

MINUTES
MUNICIPAL BUILDING
ZONING BOARD OF APPEALS

May 26, 2026

5:00 P.M.

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

EXCUSED: Dennis Stachera

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. 2372. Appeal of Ashley Boyer to remove and replace the existing 12' x 12' roof covering over the front porch located at 28 Remick Parkway situated in a Low Density Residential Zone.

Ms. Boyer stated that the porch has been there for over 20 years. She said that this winter the snow collapsed the roof. She said that there were several layers of shingles on the roof covering. She said that her insurance covered the damage and replaced the roof. She said that it is the same size as the one that fell. She said that the base of the porch is still the original. She said they only changed the railings and roof.

Mr. Foltz asked if the covering is going to be the same size, not extending.

Ms. Boyer said yes.

The meeting was opened to the public.

The meeting was closed to the public.

There being nothing further Sam Marotta made a motion to approve the variance request to remove and replace the existing 12' x 12' roof covering over the front porch 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
Meghan Lutz-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. 2373. Appeal of Jeff Lesser to erect a 33.5' x 14.5' addition to the rear of the house located at 371 East Union Street, Lockport, New York situated in a Low Density Residential Zone.

Mr. Lesser said that he is the contractor for Christian Nodine owner of 371 East Union Street. He said that that would like to build a one story addition straight out the rear of the house. He said that it will be a 3rd bedroom and a playroom for the kids. He said their family is expanding.

Ms. Lutz asked if they are keeping the same line as the existing house.

Mr. Lesser said yes.

Ms. Lutz asked if the addition is going to be the same material and match the rest of the house.

Mr. Lesser said yes.

Mr. Foltz asked if they are going to put gutters on the house to keep the drainage away from the neighbors.

Ms. Lesser said yes.

Mr. Foltz asked if they plan on installing any new lighting.

Mr. Lesser said they do not have a plan now to but if they do if would be on the back of the house.

Mr. Foltz said that if they do install lighting, it shouldn't shine on the neighbors.

The meeting was open to the public.

The meeting was closed to the public.

There being nothing further Kevin McDonough made a motion to approve the variance request to erect a 33.5' x 14.5' addition to the rear 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 Nancy Babis.

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

AREA VARIANCE GRANTED

The next case to be called was Case No. 2374. Appeal of NYS Essential Power, Inc. to install an 11.61 KW roof mounted solar array located at 82 Outwater Drive, Lockport, New York situated in a Medium Density Residential Zone.

Mr. Joey Peyon, Regional Manager for NYS Essential Power. He said they are looking to install a good sized system on the roof. He said that it is 27 modules on two structures,

the main house and the detached garage. He said that they will dig an 18” deep trench between the house and garage.

Mr. Foltz asked if these panels are being bought or leased.

Mr. Peyon said that he didn’t check before he left for the meeting.

Mr. Foltz said that he is just curious which is better to do.

Mr. Peyon said that it is always better to buy then because you own them. He said that they will be doing a structural upgrade in the attic. He said that they are going to collar 2’ x 4’ to the trusses to ensure the roof can hold the weight of the panels.

The meeting was opened to the public.

The meeting was closed to the public.

There being nothing further Andy Rosenberg made a motion to approve the variance request to install an 11.61 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 Andrew Rosenberg.

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

AREA VARIANCE GRANTED

The next case to be called was Case No. 2375. Appeal of Empire Solar Solutions to install a 12.42KW roof mounted solar array at 394 Lincoln Avenue, Lockport, New York situated in a Low Density Residential Zone.

Ms. Shannon Murphy, Empire Solar Solutions stated that they are proposing to install a 27 panel roof mounted solar system. She said that this is a black on black roof system on the existing house. She said that they are also installing a Tesla power wall on the side of the house that is already screened from the street.

The meeting was opened to the public.

The meeting was closed to the public.

Mr. Foltz questioned the location of the power wall.

Ms. Murphy said that the Tesla power wall is a battery attached to the meter that back feeds the system.

There being nothing further Meghan Lutz made a motion to approve the variance request to install a 12.42' 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 Sam Marotta.

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

AREA VARIANCE GRANTED

The next case to be called was Case No. 2376. Appeal of Hurren Properties, LLC to combine 598 & 600 West Avenue and subdivide the southerly 156.14' x 624' section situated in a General Industrial Zone.

Mr. Greg Pope, attorney for Hurren Properties, LLC was present.

