

MINUTES
MUNICIPAL BUILDING
ZONING BOARD OF APPEALS

August 25, 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: Dennis Stachera, Sam Marotta, Andy Rosenberg

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. Charles Dalkhe, Life by Design was present with Mr. Azhar to represent the case.

Mr. Dalkhe stated that he is working with the developer. He said that they were here last month to present. He said that there was some questions and a request for additional information that was provided to the Board. He said that they are there as a follow up.

Ms. Lutz stated that one thing they requested was financial documentation. She said that there is some of that in the documents presented. She said that the property is zoned residential. She said that he is making comparisons for multi-family. She said that what she is not seeing is a comparison to the cost of building, occupying or selling a single family home. She said that they need to see the evidence that you are not able to obtain a reasonable return on the investment.

Mr. Dalkhe said that one of the premises that they started with was due to the surrounding context of that property. He said that it doesn't seem feasible from a marketability perspective to put a single family dwelling. He said there is an automotive shop behind it, a factory across from it and other properties like that in the neighborhood.

Mr. Dalkhe said that when they began discussing how to develop the property as opposed to leaving a burned out building on the site, they started looking at putting apartments there. He said that eight units is the goal as well as to make the building design fit the context of the neighborhood. He said that if you are casual onlooker driving down the street, they won't be able to see an apartment building, you will see what has the appearance of a single or two family home.

Mr. Dalkhe said that these will be one bedroom apartments, there will not be 50 people in the building. He said that they thought this was the best way to proceed that is financially feasible to develop at the same time improve that corner. He said that it will also provide much needed dwelling units for people in Lockport.

Mr. Dalkhe said that they didn't do a feasibility financially for a single family because they never looked at it as being a marketable solution.

Mr. Dalkhe said that he would like to ask the question, if there was a single family home on that corner, how many of you would want to buy it.

Mr. Foltz said that he would have liked to see what it would cost to build a single family. He said that Mr. Dalkhe questioned if anyone would want to buy a single family there. He said that the property is zoned a certain way. He said that Mr. Dalkhe's client bought a piece of property. He said that he bought it online at an auction. He said that he did that with notice that it was zoned Low Density, not for apartments or a business.

Mr. Azhar said that he is the owner of Lepton Holdings. He said that as he stated prior, he didn't know it was zoned for single family. He said that because it was a commercial restaurant which was burned.

Ms. Babis said that in the applicant's request, it states that the existing building is going to be demolished. She asked if the demolition was in the existing agreement with the purchase. She said that it is her understanding that the demolition was part of the purchase agreement. She asked why that hasn't moved forward.

Mr. Azhar said that they don't want to fully demolish the building. He said that the new building will be on the same foundation. He said that certain walls are still there and they will partially demolish the building and built it back up.

The meeting was opened to the public.

The meeting was closed to the public.

There being nothing further Meghan Lutz made a motion to deny the variance request to demolish the existing building and erect an 8 unit multi-family dwelling as follow:

WHEREAS, no financial evidence was provided to substantiate the claim that the applicant cannot realize a reasonable return on the intended use of the property,

WHEREAS, the request is self-created as the property was purchased knowing the current zoning.

Seconded by Nancy Babis

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

USE VARIANCE DENIED

The next case to be called was Case No. 2382. Appeal of Kevin Kraft to remove and replace the existing 20'x 20' detached garage located at 87 Beattie Avenue, Lockport, New York situated in a Low Density Residential Zone.

Mr. Craft stated that 16 years ago when he bought the house the garage that is presently there was in rough shape. He said that the roof had holes in it and the walls were falling in. He said that over time it fell down. He said that he cleaned it all up and got rid of it. He said now he would like to put up a 20' x 20' metal garage. He said that he was told that it will be 3' from the property line and it needs to be 5'.

Mr. Craft said that he has pictures, but there is one house behind him. He said that no one lives there, and has not in the 16 years that he has lived there.

Mr. Foltz said that you are basically asking for something you already have.

Mr. Craft said yes.

Mr. Foltz asked if the building is going to be all metal.

Mr. Craft said yes.

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

Mr. Craft said yes, it will be grey.

