

MINUTES
MUNICIPAL BUILDING
ZONING BOARD OF APPEALS

April 28, 2026

5:00 P.M.

PRESENT: Kevin Foltz, Chairman, Sam Marotta, Dennis Stachera, Nancy Babis, Kevin McDonough, Andrew Rosenberg, Damon DeCastro, Deputy Corporation Counsel, Jason Dool, Chief Building Inspector

EXCUSED: Meghan Lutz

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. 2366. Appeal of Angelo Vilardo convert the existing four unit dwelling into a five unit dwelling located at 135 Ontario Street situated in a Mixed Use Neighborhood Zone.

Mr. Vilardo stated that he is the owner of 135 Ontario Street. He said that earlier in the pre meeting he submitted some documents. He said that he would like to officially do that on record.

Mr. Vilardo said that his is requesting a use variance to use existing interior space within the building to be restored for residential use. He said that this space historically is part of the building's layout, but is currently unable to be utilized under present zoning regulations. He said as a result, it remains vacant, produces no income and still has to be up kept. He said that is still have to maintain the utilities.

Mr. Vilardo said that in response to the board's request at the previous meeting, he prepared a monthly cost analysis of the most recent utility bills and insurance bills. Mr. Vilardo said that this demonstrates that the space currently cost approximately \$280 per month to maintain without generating any income.

Mr. Vilardo said that this portion of the property cannot be used for any permitted use or purpose yet continues to carry expenses.

Mr. Vilardo said that the hardship is not self-created. He said that the hardship lays in the unique shape of the building itself. He said that he did not build or reconfigure the

building. It was done prior to his ownership. He said that the hardship is that the space cannot be used. He said that most properties in the surrounding area do not have space that cannot be used.

Mr. Vilardo said that the hardship is not the amount of units, it is the space within the structure not being able to be used under the current zoning.

Mr. Vilardo said that at the previous meeting there was discussion about combining this space with another unit that is above it.

Mr. Vilardo said that in order to do that he would have to add a staircase. He said that the cost to do so is \$28,000. He said that would include reconfiguring the layout of the unit as well as the utilities. He said in addition he would have to cut into the floor joist. He said that this level of construction is substantial.

Mr. Vilardo said that granting the variance will not alter the existing character of the neighborhood. He said there will be no exterior change and remain residential.

Mr. Vilardo said that his original application had a letter of support from the neighboring property owners as well as a letter from the Housing Authority recognizing the need for affordable housing.

Mr. Vilardo said that he believes that his request represents the minimum relief necessary to allow reasonable use of the existing space while preserving the character of the neighborhood.

Mr. Marotta asked when Mr. Vilardo purchased the property.

Mr. Vilardo said a little over a year ago.

Mr. Foltz asked if he bought the house at an auction or through a realtor.

Mr. Vilardo said off market.

Mr. Foltz asked if he realized it had four apartments in it when he bought it.

Mr. Vilardo said yes.

Mr. Foltz said that when he purchased it he did so thinking that four units would cover the cost and make a profit.

Mr. Vilardo said that he does understand the concerns being brought up. He said that the hardship is not the amount of units, it is that this is unused space that is not permitted to be used because of the current zoning. He said that he isn't looking to expand or intensify, he is looking to be able to use existing space within the property.

Mr. Foltz said that whoever owned the property before had the same hardship. He said that he bought the property knowing the problem. He said that a hardship has to be created by someone else. He said that you can't buy a hardship.

Mr. Vilardo said that he doesn't understand what is being said. He said because the person who had the property before had the same issue didn't bring the issue forward, he is now.

Mr. Foltz said that the person before you had the same issue.

Mr. Vilardo said that he is bringing the hardship forward now.

Mr. Foltz said that you cannot buy a hardship. He asked how large the other units are.

Mr. Vilardo said that he would have to measure them. He said some are bigger, one is about 400 square feet.

Mr. Foltz said that he lived in an apartment in college and the landlord offered storage. He said that storage is a big thing, you have people getting storage units. He said that he could offer to rent out the space for the tenants to store stuff in to cover the costs. He said people will pay for heated storage.

Mr. Vilardo said that he was under the assumption that he couldn't rent the space for anything.

Mr. Foltz said for his building tenants. He said that he has seen it with people with basements. He said that they built cages for individual access and rent it to their tenants for extra storage space. He said that he has looked it up and you can make some good money with this to cover the costs. He said it would be good for you and for your tenants.

Mr. Vilardo said that to use it for storage would be silly. He said that it is laid out like an apartment.

