

TOWN OF LOCKPORT
ZONING BOARD OF APPEALS
October 28, 2014

PRESENT: Donald Jablonski
Kevin McCabe
Will Collins, Appointed Alternate
Kevin Roth
Tim Lederhaus, Chairman

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

ABSENT: Elaine Sobieraski

The October 28, 2014 Zoning Board of Appeals meeting was called to order at 6:00 pm by Chairman Lederhaus, who then led the Pledge of Allegiance.

Chairman Lederhaus appointed Alternate Collins a full voting member due to the absence of Member Sobieraski.

MOTION made by Member Roth, seconded by Member Jablonski to approve the September 23, 2014 minutes. 5 Ayes, 0 Nays, Carried.

CASE #1 **1 Ambleside Drive – SBL#109.08-3-17 – James Shaw.** Requesting an area variance to construct a 20 x 35' addition. Rick Rockwood, contractor, presenting with Mr. Shaw. Mr. Rockwood stated this is an irregular shaped lot and they are requesting a 21' setback. Town code has a 50' rear setback requirement.

Chairman Lederhaus opened the Public Hearing.

Chairman Lederhaus asked if the addition will be basically the same as the house, color, lines, etc. Mr. Rockwood stated yes.

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

MOTION made by Member Jablonski, seconded by Member Collins to grant an area variance to James Shaw at 1 Ambleside Drive to construct a 20 x 35' addition with a 21' setback as:

1. The requested variance will not create an undesirable change in the character of the neighborhood or be a detriment to nearby properties;
2. The benefit 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 or impact on the physical or environmental conditions in the neighborhood;
 5. The difficulty may be self-created, but the balance test allows it.
- 5 Ayes, 0 Nays, Carried.

Member Sobieraski arrived at the meeting.

CASE #2

4040 Lake Avenue – SBL#81.04-1-21.1 – Gerald Tomaino –

Requesting an area variance to construct three 3,000 square feet storage units within the 300 foot required front setback. Tim Arlington of Apex Consulting presenting, with Gerald Tomaino. Mr. Arlington stated they had received similar approval in 2010 for the variance of the front setback for storage units. Now, they have purchased an additional lot this year and want to add additional buildings on this new lot with a similar alignment. Mr. Arlington stated they are also going to put up 6' pines to screen from the Lake Avenue side and they will still own the parcel out front. There will be lighting all within their perimeter and the new buildings will be about 100' in length instead of 130' that the current buildings are, as it is a smaller lot.

Senior Building Inspector Belson stated the Planning Board has given approval conditional on the project receiving Zoning Board approval.

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

MOTION made by Member Jablonski, seconded by Member Roth to grant an area variance of the front setback requirement to the Tomaino Family Trust at 4040 Lake Avenue to construct three 3,000 square feet storage units, the same as what was previously approved only on an additional property, conditional on the two properties being combined as one as:

1. The proposed 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 or impact on the physical or environmental conditions in the neighborhood; and
 5. The difficulty was not self-created.
- 5 Ayes, 0 Nays, Carried.

CASE #3

4374 Crescent Drive – SBL#95.02-1-72 – Victory Christian Center –
Requesting an area variance of frontage requirement, to allow construction of a single family residence. Charlie Dahlke of Life by Design presenting. Mr. Dahlke stated there aren't any current plans to build a house, but want to keep the option open for the future.

Chairman Lederhaus asked if there is currently a road there, or just on paper. Senior Building Inspector Belson stated there is no road there, it would have to be put in by a developer if they decide in the future to develop the property.

Member McCabe asked how much frontage there is. Mr. Dahlke stated according to the website, it is 370', but without the road, it is hard to say.

Chairman Lederhaus opened the Public Hearing.

Walter Beck of 7112 Ridgewood Drive stated he is for the project.

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

MOTION made by Member Jablonski, seconded by Member McCabe to grant an area variance to Victory Christian Center for 4374 Crescent Drive as:

1. The requested variance will not create an undesirable change in the character of the neighborhood or be a detriment to nearby properties;
2. The benefit sought by the applicant cannot be achieved by any other method;
3. The requested area variance is not substantial;
4. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood; and
5. The alleged difficulty was not self-created.

5 Ayes, 0 Nays, Carried.

MOTION made by Member Sobieraski, seconded by Member McCabe to approve tonight's decisions. 5 Ayes, 0 Nays, Carried.

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

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