deed is being held by Niagara County because of the conditions that were placed on the variance and the work has not been completed. He said that they need to know who is going to own what. He said that Ms. Bow lead them to believe that she was going to continue to occupy the existing home while the print shop building was renovated. He said that somewhere along the line things changed.

Jason Dool said that his concern is that the City is going to have issues if Ms. Bow doesn't follow through with her project.

Ms. Bow said that she can't complete the work if there are stop work orders.

Jason Dool said that those were placed on the building because people were seen going in and out of the building as if there was work being done.

Ms. Babis asked if the variance was granted in April, why are there no permits.

Ms. Bow said that she got permits for the fence and the driveway.

Ms. Babis asked if it took her six months to do the driveway and fence.

Ms. Bow said yes.

Ms. Babis asked if she still owned the house.

Ms. Bow said no.

Ms. Babis asked if she is still living in the original house.

Ms. Bow said that she had to sell the house for significant reasons.

Mr. Foltz asked if she could sell the house or print shop if the deeds are being held at the County.

Mr. Dool said that as far as the City and County are concerned the parcel is not legally separated.

Mr. Foltz said that she is going to have to finish the project if she wants to sell the property.

Ms. Bow said that phase 1 is done, it was delayed because of litigation over the fence and the property line.

Mr. Foltz asked if she was saying that she won't be able to do anything until after March.

Ms. Bow said that her guy is ready to go.

Ms. Lutz said that she has a question for Corporation Counsel. She said that she understands the predicament that Ms. Bow is in, but she doesn't want to put the City in a position if they grant the extension and the sale goes through. She said that then the City would have an illegal nonconforming use. She asked if there is a stipulation that the board should be putting in to ensure that the work gets completed.

Deputy Corporation Counsel Serianni said that currently the applicant has a title defect and that is why the deed has not been recorded at the County. He said currently the City's map does not reflect the subdivision because the subdivision was conditional on the variance and the variance is conditional on the conversion of the building. He said that the extension should not affect anything with the City but it may have some implications on the applicant. He suggested that she speak with her legal experts on the real estate matter.

There being nothing further Meghan Lutz made a motion to grant a six month extension to complete the conversion of the print shop building. Seconded by Kevin McDonough.

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

EXTENSION GRANTED

Nancy Babis made a motion to approve the minutes from the November 26, 2024 meeting. Seconded by Meghan Lutz. Ayes-7 Noes-0

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

MEETING ADJOURNED

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