Ms. Babis asked if there is more than one room in the area.

Mr. Vilardo showed the board a picture of the layout of the unit.

Mr. Rosenberg asked if he would put a kitchen in the unit.

Mr. Vilardo said yes, a kitchenette. He said he would doll the place up. He said that it is pretty much good to go.

Mr. Rosenberg said that he a little confused by the gas and electric bill that was submitted. He asked if the bill was for the entire building.

Mr. Vilardo said yes.

Mr. Rosenberg asked what was on the next page then.

Mr. Vilardo said that is the electric.

Mr. Rosenberg said that is the electric and the gas is \$891.

Mr. Vilardo said yes. He said the other is the water bill.

Mr. Foltz explained that there was a public hearing the last time so there is no need for a one.

Mr. Marotta asked if this space is on the third floor.

Mr. Vilardo said that it is on the first floor right when you walk into the entrance.

Mr. Marotta said that he has seen the space. He said that he would need to put in a set of stairs to combine it with another apartment.

Mr. Vilardo said that was the alternative that was brought up the last meeting. He said that space sits below another efficiency unit. He said that he brought up the fact that it may not be cost effective to do so.

Mr. Marotta asked if the other units are rented.

Mr. Vilardo said yes.

Ms. Babis asked if there is parking for an additional unit.

Mr. Vilardo said yes, and he can expand it as well. He said that there are also on street parking permits that you can apply for.

Mr. Rosenberg asked again if he has any idea how large the other units are.

Mr. Vilardo said that one is about 400 square feet and another about 700 square feet.

Mr. Marotta said that one is one bedroom and one efficiency.

Mr. Vilardo said there are two one bedrooms and two bedroom and the efficiency.

Mr. Rosenberg asked if the other efficiency unit is smaller than the unused space.

Mr. Vilardo said that it would be similar in size.

Mr. Rosenberg asked if it is a similar layout.

Mr. Vilardo said yes.

Mr. Foltz read the criteria for a use variance.

Mr. Foltz said that he bought the building knowing it was four units.

Mr. Foltz said that there are other multifamily homes in the area.

Mr. Foltz said that the hardship was self-created.

There being nothing further Andy Rosenberg made a motion to approve the use variance request to install a fifth unit 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-no
Sam Marotta-no
Dennis Stachera-no
Nancy Babis-yes
Andy Rosenberg-yes
Kevin McDonough-yes

USE VARIANCE DENIED

Nancy Babis made a motion to approve the area variance request for a unit under 600 square feet 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
Dennis Stachera-yes
Nancy Babis-yes
Andy Rosenberg-yes
Kevin McDonough-yes

AREA VARIANCE GRANTED

The next case to be called was Case No. 2368. Appeal of Scott Bateman to erect a 6' wooden fence on the south and east sides of the property located at 52 Adam Street, Lockport, New York situated in a Medium Density Residential Zone.

Mr. Bateman stated that he is the owner of the property and they bought the house in October. He said that he and his wife moved here from Niagara Falls because it is quieter. He said that he has three dogs and they were looking for room for one of them to run around a lot. He said that one of the then is a German short haired and is extremely hyper.

Mr. Bateman said that they found the lot at 52 Adam Street and it was a perfect fit for what they were looking for. He said that they thought it would be a simple thing where they would building a fence. He said that they didn't think anything of it being a corner lot.

Mr. Bateman said that the land is raised a little higher than most. He said that he put on the paper submitted, he will cut in by where the stop sign is because he doesn't want to block the line if sight.

Mr. Bateman said that he knows the approved height is 36". He said that his dogs paws are up to his shoulders so that won't work. He said that it would be a wooden fence that will be up kept and well maintained.

Mr. Bateman said that they do also have a lot of critters that walk through the yard, a lot of deer. He said that his wife is worried about deer dropping with the dogs.

Mr. Rosenberg asked for clarification, the applicant is asking for the fence to be solid.

Megan Brewer explained that he is requesting a solid fence that will be higher than three feet.

Mr. Foltz said that corner lots are a pain. He said that you have no back yard and you want some privacy.

Mr. McDonough said that based on the site plan, the fence will be angled in such a way that it won't be an issue with line of sight.

Mr. Bateman said that they want to make sure that there is no line of sight issues. He said they watch 1,000 cars blow the stop sign. He said they want to make sure they come in.

The meeting was opened to the public.

Ms. Emmalee Russo, 241 Chestnut Street, said that she lives around the corner. She said that she also has a very large dog and are looking to replace their fence. She said that she is trying to figure out the reason why there is the three foot cap.

