



**CITY OF LACKAWANNA**  
**DEPARTMENT OF DEVELOPMENT**

714 Ridge Road – Room 309  
 Lackawanna, NY 14218  
 Tel: (716) 827-6421 Fax: (716) 827-1866



APPLICATION  
 TO THE CITY OF LACKAWANNA  
 ZONING BOARD OF APPEALS

Date: 7-17-2023

Application No. \_\_\_\_\_

Application Fee:

Fee

Land Use Variance  
 Zoning Law Appeal

\$ 250.00  
 \$ 250.00

Property Address: 1346 electric ave Lackawanna NY 14218

S.B.L. No. \_\_\_\_\_

Description of Action to be Appealed: Retail store USE VARIANCE.

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

APPLICATION IS HEREBY MADE to the City of Lackawanna Zoning Board of Appeals for a Land Use Variance and/or Zoning Law Appeal as required by the Municipal Code of the City of Lackawanna. The applicant hereby agrees to comply with all applicable laws, rules, ordinances and regulations.

Lauren Jednak  
 Director of Development



# Short Environmental Assessment Form

## Part I - Project Information

### Instructions for Completing

**Part I - Project Information.** The applicant or project sponsor is responsible for the completion of Part I. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part I based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part I. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part I - Project and Sponsor Information							
<div style="border: 2px solid black; border-radius: 50%; width: 150px; height: 100px; display: flex; align-items: center; justify-content: center; margin: 0 auto;"> <span style="font-size: 2em; font-weight: bold;">B</span> </div>							
Name of Action or Project: <u>Brothers Den Badraddin Nagi</u>							
Project Location (describe, and attach a location map): <u>1346 electric</u>							
Brief Description of Proposed Action:							
Name of Applicant or Sponsor: <u>Badraddin Nagi</u>		Telephone: _____					
Address: <u>1342 electric ave <del>Wadsworth</del></u>		E-Mail: _____					
City/PO: <u>Lockport</u>		State: <u>NY</u>	Zip Code: <u>14211</u>				
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			<table border="1" style="width: 100%; text-align: center;"> <tr> <td style="width: 50%;">NO</td> <td style="width: 50%;">YES</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input checked="" type="checkbox"/>	<input type="checkbox"/>						
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			<table border="1" style="width: 100%; text-align: center;"> <tr> <td style="width: 50%;">NO</td> <td style="width: 50%;">YES</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input checked="" type="checkbox"/>	<input type="checkbox"/>						
3. a. Total acreage of the site of the proposed action? _____ acres							
b. Total acreage to be physically disturbed? _____ acres							
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres							
4. Check all land uses that occur on, are adjoining or near the proposed action:							
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)							
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (Specify): _____							
<input type="checkbox"/> Parkland							

5. Is the proposed action,		NO	YES	N/A
a. A permitted use under the zoning regulations?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?		NO	YES	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?		NO	YES	
If Yes, identify: _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?		NO	YES	
b. Are public transportation services available at or near the site of the proposed action?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?		NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?		NO	YES	
If No, describe method for providing potable water: _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?		NO	YES	
If No, describe method for providing wastewater treatment: _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?		NO	YES	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?		NO	YES	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:

Shoreline  Forest  Agricultural/grasslands  Early mid-successional

Wetland  Urban  Suburban

15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?

	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>

16. Is the project site located in the 100-year flood plan?

	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>

17. Will the proposed action create storm water discharge, either from point or non-point sources?

	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>

If Yes,

a. Will storm water discharges flow to adjacent properties?

	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>

b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?

	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>

If Yes, briefly describe:

\_\_\_\_\_

\_\_\_\_\_

18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)?

	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>

If Yes, explain the purpose and size of the impoundment:

\_\_\_\_\_

\_\_\_\_\_

19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?

	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>

If Yes, describe:

\_\_\_\_\_

\_\_\_\_\_

20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?

