

MINUTES
MUNICIPAL BUILDING
ZONING BOARD OF APPEALS

July 22, 2025

5:00 P.M.

PRESENT: Kevin Foltz, Chairman, Sam Marotta, Shelia Tracy, Kevin McDonough, Andrew Rosenberg, Anthony Serianni, Deputy Corporation Counsel, Dan Wojewoda, Building Inspector, Connor McCarthy, Building Inspector

EXCUSED: Meghan Lutz, 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. 2353. Appeal of Martin Stephen & Peggy Echlin to erect a 10' x 10' storage shed located at 42 East Park Drive, Lockport, New York situated in a Low Density Residential Zone.

Mr. Stephen said that he is applying for a shed. He said that he didn't know he needed a permit. He said that he would like to keep the shed that he has.

Mr. Foltz asked if they can move the shed to meet the setback.

Mr. Stephen said yes.

Mr. McDonough asked if they can meet the 5' setback.

Mr. Stephen said yes.

Mr. McDonough said that this is going to be a 10' x 10' storage shed.

The meeting was opened to the public.

Mr. Joe Villone, 18 East Park Drive, stated that the shed is ok with him.

The meeting was closed to the public.

Mr. Foltz read aloud the criteria for an area variance.

Mr. Foltz said that they cannot achieve the benefit by any other means, there are a lot of other sheds in the area. He said that the request is not substantial and will not have any adverse effects on the neighborhood. He said that the situation is not self-created.

Mr. Stephen said that he didn't know he needed a permit.

There being nothing further Andy Rosenberg made a motion to approve the variance request to erect a 10' x 10' storage shed as follows:

AND IT APPEARING, the shed meet the 5' setback,

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 Sam Marotta.

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

AREA VARIANCE GRANTED

The next case to be called was Case No. 2354. Appeal of Ulrich Sign Company to erect a ground sign with a 3' x 7' electronic message sign panel located at 500 Davison Road, Lockport, New York situated in a Mixed Use Neighborhood Zone.

Andrew Warne from Ulrich Sign Company was present with Dr. Duane Snyder owner of 500 Davison Road.

Dr. Snyder stated that the business has been there since 1991 and he has owned the practice since 2003. He said that the existing sign has been there since 2003. He said that he thanks the Board for approving the variance for his addition. He said that he is growing his business and has added a doctor to his practice in March. He said that his goal is to fill the new doctor's appointment book.

Dr. Snyder said that he would like the sign to let people know what services they provide. He said that while growing his business he is hoping to create a few more jobs. He said that he wants to use the sign to educate his patients.

Dr. Snyder said that he has been a Lion's Club member since 1985 in Wheatfield and Olcott, he would like to be able to advertise events going on around town. He said that Andrew is from Ulrich Sign and can explain all the technical stuff.

Mr. Warne said that he thinks this a great opportunity to connect with the public. He said that they have done these signs in the City before. He said that this will be the same brand, Watchfire. He said that this will be the biggest one they have done in the City. He said that the sign will have the same dimming features that the others have with a photo cell. He said that it will not shine in people's windows. He said that the electronic panel will be 3' x 7' which is larger than the others but not by much. He said that the one they installed in East Avenue is 2' x 7' which is the same width. He said that they would like the 3' x 7' panel because this sign will be setback much farther from the street. He said that the sign will be located 25' from the curb.

Mr. Warne said that the lot is massive, the sign won't look as large because of the setback. He said that 3' x 7' is not that large. He said in most signs in other municipalities are much larger.

Mr. Foltz said that the illustration makes the sign look larger.

Dr. Snyder said that the current sign on the property is about 7' tall.

Mr. Warne said that a standard ground mounted sign is 8' in height.

Ms. Tracy asked if they can reduce the size of the sign to 6'.

Mr. Warne said that he wouldn't recommend anything less than 7' because of our local weather. He said that because of the snow, the sign needs to stand at least 2' off the ground.

Mr. Foltz said that the drawing shows the sign base 26".

Deputy Corporation Counsel Serianni said that on top of the sign there is 11" of space.

Mr. Warne said that part of the cabinet is decorative.