Megan Brewer explains the zoning ordinance with regard to corner lots.

Ms. Russo said that she also lives on a corner. She said that she thinks she can speak for most of the neighborhood that this is a very dog friendly neighborhood. She said that there are a lot of families and a lot of dogs. She said that a better fence means the dogs wouldn't always be barking. She said that she wants to speak in favor of this because they are looking to do the same thing.

The meeting was closed to the public.

There being nothing further Sam Marotta made a motion to approve the variance request to erect a 6' wooden fence on the south and east sides of the property 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 Dennis Stachera.

Kevin Foltz-yes
Sam Marotta-yes
Dennis Stachera-yes
Nancy Babis-yes
Andy Rosenberg-yes
Kevin McDonough-yes

AREA VARIANCE GRANTED

The next case to be called was Case No. 2369. Appeal of Solar Liberty to install a 16.72 KW roof mounted solar array located at 770 High Street, Lockport, New York situated in a Low Density Residential Zone.

Mr. Bill Kullman, Solar Liberty was present with owner Andy Learn.

Mr. Kullman stated that they are applying for a variance for a larger sized roof mounted solar array on the home. He said that the property is zoned Low Density Residential. He said that the house was built in 1990 and is not located in a historical zone. He said that the house is located a 2.8 acre lot.

Mr. Kullman said that they are looking to put a larger sized roof mounted solar array, approximately 16.72 KW. He said per the City of Lockport the size of the system cannot exceed 10 KW DC. He said that the electric costs are rising and they want to install the larger system to offset the electric cost.

Mr. Kullman said they are not looking to make money. He said that he just installed a 9 KW system which consisted of 22 modules that will not offset the homeowner's current existing monthly electrical cost.

Mr. Kullman said that increasing the system size to a 16.72 KW system, it is just a matter of additional panels on the roof and garage. He said that it won't affect the appearance if the house.

Mr. Foltz asked how long it will take for the panels to actually cover the cost of the panels.

Mr. Kullman said on average 7-8 years.

Ms. Babis said that the house was built in 1990, can the roof handle to load of the panel in addition to our winters.

Mr. Kullman said yes, they had an engineer do the calculations. He said that in the original package they submitted, there is a letter stamped with those calculations. He said that they have to do those calculations for every roof that they do.

Ms. Babis asked what methods the owner has tried to reduce energy use.

Mr. Learn said that he has had two energy audits done. Unplugging a freezer, upgrading to a few energy star appliances.

Mr. McDonough said that just out of curiosity, because this is come up several times, and you came up with 16.72 KW for this house. He asked if it varies from house to house.

Mr. Kullman said yes, it is based on the kilowatt hour usage. He said that every system sized is different based on what they currently use. He said that people aren't trying to make money, they are trying to flatten out their bill.

The meeting was opened to the public.

Mr. Anthony Schuler, 771 East High Street, stated that he wants to speak on Andy's behalf. He said that he thinks it is admirable that Andy is trying to use renewable energy to reduce his electric use. He said that from an aesthetic standpoint, both he and his neighbor John Mc Donald are the ones that have to look at this house. He said that the house is setback 190' from the curb. He said that as far as an aesthetic objection by the City, he doesn't feel it is applicable.

Mr. Schuler said that these are black panels on a black roof. He said that they look nice. He said that he will be coming before the board himself with a solar project. He said that he has talked to the neighbors around and no one has an issue.

The meeting was closed to the public.

Mr. Foltz asked how long the panels last.

Mr. Kullman said 40-50 years. He said that they degrade over time minutely.

Mr. Foltz if there is a big expense replacing them.

Mr. Kullman said that the replacement cost would be on the homeowner.

Mr. Foltz asked if it is expensive to dispose of the panels.

Mr. Kullman said that they are able to recycle them.

Mr. Rosenberg asked if there are any health hazards.

Mr. Kullman said no, they are anti-reflective.

Mr. Marotta asked how the system is sized, by your current usage or do you plan on switching to an electric pump system. He said that based on the square footage of the house, it seems high.

Mr. Learn said that he worked with another company beforehand. He said that he was trying to get in with the Federal tax credits. He said he preferred working with this company. He said that when they began working with them, they were told they do the calculations based on the usage. He said that he didn't have anything to do with it.

Mr. Marotta said that it seems like a lot of usage.

Mr. Learn said that he has kids and his house has an open floor plan.

