

TOWN OF LOCKPORT
ZONING BOARD OF APPEALS
February 24, 2015

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

ALSO PRESENT: Mike Brown, Building Inspector
Jane Trombley, Secretary
Michael Norris, Town Attorney

The February 24, 2015 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 noted all members are present.

MOTION made by Member Jablonski, seconded by Member Roth to approve the January 27, 2015 minutes. 5 Ayes, 0 Nays, Carried.

CASE #1 **Tonawanda Creek Road – SBL#167.01-1-10.2/K Squared Properties, LLC –**
Requesting an area variance to construct a 24,520 sq. ft. restaurant and
microbrewery business. The maximum square footage allowed is 15,000 in a B1
zone. Tim Arlington of Apex Consulting presenting for Kelly and Kevin Krupski
of K Squared Properties.

Mr. Arlington stated that a variance is needed due to the size of the building with 12,400 square feet on the 1st floor and 4,000 square feet on the second floor.

Mr. Arlington stated this will be an attractive brick building with a lot of glass. The building appears to be a full 2 stories, but it is not. The upstairs will probably be for a banquet hall in the future.

Member McCabe asked if there is an entrance on Tonawanda Creek Road. Mr. Arlington stated yes, a secondary, close to the property line that will be 26' wide with a 30' cut, which is wide enough for 2 way traffic, emergency vehicles, and delivery trucks if needed, in case the Transit Road exit is busy.

Chairman Lederhaus opened the Public Hearing.

Dave Leising who owns the Cadet Cub dealership next door, stated he has a concern about trucks exiting on Tonawanda Creek Road, which is narrow. Mr. Arlington showed him the plan and that the loading dock is back from the road.

Sue Seiler of 6526 Tonawanda Creek Road stated she was instrumental in getting the light on Transit Road due to the volume of traffic from the businesses and apartments. She said the traffic is always backed up and more apartments would have been built without her and others input. Ms. Seiler stated there are multiple accidents there and it will be a mess if delivery trucks use it.

Hearing no further comments, Chairman Lederhaus closed the Public Hearing. Chairman Lederhaus noted that the traffic issues are dealt with by the Planning Board and this Board is here for the variance on the building.

MOTION made by Member Jablonski, seconded by Member McCabe to grant an area variance for Kevin and Kelly Krupski/K Squared Properties, to build a 24,500 square foot building for a restaurant and microbrewery based on:

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 variance is substantial, but will improve the corner immensely as well as the aesthetics in the area;
4. The proposed variance will not have an adverse effect on the physical or environmental conditions in the neighborhood; and
5. The difficulty was self created but the balance test shows the project should be approved.

5 Ayes, 0 Nays, Carried.

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

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

The next Zoning Board of Appeals meeting will be March 24, 2015 at 6:00 pm.

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