Mr. Foltz said that they need to make sure that any water runoff does not go into the neighbor's property.

Mr. Craft said that the pad that is there now has a drain in it. He said that as far as gutters, he will probably not put them on the first years. He said that after he saves some money, he might put a gutter system around the garage.

Ms. Babis asked they plan on putting any lighting on the garage.

Mr. Craft said he probably won't put power in the garage for a few years. He said he needs the garage for storage. He said that he does want to put power in there but just for some lights.

Ms. Babis said that if they do install lighting, they need to make sure that it does not shine on the neighbor's property.

Mr. Craft he would not do that.

Ms. Craft said that they do have pictures of the old garage and the current slab.

The meeting was opened to the public.

The meeting was closed to the public.

Ms. Craft showed the Board pictures.

Mr. Craft said that he is trying to keep his property nice. He said that the neighbor's pad is all broken and has grass growing up in it. He said that he doesn't want to that to happen on his.

There being nothing further Nancy Babis made a motion to approve the variance request to remove and replace the existing 20' x 20' detached garage 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 Meghan Lutz.

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

AREA VARIANCE GRANTED

The next case to be called was Case No. 2383. Appeal of Steven Destro to erect a 182 square foot addition to the rear of the house located at 45 Beverly Avenue, Lockport, New York situated in a Low Density Residential Zone.

Mr. Destro stated that Charlie Dahlke is their architect as well. He said that they would like to install a ½ bathroom. He said that they have lived in the house for 30 years and they would like to stay. He said that they would also like to install a deck.

Mr. Destro said that the hardship for the ½ bath is that they are getting older. He said that currently they have to go upstairs. He said that his wife has arthritis. He said that there will be no negative impact to the neighborhood. He said that the addition will be in the backyard. He said that his neighbors have been supportive.

Ms. Lutz asked if the deck is going to be covered no enclosed.

Mr. Destro said that is correct. He said that it is in the back of the house. He said that they have a block patio now, but the tree drops sap.

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

Mr. Destro said yes.

Mr. Foltz asked what draining and lighting is going to be installed on the addition.

Mr. Destro said that they are going to install electric for a fan and light. He said they plan on installing string lights outside.

There being nothing further Kevin McDonough made a motion to approve the variance request to erect a 182 square feet addition 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 Meghan Lutz.

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

AREA VARIANCE GRANTED

The next case to be called was Case No. 2384. Appeal of Alicia Bouchard to install an 8' x 12' greenhouse in the rear yard located at 56 Bacon Street, Lockport, New York situated in a Medium Density Residential Zone.

Ms. Bouchard stated that she purchased 56 Bacon Street in Jen. She said that she got the greenhouse in July. She said that she didn't know that she needed a permit.

Ms. Bouchard said that she partially homeschools her daughter. She said that she got the green house to grow fruit and veggies. She said that is cheaper and healthier. She said that she had cancer. She said that she works remotely because she cannot go far.

Ms. Bouchard said that she does have a drainage system that is going to be installed. She said it is gutters that go into a rain barrel to water the plants. She said that no bright lights will be installed. She said that they plan on installing solar lights.

Mr. Foltz asked where the greenhouse was positioned.

Ms. Bouchard said that it is 5' from the fence and 5' from the deck. She said that the inspector was there as they were delivering it.

Mr. Foltz said that it can be difficult.

Ms. Bouchard said that she ordered the greenhouse online. She said that the people she ordered it from said she did not need a permit because it was under a certain size.

The meeting was opened to the public.

Mr. Winston Kozma, 60 Bacon Street, read aloud a prepared statement.

Mr. Kozma stated that the structure is less than 5' from the property line. He said that he is opposed to the variance request. He said that he will keep his opinions to the information that has to be weighted. He said that the timeline will tell nearly everything.

Mr. Kozma said that the applicant's paperwork stated that the greenhouse was delivered to the property on July 7th. He said that the applicant didn't sign the application until July

17th. He said that the greenhouse was purchased and onsite before the application was submitted.

Mr. Kozma said that this is not a hardship imposed on the site. He said that this is a decision to buy first and seek permission afterward.

