

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

May 27, 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, Dan Wojewoda, 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. 2349. Appeal of Jeanette Sheliga to remove the existing block patio in the rear yard and install a 912 square foot concrete patio located at 3 Nixon Place, Lockport, New York situated in a Low Density Residential Zone.

Ms. Sheliga stated that when she purchased the property the previous owners had large gardens and coy ponds in the rear yard. She said that it is a lot of maintenance and she removed them. She said that she is trying to simplify the landscaping. She said that she hired contractors to pour a concrete pad.

Ms. Sheliga said that there was an older block patio that was starting to break off. She said that is being removed. She said that she is trying to make the landscaping clean and easier to maintain.

Ms. Lutz asked if there is a drainage plan. She said that she is going to lose a lot of impervious area.

Ms. Sheliga said that the contractor's had already started putting in the pad. She said that they already put two lines under the stone to keep the water in her backyard. She said that the crocks have green covers over them, they blend in with her yard.

Mr. Foltz asked if there is going to be any lighting added to the area.

Ms. Sheliga said no, there are flood lights already existing.

The meeting was opened to the public.

Mr. Ron Antholzner, 1 Nixon Place, stated that he has lived in his home for 55 years. He said that he thinks this is a great idea. He said that it is going to improve her property. He said that he saw the contractors put the drainage in.

Mr. Rosenberg asked if the drainage installed is staying in the backyard and not draining toward the street.

Ms. Sheliga said that the patio is in the backyard.

Mr. Rosenberg said that they have concerns with flooding.

Ms. Sheliga said that yes, they can move the drainage if need be. She said that the concrete hasn't been poured yet. She said that she can talk to her contractor.

Mr. Rosenberg said that her backyard abuts someone else's backyard, they don't want to create a flooding situation.

Ms. Sheliga said that they can bring it along her driveway, she doesn't see why they can't.

Mr. Foltz stated that there were two communications to the board in favor of the project.

Mr. Antholzner stated that the previous owners installed a sump and line that goes into the sewer. He said there is drainage there already they can tie into. He said that the sump drains to Nixon.

The meeting was closed to the public.

There being nothing further Nancy Babis made a motion to grant the request for a variance to remove the existing block patio in the rear yard and install a 912 square foot concrete patio as follows:

AND IT APPEARING, drain tile be installed that flows toward public utilities,

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  
Nancy Babis-yes  
Meghan Lutz-yes  
Shelia Tracy-yes

### **AREA VARIANCE GRANTED**

The next case to be called was Case No. 2350. Appeal of Second Niagara, LLC to subdivide the parcel located at 616 West Avenue, Lockport, New York situated in a GI Zone.

Mr. Mike Nisengard, Lippes Mattias, LLP was present to represent the owner.

Mr. Nisengard stated that they are requesting a variance to subdivide the parcel. He said that this is a minor subdivision. He said that currently there are two uses of the property, a commercial use for the bar and a self-storage business in the rear of the property. He said that they are requesting to separate the two uses. He said that there will be no changes made to the property.

Mr. Nisengard said that they will use the existing driveways for both properties.

Mr. Foltz asked if they are going to install anything that will define which property is which.

Mr. Nisengard said no.

Ms. Lutz said that the subdivision will cut off any access to the property, there will be no entrance.

Mr. Nisengard said that they have an easement already agreed upon and will be filed at closing. He said that the easement will include both driveways. He said that the easement is for the utilities as well. He said that the easement will run with the land.

The meeting was opened to the public.

Mayor John Lombardi, owner of 810 Richfield Street said that as long as they aren't separating the buildings, he has no problem with this happening.

The meeting was closed to the public.

There being nothing further Shelia Tracy made a motion to grant the variance request for the building on the northerly parcel to be located 11.8' from the east property line and the northeast building on the southerly parcel to be located 26.02' from the north 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 Sam Marotta.

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

#### **AREA VARIANCES GRANTED**

Ms. Lutz stated that part of the use variance criteria is that the applicant cannot realize a reasonable return financially. She asked Mr. Nisengard to explain the financial impact.

Mr. Nisengard said that the self-storage business is set back from the road. He said that if they were allowed to utilize the sign, people driving down the street wouldn't know the business is there and it would significantly impact them financially.

Mr. Marotta said that there is one pole sign there now. He asked if they are requesting to make two separate signs.

Mr. Nisengard said no, they are going to use the same sign.

Mr. Foltz went through the four criteria for a use variance.

Ms. Lutz stated that Mr. Nisengard just explained they cannot be able to obtain a reasonable return because no one would be able to see the business if they can't utilize the sign.

Mr. Foltz said that this won't change the character of the neighborhood, those business have been there forever.

There being nothing further Meghan Lutz made a motion to grant the variance request to subdivide the parcel 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 Kevin McDonough.

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

### **USE VARIANCE GRANTED**

Nancy Babis made a motion to approve the minutes from the April 22, 2025 meeting.  
Seconded by Sam Marotta. Ayes-7 Noes-0

Sheila Tracy made a motion to adjourn; Motion seconded by Nancy Babis. Ayes-7 Noes-0

### **MEETING ADJOURNED**

**The next regularly scheduled meeting will be Tuesday, June 24, 2025 at 5:00 p.m.**