



CITY OF LACKAWANNA
Zoning Board of Appeals
COUNCIL CHAMBERS

MINUTES

Wednesday June 26, 2024

Opening:

The regular meeting of the City of Lackawanna Zoning Board of Appeals was called to order at 5:00pm.

Present: Beres, Mohamed, Turner

Excused: Sobaszek, Stampone

Agenda:

A. Approval of Board meeting minutes:

Motion to approve minutes for 5/29/24: Mohamed: Second: Turner
All yeas carried 3-0

Item #1

Land Use Variance

Victor Colon
139 E. Milnor Ave
Requesting 8 to 10 variance off back of property

Victor Colon representing

Mr. Colon explained he wants to make his garage bigger
Chairman Beres said he is looking for a variance of 8 to 10 feet
Mr. Balon said the zoning for that area is 25 feet from the rear of the property

Motion to approve variance: Beres: Second: Mohamed
All yeas carried 3-0

Item#2
Development &
Code Enforcement

Fencing Code heights and Zoning Map

Mr. Balon explained the Code for fencing. The code says barbed wire and security fencing is not allowed in residential districts. Eight foot fence is allowed in commercial zones and looking at the zoning maps there are a lot of residential properties. Neighborhood Commercial goes down South Park, Abbott, Ridge Rd and the Central Business district either one of these places could be putting eight foot fencing up.

Mr. Gaughan (City Attorney) stated residential properties that abut commercial properties and the commercial property puts up an eight foot fence all around the parking lot. The residential property has one wall of its square lot that has an eight foot fence and what does the resident do with the other three sides of their lot. This is a pending issue

Mr. Balon explained if you have a residential property up to a commercial property you can put an eight foot fence on that side and if you are a residential house in a commercial district then you can put the eight foot fence all around.

Board discuss corner lots

Member Turner suggested keeping it at the six and let everyone come for the variance

Mr. Balon said if they can afford an eight foot fence, then they can get the \$250 variance

Member Mohamed stated allowing commercial properties even though they abut residential properties it should be at eight foot. Commercial should be at eight feet and residential remain at six feet

Mr. Hayes said residential in a commercial zone will only be allowed six feet, so we would have to reword

Board discuss 3 or 4 units maybe commercial

Mr. Clark said you have single family and multiple family homes, so if you had a four unit apartment building with no commercial space does that get viewed as residential space, for example the Ice House with a apartment and bar

Board discussed the zoning code updates with New York State, Law Department and grants.

Member Mohamed stated maybe leave it at six feet and ask for a variance

Mr. Hayes said each property is unique and if we start saying six and the unique wants eight then come in for a variance

Mr. Clark said this is a recommendation to the Council

Motion to make a recommendation to the City Counsel revising the current code from eight feet to six feet in relation to all fencing, all districts and to be revisited after the zoning project is completed: Mohamed: Second: Turner

All yeas carried 3-0

Motion to adjourn: Beres: Second: Mohamed

All yeas carried 3-0