	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>

If Yes, describe:

\_\_\_\_\_

\_\_\_\_\_

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor/name: Badraddin Naji Date: 2-14-2023

Signature: Badraddin Naji Title: owner



**CITY OF LACKAWANNA**  
**DEPARTMENT OF DEVELOPMENT**

714 Ridge Road – Room 309  
Lackawanna, NY 14218  
Tel: (716) 827-6474 Fax: (716) 827-1866



---

**City of Lackawanna Criteria for an Area Variance**

**(All applicants must answer questions below when an Area Variance is sought)**

Before the Zoning Board of Appeals may grant an Area Variance the Applicant must provide proof of, and the ZBA must consider the following:

- (1) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
  - (2) whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance;
  - (3) whether the requested area variance is substantial;
  - (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
  - (5) whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.
- (c) The board of appeals, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

In order to establish the above please complete the questions below (Please feel free to use additional pages if necessary):

Property Address 1346 electric

1. What facts support that the applicant cannot realize a reasonable return?

WRONG  
there is already business that has customers next to the Board and we are moving the business over to ~~the~~ Bha electric for bigger space and parking alot.

2. Why should the ZBA determine the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood?

WRONG  
~~the~~ moving the business from 1338 electric we to 1346 electric we for bigger space and parking alot and it used to be bar before now turning it to retail store.

3. Will the use variance, if granted, alter the essential character of the neighborhood?

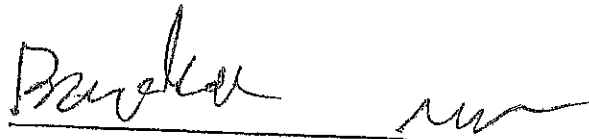
It will be good for the neighborhood and will help the neighbor to get there things and it is business that has been around for 30 years plus.

4. Will the proposed area variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?

NO it will not have any effect on environmental what

5. Is the alleged hardship self-created?

The place is small and no parking  
and we want it to be better business  
for the ~~people~~ customer shop and get  
all the things they need and get  
will help alot if we moving the business  
to 1346 electric for bigger space and add  
more things to business



Sign Application and Print Name Below



# LACKAWANNA CITY CLERK



Jeffrey P. DePasquale  
City Clerk  
Registrar of Vital Statistics

Linda M. Smerka  
Deputy Registrar

## Business Registration Application Check List

### Step 1:

Proceed to Code Enforcement, Room #311; to verify the nature of your proposed business does not require Zoning Board and/or Planning Board approval.

YES \_\_\_ NO \_\_\_ - Zoning Board Approval Required.

YES 2 NO \_\_\_ - Planning Board Approval Required.

Code Enforcement Officer: AC Steven Balon

### Step 2: If determined:

NO to BOTH questions above, proceed to the City Clerk's Office, Room #215, to complete a Business Registration Application. You will receive a "Provisional License" pending permanent approval by the Lackawanna City Council.

YES to EITHER question above, DO NOT proceed further until your proposed business is approved by the Zoning and/or Planning Board. If ultimately approved by the respective board(s), then proceed to the City Clerk's Office as per above.

No. 1106

PROVISIONAL  
CITY LICENSE

\$ 100

City of Lackawanna, N.Y. 9/20/2023

CITY OF LACKAWANNA

License is hereby granted to Salman Alhaj  
No. 1338 Electric Ave. Lackawanna NY  
permitting him under the City Ordinances and Police Regulations  
to operate Reemas Deli LLC  
within the City Limits, beginning 9/20/2023  
and ending upon council approval/denial of permanent license.

In Testimony Whereof, I have hereunto set my hand, and caused  
the Corporate Seal of the City to be affixed, the day and year first written.

Attest Grace Marrison City Clerk

BROTHERS DELI 2 BUILDINGS OVER.

