TOWN OF LOCKPORT
ZONING BOARD OF APPEALS
October 27, 2009

PRESENT: Charles Dahlquist
Donald Jablonski
Tim Lederhaus, Chairman
Frank Loiars
Michael Bartus

ALSO PRESENT: Brian Belson, Senior Building Inspector
Jane Trombley, Secretary

ABSENT: Kevin Roth, Alternate

The October 27, 2009 Zoning Board of Appeals meeting was called to order at 7:00 pm by Chairman Lederhaus, who then led the Pledge of Allegiance.

Chairman Lederhaus noted Alternate Member Roth is absent.

MOTION made by Member Loiars, seconded by Member Dahlquist to approve the September 22, 2009 minutes. 5 Ayes, 0 Nays, Carried.

CASE #1 **6743 Wisterman Road – Todd Meyers** – Requesting an area variance to erect a pole barn approximately 768 square feet. Accessory structures shall not contain more than 1/3 the square footage of the principal building. Mr. Meyers presenting. Mr. Meyers stated he will use the pole barn for storage of lawn mowers, recreational vehicles, etc. and the building will be 24' x 32' and will not have electricity.

Chairman Lederhaus opened the Public Hearing.

Chairman Lederhaus asked what the building will be constructed of. Mr. Meyers stated a steel structure with gutters.

Member Jablonski asked what the floor will be. Mr. Meyers stated stone at this time, may be concrete later.

Chairman Lederhaus asked where the building will be located and Mr. Meyers stated 5 to 6' from the existing structure.

Member Loiars questioned where the old building is and Mr. Meyers stated there were two old buildings that his father had and he has already knocked them down. Chairman Lederhaus asked if the yard will be cleaned up. Mr. Meyers stated yes.

Member Loiars asked how the business is doing. Mr. Meyers stated it is steady, he is taking over for his dad who passed away last weekend. Board members expressed condolences.

Chairman Lederhaus asked if this is in the flood plain and Mr. Meyers stated no.

Member Dahlquist asked if there will be a steel roof and Mr. Meyers stated yes.

Chairman Lederhaus asked for Public Comment. Hearing none, Chairman Lederhaus closed the Public Hearing.

MOTION made by Member Loiars, seconded by Member Jablonski to grant an area variance for Todd Meyers at 6743 Wisterman Road to construct a 768 square foot garage with gutters based on the following findings:

1. The requested variance will not produce an undesirable change in the character of the neighborhood;
2. the benefit sought cannot be achieved by any other feasible method;
3. the requested area variance is substantial, but reasonable;
4. the proposed variance will not have an adverse effect or impact on the environmental conditions in the neighborhood; and
5. the alleged difficulty was not self-created.

5 Ayes, 0 Nays, Carried.

CASE #2 **6869 Forest View Drive – SBL #167.01-3-42 – Estate of Eugene Jason/Marrano Marc Equity Corp.** – Requesting an area variance to construct a new single family home with less than the required front and rear set back. Dave DiPaolo presenting with a representative from the real estate company. Mr. DiPaolo stated the setbacks make the lot difficult to fit a home on as it is triangular in shape with underground gas lines encroaching on 25' of the lot. Mr. DiPaolo stated they would like to build a modest ranch with a 2 car garage, approximately 1300 square feet. Mr. DiPaolo stated the garage will be located out in the front and the side yard is being respected.

Member Loiars asked if Mr. DiPaolo had talked to the neighbors. Mr. DiPaolo stated the neighbor is here this evening and he has just spoken with them this evening on the way in.

Member Jablonski asked how long the lot has been fallow. Mr. DiPaolo stated the lot has been vacant since the subdivision was developed, probably 20 years. Town Building Inspector Belson stated he believes the subdivision has been there 10 to 15 years and it had previously been R1 and is now Ag-Res.

Member Loiars asked if there are any vegetables growing there and Mr. DiPaolo stated no, it's all weeds.

