

TOWN OF LOCKPORT
ZONING BOARD OF APPEALS
September 24, 2012

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TOWN CLERK
LOCKPORT, NY 14094

PRESENT: Donald Jablonski
Tim Lederhaus, Chairman
Kevin Roth, Appointed Alternate
Michael Bartus

ALSO PRESENT: Jane Trombley, Secretary
Brian Belson, Senior Building Inspector
Daniel Seaman, Town Attorney

ABSENT: Frank Loiars
Charles Dahlquist

The September 24, 2012 Zoning Board of Appeals meeting was called to order at 7:00 pm by Chairman Lederhaus, who then led the Pledge of Allegiance. Due to the absence of Members Loiars and Dahlquist, Chairman Lederhaus appointed Alternate Member Roth a full voting member.

MOTION made by Member Jablonski, seconded by Member Roth to approve the August 28, 2012 minutes. 4 Ayes, 0 Nays, Carried.

CASE #1 **5688 Beattie Avenue – SBL #123.14-2-36.112 – Scott Pidanick/Tina Lynn Sammarco.** Requesting an area variance to construct a 30 x 50' storage building in a residential district. Mr. Pidanick and Ms. Sammarco presenting with Attorney David Heim.

Attorney Heim stated they are seeking an area variance on a residential lot to construct a storage building and they would like to amend the request for the storage building to be 24 x 40' instead of the original request for 30 x 50'.

Chairman Lederhaus opened the Public Hearing.

Mr. Pidanick stated their living space is between 1550 and 1600 sq. ft and they realized the request would be about double what is allowed. Chairman Lederhaus asked what would be stored in the building and Mr. Pidanick stated personal items, snow plows, tractor and camping equipment.

Chairman Lederhaus asked how high the building will be and Mr. Pidanick stated he is not sure, either 12 or 16'. Ms. Sammarco presented pictures of the downsized building. Chairman Lederhaus asked how many doors. Mr. Pidanick stated one opening, one man-door and it will be on a concrete pad.

Member Jablonski asked about water and a drain, electric and gas. Mr. Pidanick stated he would like gas heat and electric, but no water or drain. Member Jablonski asked how the building will be accessed. Mr. Pidanick stated an asphalt driveway and he has a survey to show where it will go, as he would like to line up with the neighbor's shed. Member Jablonski asked if they are being mindful of setbacks and Mr. Pidanick stated yes.

Chairman Lederhaus asked if the proposed building will be 10' high by 24 x 40' and Mr. Pidanick stated yes.

Member Jablonski asked if there will be gutters as they are not shown in the picture, and Mr. Pidanick stated yes and the drain tiles are already in as he has had water issues. Received as Exhibit 1 – a picture of the proposed building from Ms. Sammarco. Mr. Pidanick stated the building will be about 50' back from the house as they have a patio and the building will have gutters and downspouts and hook to the drain pipe.

Attorney Seaman asked how large their lot is. Mr. Pidanick stated 100' by 363', from road center it would be 395'. Attorney Seaman asked if the neighboring lots were the same size. Mr. Pidanick stated yes, the three in a row.

Chairman Lederhaus asked if the building is just for personal items and Mr. Pidanick stated yes. Ms. Sammarco stated they have a 40' trailer that they originally wanted to put in, when they requested the larger building. Attorney Seaman asked if it is totally fenced and Ms. Sammarco stated yes and she has two letters from neighbors that couldn't attend. Received as Exhibit 2 – letter from Lawrence C. and Kathy J. Walling, 5680 Beattie Avenue, who feel it would be a great asset, enhance curb appeal and have no issues with it and Exhibit 3 – letter from Deborah Brewer of 5682 Beattie Avenue, who sees no issue with it as they have a large lot and they should be able to utilize it. Attorney Seaman noted that when they purchased the lot, the lot requirement was 100 x 150', so they do have a substantially large lot.