Sep 26, 2023 at 11:19:27 AM  
1339 Electric Ave  
Lackawanna NY 14218  
United States



Google Maps

1349 Electric Ave

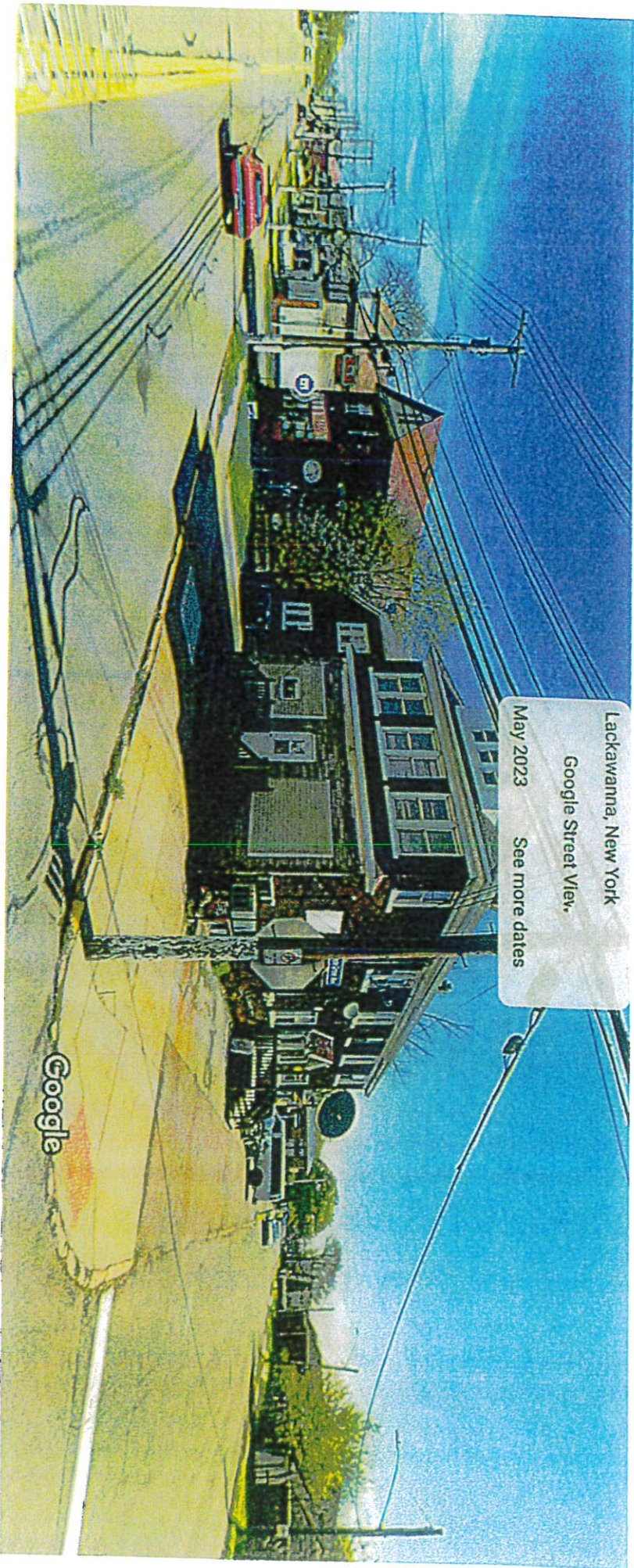


Image capture: May 2023 © 2023 Google

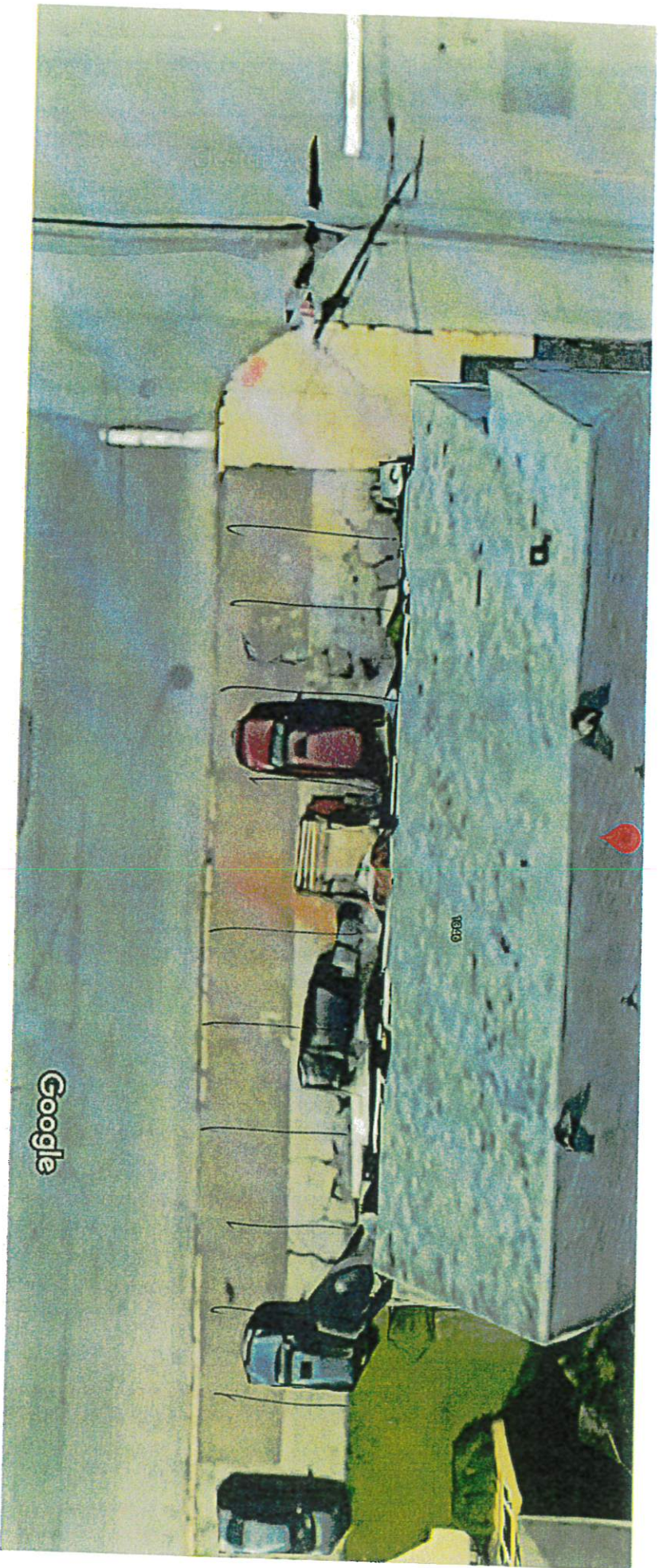


1346 Electric Ave

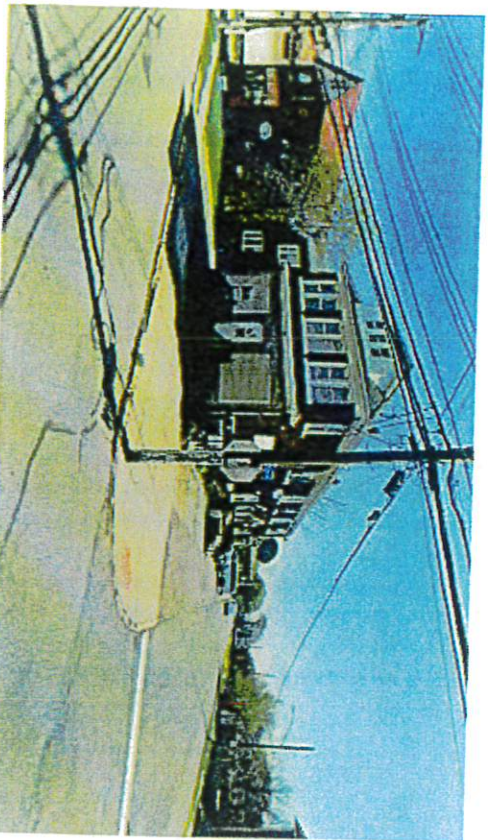
All

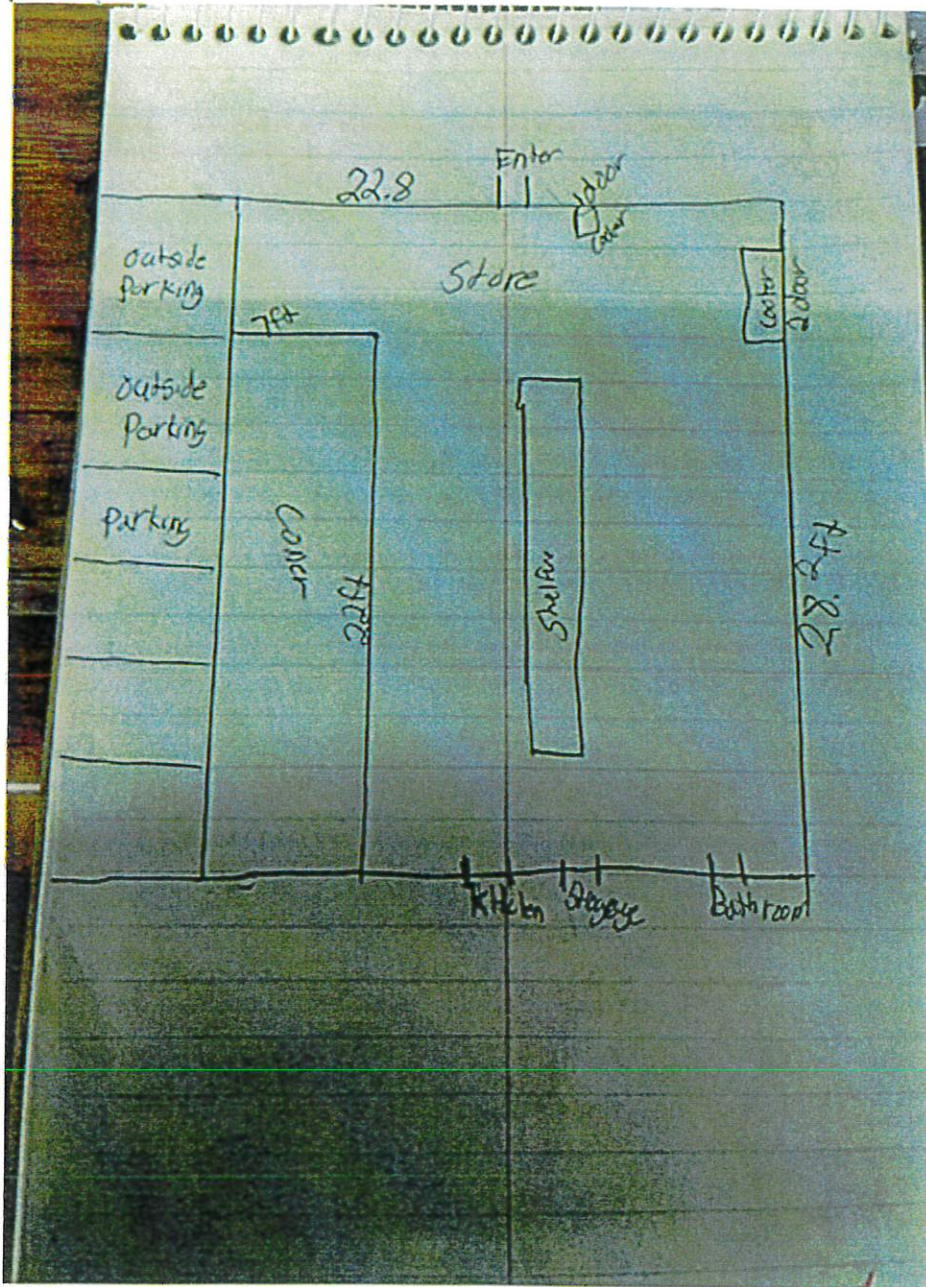
Street View & 360°

Google Maps 1346 Electric Ave



Imagery ©2023 Google, Map data ©2023, Map data ©2023 Google 20 ft

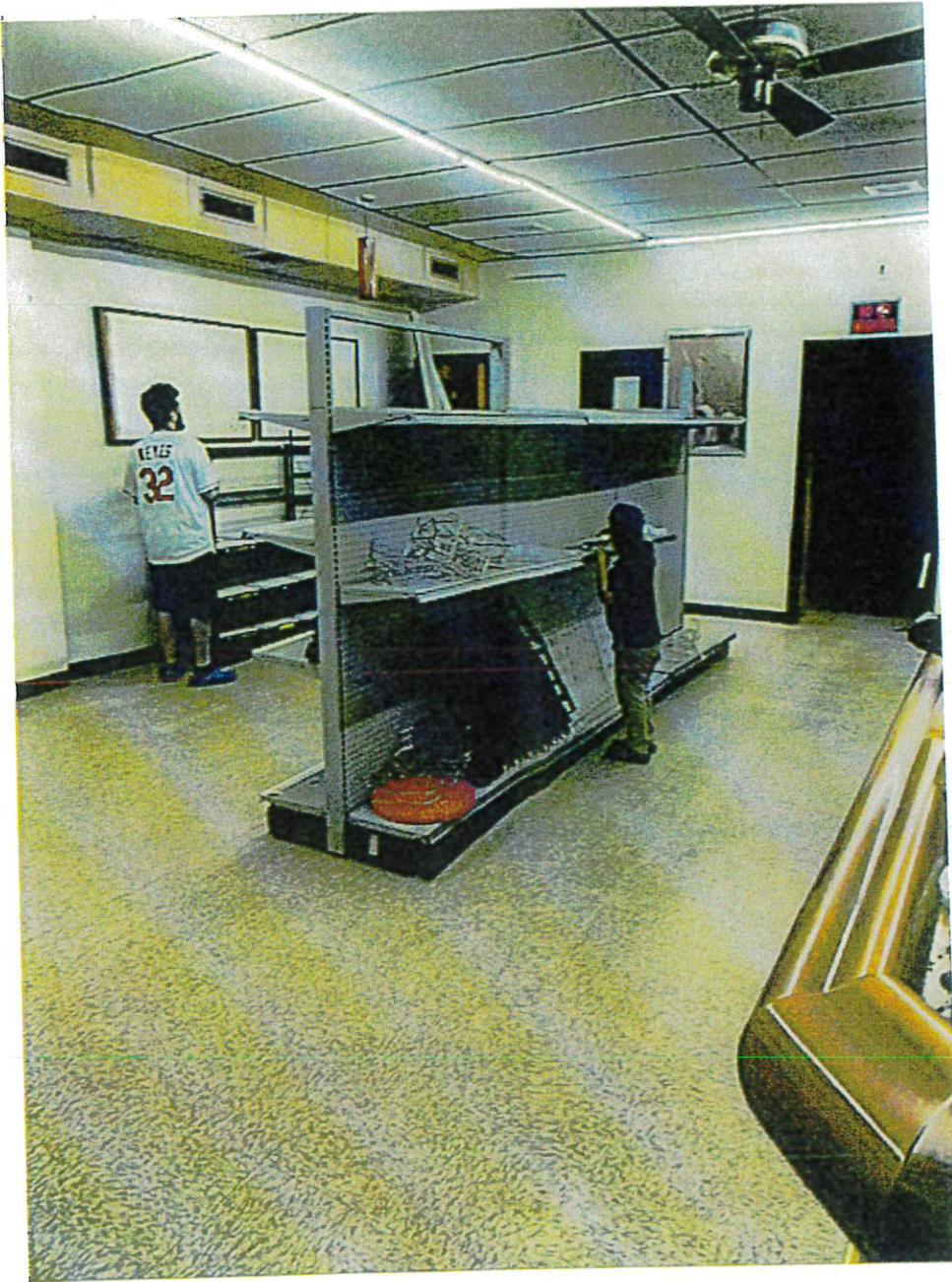










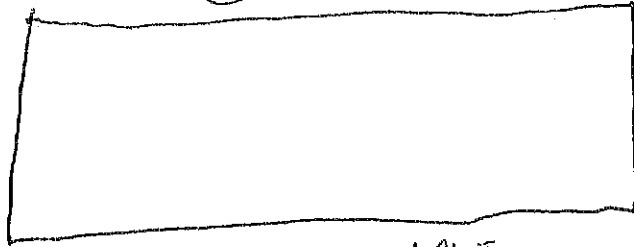






9005+

2D.2



10F

40F & 405

18 cars

2 Bed	2-3
2 Bed	2-3
3 Bed	<del>2-4</del>
	<del>2-4</del>
	7-0
	300



CITY OF LACKAWANNA  
DEPARTMENT OF DEVELOPMENT

Application Notice

October 6, 2023

Badraddin Nagi  
