

TOWN OF LOCKPORT  
ZONING BOARD OF APPEALS  
October 22, 2013

PRESENT: Kevin Roth  
Charles Dahlquist  
Kevin McCabe, Alternate  
Donald Jablonski  
Michael Bartus  
Tim Lederhaus, Chairman

ALSO PRESENT: Brian Belson, Senior Building Inspector  
Jane Trombley, Secretary  
Michael Norris, Town Attorney

The October 22, 2013 Zoning Board of Appeals meeting was called to order at 7:00 pm by Chairman Lederhaus, who then led the Pledge of Allegiance.

Approval of the August 27, 2013 minutes was tabled as the minutes were unavailable.

**CASE #1 4778 Wilson Road – SBL #110.01-3-23 – Michael Rongo** – Requesting an area variance to construct a 20 x 24' pole barn. Mr. Rongo presenting. Mr. Rongo stated he wants the pole barn for storage of his 4 wheeler, lawn equipment and other items.

Chairman Lederhaus asked if he currently has a garage. Mr. Rongo stated yes a 1 ½ car garage.

Member Jablonski asked if there will be a driveway to the garage and Mr. Rongo said no. Member Jablonski asked if there will be water and heat and Mr. Rongo stated not at this time.

Member Dahlquist asked how large Mr. Rongo's lot is and how far back the pole barn will be. Mr. Rongo stated an acre lot and the pole barn will be located in the back left corner.

Chairman Lederhaus asked if there will be gutters and downspouts and Mr. Rongo said no. Chairman Lederhaus asked if there will be a runoff problem for the neighbor's property and Mr. Rongo said no. Chairman Lederhaus asked if the roof will be gable and Mr. Rongo said yes.

Member Dahlquist asked what the foundation will be and Mr. Rongo said stone now, concrete later.

Member Jablonski asked about the roof and Mr. Rongo said it will be slate.

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

**MOTION** made by Member Jablonski, seconded by Member Dahlquist to grant an area variance to Michael Rongo at 4778 Wilson Road to construct a 20 x 24' metal pole barn at the back of the property with a slate roof as:

1. the requested variance will not produce an undesirable change in the neighborhood;
  2. the benefit sought by the applicant cannot be achieved by any other feasible method;
  3. the requested variance is substantial;
  4. the proposed variance will not have an adverse effect on the physical or environmental conditions in the neighborhood; and
  5. the difficulty is self-created.
- 5 Ayes, 0 Nays, Carried.

**CASE #2**      **4406 Crescent Drive – SBL #95.02-1-61 – Vincent DelPriore/Gene Dunlap –** Requesting an area variance to construct a 24 x 30' pole barn. Mr. DelPriore presenting. Mr. DelPriore stated he would like to build a pole barn to restore cars in and the building will have electricity.

Member Dahlquist asked how far back the pole barn would be and Mr. DelPriore said he has an acre and a half and it will be pretty far back.

Chairman Lederhaus asked how large the home is and Mr. DelPriore stated 1250 sq. ft. Chairman Lederhaus asked why the pole barn needs to be 18' high and Mr. DelPriore stated it is gabled and everything will be guttered and on poured concrete. Chairman Lederhaus asked if it will drain on the neighbor's property and Mr. DelPriore stated no, on his own property. Chairman Lederhaus asked about the color, it will have beige siding and a black roof.

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

**MOTION** made by Member Jablonski, seconded by Member Bartus to grant an area variance to Vincent DelPriore/Gene Dunlap at 4406 Crescent Drive to construct a 24 x 30' pole barn as:

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 variance is substantial;

4. the proposed variance will not have an adverse effect on the physical or environmental conditions in the neighborhood; and
  5. the difficulty is self-created.
- 5 Ayes, 0 Nays, Carried.

**CASE #3**     **5872 Locust St. Extension SBL #138.06-2-26 – Darlene & John DiCarlo –**  
Requesting an area variance to construct a 28 x 36' detached garage. Mr. DiCarlo presenting. Mr. DiCarlo stated he would like the building to store a classic car, utility tractor, lawn items and personal items in.

Chairman Lederhaus asked if it will be a 2 bay garage and Mr. DiCarlo stated no, a single door in front. Mr. DiCarlo showed the Board the plan he had drawn up.

Alternate Member McCabe asked how large Mr. DiCarlo's home is. Mr. DiCarlo stated 1876 sq. ft.

Member Jablonski asked if the pole barn will be sided the same as the house and Mr. DiCarlo stated yes, it will match the house colors.

Chairman Lederhaus asked if there will be a driveway and Mr. DiCarlo stated yes, stone for right now.

Member Dahlquist asked if the door is facing east and Mr. DiCarlo stated no, north.

Chairman Lederhaus asked if there will be plumbing and Mr. DiCarlo stated no, just electric.

Member Jablonski asked if there will be gutters and Mr. DiCarlo stated yes.

Chairman Lederhaus asked if there will be drainage onto the neighbor's property and Mr. DiCarlo stated no.

Chairman Lederhaus opened the Public Hearing.

Cono Sammarco of 5876 Locust Street Ext. stated he has concerns over so many buildings on the property as there already are 2 storage buildings and a garage on the property. Mr. DiCarlo stated he will be taking down the 8 x 8' shed and the 16 x 16' storage building is a pool changing room.

Mr. Sammarco asked if the drainage will be underground as Mr. DiCarlo's property currently drains onto his property, and he produced some pictures.

Member Jablonski asked if Mr. Sammarco's property is to the south and Mr. Sammarco stated yes. Mr. DiCarlo stated the drainage will be done by installed drain tiles. Chairman Lederhaus asked if there is a berm there now and Mr. DiCarlo stated essentially, the water used to run into Donner Creek, but now it doesn't.

Senior Building Inspector Belson stated Mr. Sammarco's water can't legally run across Mr. DiCarlo's to drain into Donner Creek. Mr. Sammarco stated it used to naturally run onto the lot behind him, then into Donner Creek, before Mr. DiCarlo built his property up. Senior Building Inspector Belson stated it is okay to use the natural run on the vacant property for now, but it still isn't legal if someone were to develop the lot behind.

Mr. Sammarco stated Mr. DiCarlo used to run a bounce house business at his home, and wants to be sure the large pole barn isn't for business purposes. Mr. DiCarlo stated he sold the bounce house business some time ago.

Albert Larkin of 5909 Locust Street Ext. also wanted to be sure a business wasn't going to be run out of the pole barn, such as working on cars, as this will be a 1008 sq. ft. building and there had been a problem with a lot of cars parked at the other end of the street a while ago and he doesn't want a problem to develop. Chairman Lederhaus noted the driveway will be long enough to hold a lot of cars as the building will be set so far back, but Mr. DiCarlo assured us it wasn't for business purposes.

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

**MOTION** made by Member Jablonski, seconded by Member Roth to grant an area variance to Darlene & John DiCarlo at 5872 Locust Street Ext. to construct a 28 x 36' detached garage, abiding by the required setbacks and being mindful of the drainage through an underground system, which shall be approved by the Building Inspector as:

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

4 Ayes, 1 Nay (Member Dahlquist who feels it is too large of a structure),  
Carried.

**MOTION** made by Member Jablonski, seconded by Member Bartus to accept tonight's decisions. 5 Ayes, 0 Nays, Carried.

Chairman Lederhaus announced that Member Bartus will be leaving us as he is retiring to Florida.

The next Zoning Board of Appeals meeting will be held November 26, 2013.

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

**BY ORDER OF THE TOWN OF LOCKPORT  
ZONING BOARD OF APPEALS**