Attorney Seaman asked what the issue is for the building and Ms. Sammarco stated they were building around their recreation vehicle which is 40 x 11'. Attorney Heim stated a 30 x 48' would give them enough room to maneuver, but realized it was a substantial request and downsized.

Chairman Lederhaus asked for Public Comment.

Scott Bixby of 5692 Beattie Avenue stated he has concerns and asked to read a statement he had written. Mr. Bixby stated they are good neighbors and this is not personal, but a quality of life issue for his family and he is concerned with truck noise from Mr. Pidanick's snowplowing business as his master bedroom is located on that side of the home. Mr. Bixby stated he has lived there since 2008 and is concerned about the noise levels and the negative impact on his home's value with the daily business there. Received Mr. Bixby's statement as Exhibit 4.

Joan Bixby of 5692 Beattie Avenue stated she prefers not to have trucks coming and going all the time.

Jerry and Jean Thompson of 5701 Jennifer Drive East stated they have issues with the noise and don't believe the building will be used for storage and the building will be right behind their house. Chairman Lederhaus asked if there are any trees in their yard that would act as a buffer. Mr. Thompson stated only one.

Ms. Thompson stated when they put their fence up, a chain saw was put through it.

Attorney Seaman asked how many vehicles they have there and Ms. Sammarco stated they have two service vans and three personal vehicles that are two trucks and one jeep. Attorney Seaman asked what the service vans are and Mr. Pidanick stated an E250 and a Chevy 2500, cargo vans. Attorney Seaman asked if this is his place of business and Attorney Heim stated no, his business address is across town on Murphy Road. Received as Exhibit 5 – letter

Chairman Lederhaus asked if the trucks are kept daily at their home and Mr. Pidanick stated yes, the business vehicles are out front currently. Chairman Lederhaus stated the business is at his home then and Mr. Pidanick stated no, there is no showroom there and he doesn't see clients there.

Attorney Seaman asked whether the personal vehicles will be stored in the requested building so there is room for the cargo vans used in the business in the garage. Mr. Pidanick stated this is accurate.

Attorney Seaman asked if he has ever been cited for a business there and Senior Building Inspector Belson stated no.

Ms. Sammarco stated they currently have an attached 20 x 20' garage that she would like to be able to park in, but can't with everything they have to store, as she has back issues and doesn't want to risk falling on ice. Ms. Sammarco stated they did put the house up for sale, but it is perfect for them because the master

bedroom is on the 1st floor in case she needs more surgery on her back and becomes further disabled.

Received as Exhibits 6 through 19 – 14 pictures from Ms. Bixby showing that the employees all park there during the early morning and she said they wake her children.

Ms. Sammarco stated 2 vehicles come and 2 vehicles leave. Attorney Seaman asked how many employees they have and Ms. Sammarco stated 2. Attorney Seaman asked what the business is and Mr. Pidanick stated he does heating and cooling and service. Attorney Seaman asked if he keeps his business equipment at his home and Mr. Pidanick stated no, at his business address that he leases.

Chairman Lederhaus asked why not keep his trucks there and Mr. Pidanick stated it is not secure, someone recently broke in at his neighbors. Chairman Lederhaus asked if they have security there and Mr. Pidanick stated no, there is also no heat, electric or security gate at his other location, and he keeps valuable equipment in the cargo vans.

Attorney Seaman asked whether his employees drive their personal vehicles to his residence and left them at his residence while they drive the cargo vans to jobs from the residence. Mr. Pidanick verified that this is the case.

Mr. Bixby stated the service trucks freeze overnight and Mr. Pidanick stated that is what he needs the building for.

Ms. Sammarco stated winter is coming and they will need to get the concrete poured soon.

Attorney Seaman recommended to the Board that they keep the hearing open for additional input.

MOTION made by Member Jablonski, seconded by Member Roth to keep the Public Hearing open until the October 23rd Zoning Board meeting. 4 Ayes, 0 Nays, Carried.