Mr. Pope stated that the owners have an auto sale and repair shop at the property. He said they want to combine 598 and 600 West Avenue to make it a 3.56 acre parcel and sell the south side of 598. He said that 598 is a 2.2 acre parcel. He said that there is a contingent sale contract that leaves the existing business area 38% impervious area and they need 50%.

Ms. Lutz said that the request is for 100% impervious area.

Mr. Pope said that the remaining lot will have 38% of impervious area remaining.

Megan Brewer explained that Mr. Pope submitted the application on the last day not giving the Building Inspection Department enough time to do a physical inspection. She explained that from the aerial maps, it appeared to be 100% impervious.

Mr. Pope said that there is a green space area behind that will stay with the parcel.

Mr. Foltz asked what the hardship is.

Mr. Pope said that it is presently zoned for an auto dealer in an industrial zone. He said that the transfer would benefit both properties. He said that the person that is buying the remaining portion is also another business owner in Lockport. He said that this would be combine to 801 Richfield Street. He said that his client has that rear southern portion that has to be maintained and it is of no use to them with the two buildings being in the front. He said that it would take the burden of maintaining the land away. He said that this also insures that the property is on the tax rolls. He said that the hardship is that they have to maintain that scrubland that is of no use to the business.

Ms. Babis asked if the scrubland was there upon the purchase of the property. She said that this was newly purchased in January of this year.

Mr. Pope said yes.

Mr. Foltz clarified that they are not asking for this to be 100% impervious area.

Mr. Pope said that it will remain 38% impervious and 50% is required.

Mr. Marotta clarified that allowing 38% of the lot to be impervious, they can subdivide the parcel the way it is shown on the survey.

Mr. Pope said yes.

Mr. Marotta asked if that includes the “X” indicated on the survey.

Mr. Pope said yes, that is green space.

Mr. Foltz said that he would be more comfortable if Building Inspection can confirm that.

Mr. Pope said that they received Niagara County Planning Board approval.

The meeting was opened to the public.

The meeting was closed to the public.

Mr. McDonough said that he feels they may need more information.

Mr. Foltz said that he agrees, he would feel more comfortable if Building Inspection can confirm.

Megan Brewer explained that if they are comfortable with 38% remaining impervious area, they can make that a stipulation.

Ms. Lutz said to clarify they are asking for 72% impervious area.

Mr. Pope said 62%.

Ms. Lutz said yes, that is correct.

Mr. Pope said that the board can make that contingent.

There being nothing further Ms. Lutz made a motion to approve the variance request to combine 598 & 600 West Avenue and subdivide the southerly 156.14’ x 624’ as follows:

AND IT APPEARING, the remaining lot be a maximum 62% impervious area,

WHEREAS, the subdivided lot be combine with 801 Richfield Street,

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
Meghan Lutz-yes
Nancy Babis-yes
Andy Rosenberg-yes
Kevin McDonough-yes

AREA VARIANCE GRANTED w/ STIPULATIONS

The next case to be called was Case No. 2377. Appeal of Caren Higgins to erect a 6' wooden fence on the west property line located at 221 Lincoln Avenue, Lockport, New York situated in a Low Density Residential Zone.

Ms. Higgins said that she lives on a corner lot at Lincoln and Berkley. She said that she has three children. She said that they would like to install the privacy fence because of the traffic at the High School. She said that a lot of people line up on Berkley to pick their kids up. She said that she also has a large dog that can jump over a 3' high fence.

Ms. Babis asked Ms. Higgins to please state her name and address for the record.

Ms. Higgins stated her name and address. Ms. Higgins said that she drew out where she would like to install the fence.

Ms. Lutz asked if the fence is going to be wooden.

Ms. Higgins said yes.

Mr. Foltz said that corner lots are a pain.

Ms. Higgins said that she didn't realize that this would be an issue.

Mr. Foltz said that because she lives across from the High School, she doesn't need her children wondering off.

The meeting was opened to the public.

Mr. Dan Wilson, 7 Berkley Drive, stated that he does not object to the proposed fence. He said that if he had three daughters that size he would like a fence too. He said that this would be an improvement to the property. He said that he has spoken to the neighbors and they have no objections. He said that this fence will join up with the neighbor to the north.

The meeting was closed to the public.

There being nothing further Meghan Lutz made a motion to approve the variance request to erect a 6' wooden fence on 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 Andrew Rosenberg.

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

AREA VARIANCE GRANTED

Andrew Rosenberg made a motion to approve the minutes from the April 28, 2026 meeting. Seconded by Sam Marotta. Ayes-6 Noes-0

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

MEETING ADJOURNED

The next regularly scheduled meeting will be Tuesday, June 23, 2026 at 5:00 p.m.