Deputy Corporation Counsel Serianni said that the static sign is 2' high and the 41" or 3.5' is the LED panel.

Mr. Warne said that the 41” vertical shown on the drawing includes the digital sign, the screen is 36”. The static sign is 24” which can be reduced to 18”, they don’t want it too small.

Mr. Marotta asked if the static sign is illuminated as well.

Mr. Warne said yes.

Mr. McDonough said that the static sign is not digital.

Mr. Warne said yes, it is not. He said that the digital portion of the sign will meet all of the City Codes.

Mr. McDonough said that they are working with the new code. He said that he would like to see them adjust the height of the sign to get within range of the new code.

Dr. Snyder said that the church across the street has one. He said that he has a letter from them in support of his sign.

Mr. Foltz said that Dr. Snyder supported them as well when they were asking for theirs.

The meeting was opened to the public.

Amy Smith, property manager for the apartments across the street was present. She said that she is not necessarily opposed to the sign she came to see what questions and concerns people had and to make sure her tenants will not be affected. She said with auto dimming regulation it will be better.

Ms. Tracy said that the sign will not shine into the houses or apartments.

Mr. Warne said that the sign will auto dim, there is a photo cell built in. He said that LED signs have come a long way. He said these types of signs were stigmatized because of the shinning. He said that Watchfire has created the signs to dim and lower according to the sun. He said that as the sun goes down, the sign dims. He said that these are installed all over the country. He said that the number one questioned asked is about dimming.

Deputy Corporation Counsel asked if the sign knows what time of day it is.

Mr. Warne said yes, it follows the sun. He said that the sign can tell when it’s light out.

Mr. Rosenberg asked if it can tell when it is cloudy or there is a storm.

Mr. Warne said yes, also the sign can be turned off. He said that a timer can be set for the sign to automatically shut off.

The meeting was closed to the public.

Mr. Foltz said that he is concerned with the height of the sign. He said that it is too high for the area. He said that the sign is unobstructed and this is a corner lot, it is more visible. He asked how far they can reduce the height of the sign.

Mr. Warne said that they can discuss removing the top that will take 11" off. He said they can also make the static sign 18". He said that will reduce the sign height by 17".

Mr. Foltz said that they don't have any other signs to compare with.

Mr. Warne said that because of the snow, he would like to keep the base at 26". He said that it is better for the sign when it is off the ground.

Mr. Foltz said that can reduce the sign 17".

Deputy Corporation Counsel said that it will take the sign from 8.5' to 7'.

Mr. Foltz said that they need to meet the rest of the sign code.

Ms. Tracy said that they are going to have to put landscaping around the sign.

Dr. Snyder said that it will be landscaped. He said that he was thinking Hydrangea.

Mr. Foltz read aloud the use variance criteria.

Mr. Foltz said that there is already a sign on the property that is 7' tall. He said that there is a digital sign down the street.

There being nothing further Andy Rosenberg made a motion to grant the use of the digital sign as follows:

AND IT APPEARING, the digital sign be turned off by 9 p.m.,

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
Kevin McDonough-yes
Andy Rosenberg-yes
Shelia Tracy-yes

USE VARIANCE GRANTED

Mr. Foltz read aloud the criteria for an area variance. He stated that there are other signs in the area, they have agreed to reduce the sign of the sign proposed and the sign will not have an adverse effect in the mixed use neighborhood.

Andy Rosenberg made a motion to approve the area variances as follows:

AND IT APPEARING, the sign height be reduced by 17” from what was submitted to the Board,

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-ye
Sam Marotta-yes
Kevin McDonough-yes
Andy Rosenberg-yes
Shelia Tracy-yes

AREA VARIANCE GRANTED

Andy Rosenberg made a motion to approve the minutes from the June 24, 2025 meeting.
Seconded by Kevin McDonough. Ayes-5 Noes-0

Sam Marotta made a motion to adjourn; Motion seconded by Sheila Tracy. Ayes-5 Noes-0

MEETING ADJOURNED

The next regularly scheduled meeting will be Tuesday, August 26, 2025 at 5:00 p.m.