CASE #2 **7105 Northview Drive – SBL #124.05-1-48 – Robert Darcy** – Requesting an area variance to vary the setback requirements to construct an attached garage with a covered porch on the front of the home and a two story addition on the rear. Mr. Darcy presenting. Mr. Darcy stated he would like to add a 20 x 22' kitchen and a master suite and extend the attached garage over a bit for extra

room in the garage. Mr. Darcy stated he will need about 10' to add a nice porch and garage.

Chairman Lederhaus opened the Public Hearing.

Chairman Lederhaus asked if the roof lines will match, have a double peak and stone front and Mr. Darcy stated yes.

Attorney Seaman asked how far back this will go and Mr. Darcy stated 20'.

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

MOTION made by Member Jablonski, seconded by Member Bartus, to grant an area variance to Robert Darcy at 7105 Northview Drive to construct an extension to an attached garage with a covered porch on the front of the home and a two story addition on the rear of the home leaving less than the required setbacks as put forth in the application based on the following findings:

1. The requested area variance will not create an undesirable change in the character of the neighborhood;
 2. The benefit cannot be achieved by any other feasible method for the applicant to pursue;
 3. The requested 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.
- 4 Ayes, 0 Nays, Carried.

CASE # 3 **6242 Dorchester Road – SBL #123.13-2-22 – Robert T. Hursey.** Requesting an area variance to construct a 14 x 28' garage addition leaving less than the required setback. Mr. Hursey presenting.

Chairman Lederhaus opened the Public Hearing.

Mr. Hursey stated when he purchased his home he only had one car and now has 2 cars and would like some storage space.

Chairman Lederhaus asked how far from the lot line this would be and Mr. Hursey stated 3'6".

Member Jablonski asked if the garage will be sided and how water will be moved away. Mr. Hursey stated it will be sided, have a fire wall and gutters from front to

back. Member Jablonski asked if there is a fence and Mr. Hursey stated in the back and down the side. Mr. Hursey stated his neighbor to the west is Joanne Smith at 6236 Dorchester Road, and she has no problem with it.

Member Jablonski asked if there will be electric. Mr. Hursey stated yes, existing from the house for the garage door opener and light.

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

MOTION made by Member Bartus, seconded by Member Jablonski to grant an area variance to Robert T. Hursey at 6242 Dorchester Road to construct a 1 x 28' addition to his garage 3'6" from the property line based on the following findings:

1. The requested area 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 physical or environmental conditions in the neighborhood; and
5. The difficulty was not self-created.

4 Ayes, 0 Nays, Carried.

CASE #4 **6727 Tonawanda Creek Road – SBL #167.02-3-6 – William M. Kearney –**
Requesting an area variance to construct a 24 x 32' detached garage. William Kearney presenting.

Chairman Lederhaus opened the Public Hearing.

Mr. Kearney stated he has a single car garage and shed that has rotted out, and his lot is only 60' wide. He needs to locate the garage as depicted in the application for access to it, and to preserve some backyard.

Mr. Kearney stated his neighbor on 3 sides is Barbara Williams and she has sent a letter that she is for the garage, as his lot is deep. Mr. Kearney stated the garage will be sided the same as the house, will drain into gutters and the old shed and garage will both be taken down.

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

MOTION made by Member Jablonski, seconded by Member Roth to grant an area variance to William Kearney of 6900 Amanda Lane, which is his prime

residence, for 6727 Tonawanda Creek Road, a residence that he rents to his daughter, to construct a 24 x 32' detached garage 4' from the lot line based on the following findings:

1. The requested area 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 physical or environmental conditions in the neighborhood;
 5. The difficulty was not self-created; and
 6. The old shed and garage are to be removed as part of the project.
- 4 Ayes, 0 Nays, Carried.

MOTION made by Member Bartus, seconded by Member Jablonski to adjourn. 4 Ayes, 0 Nays, Carried.

BY ORDER OF THE TOWN OF LOCKPORT
ZONING BOARD OF APPEALS