

MINUTES
MUNICIPAL BUILDING
ZONING BOARD OF APPEALS

August 26, 2025

5:00 P.M.

PRESENT: Kevin Foltz, Chairman, Kevin McDonough, Meghan Lutz, Andrew Rosenberg, Anthony Serianni, Deputy Corporation Counsel, Dan Wojewoda, Building Inspector

EXCUSED: Sheila Tracy, Nancy Babis, Sam Marotta

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. 2355. Appeal of Camille May Davis-Ferrari to operate a dog grooming business located at 290 Michigan Street, Lockport, New York situated in a Low Density Residential Zone.

Kevin Foltz stated that the applicants have the option to table their case until the following month if they choose because there are only four board members present and a unanimous decision will be required.

Deputy Corporation Counsel Serianni stated that the board should allow the applicants to present their case and hold the public hearing. He said that if the applicant chooses to table the decision after, they may.

Ms. Ferrari stated that she would like to operate her business at 290 Michigan Street.

Mr. Foltz asked if she lives at 290 Michigan Street now.

Ms. Ferrari said no, she lives at 360 N. 2nd Street, Lewiston. She said that she would like to open a full service dog grooming business on Michigan Street. She said that they would do full grooming, nails and facials. She said that she plans on working out of the shed that was installed. She said that she currently rents space in Sanborn that she splits with three other people.

Mr. Foltz asked if she will have any employees.

Ms. Ferrari said no.

Ms. Lutz stated that she is applying for a use variance. She said that pet grooming is not permitted in a Low Density Residential Zone. She said that in order to evaluate if the criteria for a use variance are met, they will need specific documentation that is not in the application. She said that there is no financial documentation in the application. She said that the requirement is that you cannot realize a reasonable return as shown by substantial competent financial evidence. She said that right now they doesn't see why they need to change the use of the property, it doesn't seem like there is any monetary loss on your part. She said that there are other locations that this business can operate. She said that they need to see something to evaluate the criteria. She said that there are three other criteria that have to be met, the uniqueness of the hardship and if the request will alter the character of the neighborhood and that the hardship is not self-created.

Ms. Lutz said that the application is lacking information that they need to see. She asked if the applicant has any of that information.

Ms. Ferrari said that she can address how it will affect the neighborhood. She said that her business would operate Monday thru Friday from 9am to 5pm and on Saturday from 9am to 7pm. She said that she wouldn't be disturbing anyone at night. She said that there will be no barking, they would be contained in the shed.

Ms. Lutz said that this situation is self-created, the business currently has a location.

Ms. Ferrari said that she currently rents space with three other groomers. She said that she is looking for more of a one on one experience without other dogs around. She said that she would like a calmer environment.

Mr. Foltz asked if she plans on installing any signage.

Ms. Ferrari said she would like to put a small sign on the door, not on the street. She said that she isn't sure what she wants to do. She said people would be parking on the street so one on the door any maybe one on top of the shed.

Mr. Foltz said that a variance goes with the property. He said that if the board grants this, it stays with the property if it is sold.

The meeting was opened to the public.

Mr. Roland Davis, 714 Pasadena Avenue, Niagara Falls, stated that he is the owner of 290 Michigan Street. He said that Camille is his niece. He said that this house has been in his family for 100 years. He said that he plans on passing the house on to her and have her run her business out of the house for as long as she is in Lockport.

Ms. Sharon Davis, 288 Michigan Street said that this is not a problem for her and she is the neighbor. She said that there are three houses on the part of Michigan Street. She said

that the people at 270 Michigan Street are friends. She said that to the north there isn't anything but the radio station and Buffalo Machine Shop is to the south. She said that this would be a great asset.

The meeting was closed to the public.

Mr. Foltz explained that Ms. Ferrari has to prove a hardship and she does not have anything on hand to prove it. He explained that she has the option to table the request and come back with more information and when there are more board members present or have the board vote. He asked her if she would like the board to vote tonight or to wait.

Ms. Ferrari said she would like the board to vote tonight.

Deputy Corporation Counsel advised the board that before they vote on the variance request that they make a determination on SEQRA. He said that also, before the board votes on the request they make findings based upon the required criteria.

Meghan Lutz made a motion that the request is not a significant impact as a result of this proposed project. Seconded by Andy Rosenberg.

Kevin Foltz-yes
Kevin McDonough-yes
Andy Rosenberg-yes
Meghan Lutz-yes

SEQRA DECLARED NONSIGNIFICANT

Kevin Foltz read the criteria for a use variance.

Ms. Lutz stated that as she stated prior, there is no documentation to show what type of financial hardship they have to allow the board to grant a use variance.

Second criteria was read.

Deputy Corporation Serianni stated that the property is zoned low density residential. He said that based on what is in the application, it does not appear that there are any unique characteristics that make this property unsuitable for residential purposes. He said that there is a single family home located on the property. He said that if he was to advise you on this, this particular prong does not fit the criteria for a use variance.

The third criteria was read.

Mr. Foltz said that this would not make that big of a difference, the houses are far apart and it is very open. He said that is a plus for you.

The fourth criteria was read.

Ms. Lutz said that there are other opportunities for this business to be located in another area, it doesn't need to be here. She said that she believes that it is a self-created hardship.

There being nothing further Meghan Lutz made a motion to deny the variance request to operate a dog grooming business as follows:

WHEREAS, no evidence was presented to prove a financial hardship to warrant the granting of a use variance,

WHEREAS, the property does not have any unique characteristics that make it unusable as a residence,

WHEREAS, the request is self-created as there are other locations that the business can be located.

Kevin Foltz-yes
Kevin McDonough-yes
Andy Rosenberg-yes
Meghan Lutz-yes

USE VARIANCE DENIED

The next case to be called was Case No. 2356. Appeal of Brett Haylett to extend the existing driveway to the east located at 83 O'Brien Drive, Lockport, New York situated in a Low Density Residential Zone.

Mr. Haylett stated that he would like exceed his green space allotment by 1.4%. He said that he was like to add to his driveway to put his boat trailer there when he needs to.

Mr. Foltz said that he is extending the driveway. He asked if there is already blacktop there.

Mr. Haylett said that it is stamped concrete with a Walnut finish. He said that the extension will be the same.

The meeting was opened to the public.

Mr. Daniel Deil, 84 O'Brien Drive, stated that he is for this. He said that it will enhance the home. He said that it will let him park his boat there. He said that it is a good thing for the neighborhood.

Mr. Foltz asked if he plans on storing his boat there.

Mr. Haylett said that during the summer it is in the water. He said that it is not there now. He said that sometimes he has to pull it home to work on the trailer.

The meeting was closed to the public.

There being nothing further Meghan Lutz made a motion to approve the request for a variance to extend the driveway to the east 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 Kevin McDonough.

Kevin Foltz-yes
Kevin McDonough-yes
Meghan Lutz-yes
Andy Rosenberg-yes

AREA VARIANCE GRANTED

Andy Rosenberg made a motion to approve the minutes from the July 22, 2025 meeting.

Seconded by Kevin McDonough. Ayes-4 Noes-0

Meghan Lutz made a motion to adjourn; Motion seconded by Andy Rosenberg. Ayes-4 Noes-0

MEETING ADJOURNED

The next regularly scheduled meeting will be Tuesday, September 23, 2025 at 5:00 p.m.