1342 Electric Ave  
Lackawanna, NY 14218

**Re: 1346 Electric Ave**

The above item has been placed on the agenda for the next scheduled meeting of the Planning and Development Board and/or Zoning Board of Appeals of the City of Lackawanna.

-----  
Planning and Development Board

Zoning Board of Appeals

**Date:**

**Date: October 25, 2023**

**Time:**

**Time: 5:00pm**

**City Council Chambers Room 241**  
**Lackawanna City Hall**

If you have any questions please feel free to call 827-6474 or 827-6421

Boarding Neighbors  
416 HOMEZ, Inc- 18-22 Maple Grove  
Bernard Swinarski-1339 Electric  
Felician Masumbuko- 1347 Electric  
Tasnia Kusum-1349 Electric  
Tierra Anderson-30 Date  
Fadhl Afif-14 Date



CITY OF LACKAWANNA  
DEPARTMENT OF DEVELOPMENT

Boarding Property Notice

Dear Sir or Madam:

As an adjoining property owner in the City of Lackawanna, you are hereby notified that a neighbor has made application to the Planning and Development Board and/or Zoning Board of Appeals of the City of Lackawanna as follow;

- |                                    |                             |
|------------------------------------|-----------------------------|
| 1. _____ Site Plan Review          | 2. _____ Special Use Permit |
| 3. _____ Development Plan Review   | 4. _____ Variance           |
| 5. <u>  X  </u> Zoning Law Appeals |                             |

**Property owner: Badraddin Nagi**

**Address: 1346 Electric Ave**

**In reference to: Requesting to open a retail store**

You are entitled to appear at the public hearing scheduled for **10/25/23@ 5:00pm** in