

MINUTES
MUNICIPAL BUILDING
ZONING BOARD OF APPEALS

October 28, 2025

5:00 P.M.

PRESENT: Kevin Foltz, Chairman, Meghan Lutz, Sheila Tracy, Nancy Babis, Sam Marotta, Kevin McDonough, Andrew Rosenberg, 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. 2360. Appeal of Jon George to erect a single family home on the newly subdivided two acre parcel and to utilize any permitted accessory use located at 999 Niagara Street, Lockport, New York situated in an Open Space Zone.

Mr. George requested that his application be tabled until the following month.

Mr. George waived the 45 day decision.

The next case to be called was Case No. 2361. Appeal of Paul & Sue Wendt to erect a 50' x 80' x 25' pole barn located at 1265 West Jackson Street, Lockport, New York situated in an Open Space Zone.

Mr. Wendt stated that he would like to build a pole barn at 1265 West Jackson Street.

Mr. Foltz asked if the pole barn is for personal use.

Mr. Wendt said yes, nothing other than personal use.

Mr. Foltz asked if it will be visible to anyone else.

Mr. Wendt said that the house is being built 400' feet back from the road.

Mr. Foltz said that lighting on the barn shouldn't be an issue.

Mr. McDonough asked why they want the barn to be so high.

Mr. Wendt said that he wants to be able to park his motorhome inside it. He said that it won't fit with a 12' door. He said that they are using scissor trusses but they need a 14' door to fit the motorhome inside.

Mr. Foltz asked if the barn was being used for storage for personal equipment to maintain the property.

Mr. Wendt said that any heavy equipment he has will be stored at work in Sanborn.

The meeting was opened to the public.

Mr. Jon George, 999 Niagara Street, stated that as his neighbor, he is totally fine with this. He said that he owns the property that shares a property line with this one. He said that he has no issues with it.

The meeting was closed to the public.

There being nothing further Andy Rosenberg made a motion to approve the request to erect a 50' x 80' x 25' pole barn 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
Meghan Lutz-yes
Sam Marotta-yes
Sheila Tracy-yes
Nancy Babis-yes
Andy Rosenberg-yes
Kevin McDonough-yes

AREA VARIANCE GRANTED

The next case to be called was Case No. 2362. Appeal of Suzanne Trombitas to demolish the existing detached garage and erect a 16' x 24' detached garage located at 16 Lakeview Parkway, Lockport, New York situated in a Low Density Residential Zone.

Ms. Trombitas stated that she is looking to demolish her garage because it is unsafe and hazardous. She said that she would like to put it back the way it was.

Mr. Foltz asked if the garage is going to match the house.

Ms. Trombitas said yes.

Mr. Foltz said that any lighting installed on the garage should not shine on the neighboring properties.

Ms. Trombitas said that there will be a motion sensor light that shines on the driveway not to the rear or south.

Mr. Foltz said that they will have to install gutters so that water does not run off onto the neighbor's property.

Ms. Trombitas said that the water will run right down the driveway.

The meeting was opened to the public.

Ms. Sahabia Owens, 26 Woodlawn Ave, said that she lives adjacent to the applicant. She said that she believes that the denial should be upheld for several reasons.

Ms. Owens said that the applicant does not have a unique hardship, it is self-created. She said that when the applicant purchased the home she should have known. She said that if she wanted a larger garage, she should have purchased a different home.

Ms. Owens cited and read an Appellate Court case decision from 2020 upholding a permit denial.

Ms. Owens said that the zoning laws are there for a reason. She said that the garage should have to be 5' from the property line for fire protection and safety reasons.

Ms. Owens said that granting this request would set a precedent for others to modify their properties.

Ms. Owens said that the applicant cut trees down to place a shed on the property. She said that she needs a variance for that as well. She asked once this starts, where does it finish. She said that this should not be granted.

Ms. Trombitas said that her property backs up to East Avenue no Woodlawn. She said that she would not be encroaching her property.

Deputy Corporation Counsel Serianni said that the applicant is applying for two variances one for exceeding the lot coverage with a slightly larger garage. He asked the applicant to explain the need for the larger garage.

Ms. Trombitas said that they would like the garage to be larger so that they can park a car inside of it. She said that they need to be able to get in and out of the garage and they can't now.

Ms. Trombitas said that as for the trees, that was the people on East Avenue.

Deputy Corporation Counsel Serianni stated that we are not here for trees. He said from the drawing submitted it appears the garage will be located on the south side of the house no any closer to the lot line than the original garage.

Ms. Trombitas said yes, the new garage will be the same on the south and west sides.

The meeting was closed to the public.

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

Ms. Babis questioned if the garage would have to be fire rated because of the proximity to the lot line.

Megan Brewer explained that by Code the wall closest to the property line will have to be fire rated.

Mr. Foltz asked what would have to be done to do that.

Dan Wojewoda said that it will depend on the UL number.

Mr. Foltz said they will go through the criteria. He said that this is a small lot, there is no other way to build the garage. He said that they are not asking to encroach further.

Mr. Foltz said that building the new garage will improve the property.

Ms. Lutz stated that all the other houses surrounding have garages.

Mr. Foltz said that the request is not substantial, everyone else in the neighborhood has a garage. He said that they are asking to replace the old garage with a new one.

Mr. Foltz said that the garage will not have an adverse effect on the neighborhood, everyone has a garage.

Ms. Lutz said that the lighting and drainage will not be directed to toward the neighbors.

Mr. Foltz said that this request is not self-created. He said that they don't have any other options. He said that without coming before the Board, there is no other way.

Ms. Trombitas said that her neighbors had to come before the board years ago to put an addition on and she didn't have a problem with it.

Mr. Foltz said that there is nothing else she can do.

Deputy Corporation Counsel Serianni stated that the existing garage violated the zoning code with an improper setback and exceeding the lot coverage. He said that they are not asking for anything more substantial than what existed.

There being nothing further Meghan Lutz made a motion to approve the variance request to increase the lot coverage to 34.1% 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
Meghan Lutz-yes
Sam Marotta-yes
Sheila Tracy-yes
Nancy Babis-yes
Andy Rosenberg-yes
Kevin McDonough-yes

AREA VARIANCE GRANTED

Nancy Babis made a motion to approve the request for the 16'x 24' garage to be located 3' 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 Sheila Tracy.

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

AREA VARIANCE GRANTED

Nancy Babis made a motion to approve the minutes from the September 23, 2025 meeting. Seconded by Sam Marotta. Ayes-7 Noes-0

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

MEETING ADJOURNED

The next regularly scheduled meeting will be Tuesday, November 25, 2025 at 5:00 p.m.