

MINUTES
MUNICIPAL BUILDING
ZONING BOARD OF APPEALS

July 28, 2026

5:00 P.M.

PRESENT: Kevin Foltz, Chairman, Nancy Babis, Meghan Lutz, Andrew Rosenberg, Dennis Stachera, Damon DeCastro, Deputy Corporation Counsel, Dan Wojewoda, Building Inspector

EXCUSED: Kevin McDonough, 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. 2379. Appeal of Muhammad Azhar to demolish the existing building and erect an 8 unit multi-family dwelling located at 167 Van Buren Street situated in a Low Density Residential Zone.

Mr. Azhar stated that he is requesting a use variance for 167 Van Buren Street. He said that historically the property was a restaurant and a residence before. He said that it burned in 2024. He said that they thought that this should be converted into a multifamily home. He said that Niagara Fiberboard is across the street and an automotive business is to the left. He said that they are right on the corner. He said that due to the zoning change, the property became Low Density Residential. He said that they think the best use of the property is a multi-family residence. He said that there is a lot of demand for quality housing for rental apartments.

Mr. Azhar said that they are requesting to build 8 units. He said that the property area will remain the same. He said that they have a lot of parking on the back side. He said that there will be less traffic than before. He said that the building will be two stories, four units per story. He said that they will be one bedroom units.

Mr. Foltz asked why they want to build an 8 unit building. He asked if that is what will make this profitable.

Mr. Azhar said that it makes it economically viable. He said that there is a demand in the area. He said that people are looking for small units. He said that if they make them two or three bedrooms, it will decrease the amount of units.

Mr. Azhar said that they are keeping the same amount of covered area that was there before. He said that they are not changing that. He said that they are trying to make it economically viable.

Ms. Lutz explained that there are criteria that have to be met for a use variance. She said that she doesn't see any financial evidence in the information provided that shows why this property cannot receive a reasonable return as a single family home.

Ms. Lutz stated that the applicant didn't provide any evidence for the board to determine if the use variance criteria are met.

Mr. Azhar said that he can provide that. He said that the architect prepared the application. He said that he can submit financials.

Ms. Lutz asked if the applicant was aware of the zoning when they purchased the property at foreclosure.

Mr. Azhar stated that he lives in NYC and purchased the property at the online auction. He said that he was aware. He said that he saw the factory and commercial property around and thought that this should be a commercial or mixed use type of thing.

Mr. Foltz asked if they reduce the number of apartments, would it still be economically viable.

Mr. Azhar said that it will impact him but not that much. He said that they can reduce it to six units and it still be viable.

Ms. Lutz asked if Mr. Azhar is aware that other than the factory and auto shop, the majority of the properties appear to be single family homes.

Mr. Azhar said that he looked at the surrounding neighborhood. He said that on the right side there are some two story or two and a half story homes. He said that there are a couple of multi-family homes in the area. He said he thinks this is the best fit because it is a commercial/ industrial area and they are right on the corner.

Mr. Foltz said that as for the parking plan, it is a nice layout. He asked if there is going to be any drainage or lighting. He said that is a lot of blacktop. He asked where the water is going to run off.

Mr. Azhar said that they have enough parking spaces. He said that he thinks they have 15 spaces, plenty for the tenants. He said that small families or couples will be living there.

The meeting was open to the public.

The meeting was closed to the public.

Ms. Lutz said that she doesn't have any questions. However, without the financial evidence she is unable to make a recommendation to grant the use variance. She said that she wants to grant the opportunity to provide that information. She said that she would personally need to see that before she would be able to vote.

Mr. Foltz said that the applicant can request to table the vote and come back next month with the financial evidence.

Mr. Azhar said ok.

Megan Brewer asked if the applicant is requesting the case to be tabled.

Mr. Azhar said yes.

Megan Brewer explained that the applicant needs to waive the 45 day decision requirement.

Mr. Azhar said ok.

Megan Brewer asked if he was ok with waiving the time frame.

Mr. Azhar said ok.

There being nothing further Meghan Lutz made a motion to table the request. Seconded by Dennis Stachera.

Kevin Foltz-yes
Meghan Lutz-yes
Nancy Babis-yes
Andy Rosenberg-yes
Dennis Stachera-yes

AREA VARIANCE GRANTED

The next case to be called was Case No. 2380. Appeal of Empire Solar Solutions to install a 13.80 KW roof mounted solar array located at 269 So. Niagara Street, Lockport, New York situated in a Mixed Light Industrial Zone.

Ms. Shannon Murphy, Empire Solar Solutions, stated that this is the same as the last time. She said that they need a variance because the system is slightly oversized. She said they are proposing a 30 panel system. She said that the panels will be black glass and trim on a black roof. She said that it will be installed on the southeast and southwest portion of the roof. She said they are utilizing the one side of the roof then trenching over to the garage. She said that there isn't enough space on the roof. She said that the power wall will be on the back side of the home.

Mr. Foltz asked if the house can handle the weight of the panels.

Ms. Murphy said yes, she has a letter from the engineer stating that it can support the structural load.

Ms. Murphy submitted the letter from the engineer.

The meeting was open to the public.

The meeting was closed to the public.

Mr. Foltz said that asked if when they check for structural capacity, they check for the age of the shingles.

Ms. Murphy said that it is not a regulation, their company chooses not to install the panels on a roof that has less than ten years left. She said that they do a brittle test.

There being nothing further Andy Rosenberg made a motion to grant the variance request to install a 13.80 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 Nancy Babis.

Kevin Foltz-yes
Meghan Lutz-yes
Nancy Babis-yes

Andy Rosenberg-yes
Dennis Stachera-yes

AREA VARIANCE GRANTED

The next case to be called was Case No. 2381. Appeal of Essential Power, Inc to install an 11.125 KW roof mounted solar array at 702 Willow Street, Lockport, New York situated in a Low Density Residential Zone.

Mr. Joey Paone, Essential Power was present.

Mr. Paone stated that they are looking to install an 11.125 KW DC system with a Tesla Powerwall 3, a whole home backup. He said that the system will be 25 solar modules that will be black on black. He said that they will be installed on the south face of the roof and two of the west faces. He said that the Tesla Powerwall will be installed on the northwest side of the house by the utility meter.

Mr. Foltz asked if when they figure out the placement of the panels, are they looking for optimal sun.

Mr. Paone said yes, usually the south and west facing.

Mr. Foltz said that he sees they made sure the roof can handle the solar panels.

Mr. Paone said yes, they had their architect verify.

The meeting was opened to the public.

Ms. Monica Roland, 89 Hi-Point Drive, stated that she and her husband have been homeowners in the City since 1973. She said that she wanted to come and support their neighbor's the Seifert's in their request to install solar. She said that green energy is important.

Ms. Roland submitted a letter of support to the board.

The meeting was closed to the public.

There being nothing further Meghan Lutz made a motion to grant the variance to install an 11.125 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
Meghan Lutz-yes
Nancy Babis-yes
Andy Rosenberg-yes
Dennis Stachera-yes

AREA VARIANCE GRANTED

Andy Rosenberg made a motion to approve the minutes from the June 23, 2026 meeting.
Seconded by Nancy Babis. Ayes-5 Noes-0

Meghan Lutz made a motion to adjourn; Motion seconded by Dennis Stachera. Ayes-5
Noes-0

MEETING ADJOURNED

The next regularly scheduled meeting will be Tuesday, August 25, 2026 at 5:00 p.m.