Mr. Kozma said that per state law a self-created hardship is weighted heavily against relief.

Mr. Kozma said that nothing about this parcel requires a variance. He said that an area variance must rest on some physical condition of the land, unusual shape, narrowness, etc. He said that there reasons are personal circumstances and preference.

Mr. Kozma said that the benefit is achievable without a variance. He said that it was achieved there before by the prior owners. He said that applications own marked up survey shows an outdoor garden on the property prior.

Mr. Kozma stated that alternatives are available, the garden being in the ground, a smaller greenhouse and a seasonal structure. He said that these could keep the lot at or below the 50% limit.

Mr. Kozma stated that nothing in the application addresses, electric or any climate control. He said that the structure is described as a polycarbonate panel structure on a block base.

Mr. Kozma said that the variance request is a convenience and convenience is not a standard.

Mr. Kozma said that nothing on the record shows any calculations. He said that it shows a marked up survey with the location but no calculation showing how 53.6% was reached.

Mr. Kozma said that this lot already has a house, driveway, concrete pad, porches and a shed. He said that the 50% cap is how the ordinance manages storm water and the limit itself is a protection. He said that if the limit can be exceeded by anyone who purchases a structure the limit stops meaning anything for every parcel around it. He asked the variance to be denied or tabled until a complete site plan is provided for review.

Mr. Foltz asked if Building Inspection measured the distance from the property when they were there.

Ms. Bouchard said yes.

Mr. Foltz said that they can read aloud the criteria for an area variance.

Ms. Babis asked if there is any intent to sell the products to your neighbors or friends. She said that roadside stands are not allowed.

Ms. Bouchard said no. She said that to clarify, there was a small outdoor garden there when she purchased the home. She said that is not in great condition. She said that it is going to be torn out because it is not in great condition and because it is actually feeding rodents in the area. She said that there is a ground hog living behind her and it comes and eats out of that garden. She said that garden will not be used next year because of that.

Ms. Bouchard said that she figured that a greenhouse that is enclosed with a lock on it would prevent having all of the wild animals.

The meeting was closed to the public.

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

Ms. Lutz stated that Ms. Bouchard just spoke about the animals getting into the outdoor garden. She said that she recognized that the lots are extremely small over there. She said that she is probably over the impervious area without shed already because of the size of the property.

Mr. Foltz said to add to that, he asked if she had a garage.

Ms. Bouchard said no, just an 8' x 10' shed.

Mr. Foltz the next criteria is whether the request is an undesirable change to the neighborhood. He said that the greenhouse will not hurt the neighborhood.

Ms. Bouchard said that it is brand new and she is going to install drainage.

Mr. Foltz read the third criteria, whether the request is substantial. He said that the lot is small but the greenhouse meets the required setbacks.

Mr. Foltz read the fourth criteria, whether the request will have adverse physical or environmental effects. He said that he doesn't see any adverse effects.

Mr. Foltz said that this is not self-created. He said that she passed all the tests.

Ms. Lutz said that they have seen pictures of the greenhouse. She asked Ms. Bouchard to clarify the material of the shed and what the foundation of the shed are. She said that it appears the shed is off the ground.

Ms. Bouchard said that it is off the ground. She said that they leveled it with the proper stone system. She said that then there are large bricks. She said that there is a small gap that will be enclosed but she just hasn't had time or the money to do it.

Ms. Bouchard said that the shed is Amish made and the roof is polycarbonate. She said the rest of the shed is wood.

Mr. Foltz asked how much the shed cost.

Ms. Bouchard said \$4,500.

Mr. Foltz said that she put up a very nice greenhouse. He said that it is professional.

There being nothing further Nancy Babis made a motion to approve the variance request to install an 8'x 12' greenhouse 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 Meghan Lutz.

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

AREA VARIANCE GRANTED

Kevin McDonough made a motion to approve the minutes from the July 28, 2026 meeting. Seconded by Nancy Babis. Ayes-4 Noes-0

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

MEETING ADJOURNED

The next regularly scheduled meeting will be Tuesday, September 22, 2026 at 5:00 p.m.