There being nothing further Sam Marotta made a motion to approve the variance request to install a 16.72 KW roof mounted solar array 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
Dennis Stachera-yes
Nancy Babis-yes
Andy Rosenberg-yes
Kevin McDonough-yes

AREA VARIANCE GRANTED

The next case to be called was Case No. 2370. Appeal of Empire Solar Solutions to install a 16.56 KW roof mounted solar array located at 427 Vine Street, Lockport, New York situated in a Low Density Residential Zone.

Ms. Shannon Murphy, Empire Solar Solutions, stated that this is similar to the prior case. She said that they would like to install a 36 panel roof mounted system. She said that the DC amount is larger than the code allows. She said that it is based off a year worth of the homeowner's usage and similar energy audits.

Ms. Murphy said that it does not supersede the 110% code which is authorized by the utility company. She said that this will be black on black and the panels are non-reflective. She said that they will be north and south facing. She said that it is a 25 pitch roof. She said the angle of the roof is not steep and aesthetically displeasing.

Mr. Marotta asked if this is a direct purchase or is it going through a PPA.

Ms. Murphy said that it is a six year lease with the option to buy after.

Mr. Rosenberg asked what happens if they don't want to buy.

Ms. Murphy said they can continue to lease them.

Mr. Rosenberg asked if there is a warranty.

Ms. Murphy said yes, 25 years.

Mr. Rosenberg asked when they do the configuration is it just based on their electric usage only or do they find people switch over major appliance like a dryer or stove or a furnace to electric.

Ms. Murphy said that there is a lot of factors in that. They do a year worth audit, pulling the electric usage. She said they would reference the gas only if someone planned on converting. She said that in this case, it is done fully based on the demand. She said they suggest that people do not change anything.

Ms. Babis asked if additional panels can be added in the future if the demand increases.

Ms. Murphy said that it is completely up to what the code and the roof space will allow. She said that they could revisit it but the homeowner would be responsible for any additional panels.

The meeting was opened to the public.

Mr. Andy Learn, 770 East High Street, stated that is in favor of the project.

The meeting was closed to the public.

There being nothing further Sam Marotta made a motion to approve the variance request to install a 16.56 KW roof mounted solar array 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 Andy Rosenberg.

Kevin Foltz-yes
Sam Marotta-yes
Dennis Stachera-yes
Nancy Babis-yes
Andy Rosenberg-yes
Kevin McDonough-yes

AREA VARIANCE GRANTED

The next case to be called was Case No. 2371. Appeal of Kelly Regan to erect a 6' solid fence on the east side of the house located at 432 South Street, Lockport, New York situated in a Low Density Residential Zone.

Ms. Regan said that she has the same issue with a corner lot with two front yards. She said that she is looking for a higher fence in the section that is her patio. She said that she would like it for when she sits outside or her girls are outside it is a little more private. She said that she knows that she has to maintain a three foot fence along the driveway so that the line of sight is not blocked.

Mr. Foltz said that corner property, we understand.

The meeting was opened to the public.

Mr. Kevin Norris, 440 South Street, stated that he is in favor of this being improved because her corner lot backs the Villager Apartments. He said there is 118 units back there and she needs more privacy. He said since the Packet Boat apartments were built there has been more foot traffic. He said that he understands about line of sight with a corner lot but this fence is going to be back 60 feet from the corner. He said there won't be any vision problems. He said there has been a lot of kid traffic, walking by throwing

litter around and she has no privacy at all. He said that his house backs up to Villager Apartments and he has the same problem with privacy.

The meeting was closed to the public.

Mr. Foltz said that she is only asking for a 6' high section for her patio. He asked what would happen if she wanted to go further.

Megan Brewer explained that she applied for the section she marked off on the application. If she would like to change that, she would have to reapply.

There being nothing further Andy Rosenberg made a motion to approve the variance request to erect a 6' solid fence on the east side of the house 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 Dennis Stachera.

Kevin Foltz-yes
Sam Marotta-yes
Dennis Stachera-yes
Nancy Babis-yes
Andy Rosenberg-yes
Kevin McDonough-yes

AREA VARIANCE GRANTED

Kevin McDonough made a motion to approve the minutes from the February 24, 2026 meeting. Seconded by Dennis Stachera. Ayes-6 Noes-0

Nancy Babis made a motion to adjourn; Motion seconded by Sam Marotta. Ayes-6 Noes-0

MEETING ADJOURNED

The next regularly scheduled meeting will be Tuesday, May 26, 2026 at 5:00 p.m.