Mr. DiPaolo stated the owner is the estate, but he has permission to apply for the variance.

Chairman Lederhaus asked for Public Comment.

William and Elizabeth Hayden of 6865 Forest View Drive stated their concern is of the gas line as the pipe is very old, and want to be sure the gas company will be involved before any digging is done.

Member Loiars asked if the underground utilities will be checked and Mr. DiPaolo stated yes.

Chairman Lederhaus asked how deep the basement will be and Mr. DiPaolo stated a standard 8' basement.

Chairman Lederhaus stated the easement can't be built on.

Member Jablonski asked if this is a quiet street and Ms. Hayden stated yes.

Member Dahlquist asked if there will be sewers and Mr. DiPaolo stated yes.

Robert Aponte stated he is a zoning law UB student and asked when the property was rezoned from R1 to agricultural. Senior Building Inspector Belson stated he believes it was '04 or '05.

Member Loiars asked if they are planning on an underground pool. Mr. DiPaolo stated no, nothing in the backyard.

Hearing no further comment, Chairman Lederhaus closed the Public Hearing.

MOTION made by Member Jablonski, seconded by Member Bartus to grant an area variance to the Estate of Eugene Jason/Marrano Marc Equity Corp. presenting, to construct a single family home with less than the required front and rear set back based upon the following findings:

1. the requested variance will not create an undesirable change in the character of the neighborhood;
2. the benefit sought by the applicant cannot be achieved by any other feasible method;
3. the requested area variance is not substantial;

4. the proposed variance will not have an adverse effect on the physical or environmental conditions in the neighborhood; and
5. the difficulty was not self created.

5 Ayes, 0 Nays, Carried.

CASE #3 **7260 Tonawanda Creek Road - #168.02-1-28 – Kevin Belling** – Requesting an area variance to replace a dilapidated garage with a new structure closer than the required 10' set back. Kevin Belling presenting. Mr. Belling stated he has torn down the garage that was there when he purchased the property and he would like to replace it with a garage that will be 1 ½' wider and 6' longer than the previous one. Mr. Belling stated the garage will have a steel, peaked roof with gutters.

Chairman Lederhaus opened the Public Hearing.

Member Loiars asked Mr. Belling if he has spoken with his neighbors. Mr. Belling stated yes, but they have been in Texas for the last few months with an ill family member. Town Building Inspector Belson stated he has also spoken with the neighbors and they are okay with the project.

Member Loiars asked Mr. Belling if he will be doing the work himself and Mr. Belling stated yes. Member Loiars asked if there will be plumbing and electric in the garage and Mr. Belling stated electric but no plumbing.

Member Loiars asked if the property is in the flood zone and Mr. Belling stated yes, he does have to have flood insurance.

Member Jablonski asked what color the garage will be and Mr. Belling stated beige with a tan roof to match the house.

Chairman Lederhaus asked for Public Comment. Hearing none, Chairman Lederhaus closed the Public Hearing.

MOTION made by Member Loiars, seconded by Member Dahlquist to grant an area variance to Kevin Belling of 7260 Tonawanda Creek Road to replace a dilapidated garage with a new structure 1 ½' wider and 6' longer than the previous structure with a stone floor and less than a 10' set back based on the following findings:

1. the requested variance will not produce an undesirable change in the character of the neighborhood;
2. the benefit sought by the applicant cannot be achieved by any other feasible method;
3. the requested area variance is not substantial;

4. the proposed variance will not have an adverse effect on the environmental conditions in the neighborhood; and
5. the difficulty was not self created.

5 Ayes, 0 Nays, Carried.

The next Zoning Board of Appeals meeting will be November 24, 2009 at 7:00 pm.

MOTION made by Member Jablonski, seconded by Member Dahlquist to adjourn.
5 Ayes, 0 Nays, Carried.

BY ORDER OF THE TOWN OF LOCKPORT

ZONING BOARD OF APPEALS