Council Chambers at Lackawanna City Hall to express your support or opposition to the granting of said application.

Communications, relating to the application, may be filed with the appropriate Board before the meeting by writing to:

Planning & Development Board/Zoning Board  
Department of Development  
714 Ridge Road, Room 309  
Lackawanna, NY 14218

If you have any questions regarding the meeting, please call 716-827-6474

PLANNING AND DEVELOPMENT BOARD, CITY OF LACKAWANNA  
ZONING BOARD OF APPEALS, CITY OF LACKAWANNA



**CITY OF LACKAWANNA**  
**DEPARTMENT OF DEVELOPMENT**

714 Ridge Road – Room 309  
 Lackawanna, NY 14218  
 Tel: (716) 827-6421 Fax: (716) 827-1866



APPLICATION  
 TO THE CITY OF LACKAWANNA  
 ZONING BOARD OF APPEALS

Date: 10/6/23

Application No. \_\_\_\_\_

Application Fee:

Land Use Variance  
~~Zoning Law Appeal~~

Fee

\$ 250.00  
 \$ 250.00

Property Address: 1398 Electric Ave


S.B.L. No. 142.54-4-48

Description of Action to be Appealed: Requesting to have  
Tuff Shed build a 16' x 20' five feet  
from the rear property line  
Rear set back is 20' in mixed residential

APPLICATION IS HEREBY MADE to the City of Lackawanna Zoning Board of Appeals for a Land Use Variance and/or Zoning Law Appeal as required by the Municipal Code of the City of Lackawanna. The applicant hereby agrees to comply with all applicable laws, rules, ordinances and regulations.

Director of Development

Bishme Nelson  
Noela Deane  
Name of Applicant

B. Nelson  
  
Signature of Applicant

1398/1396 Electric Ave  
Address of Applicant  
Laekawanna NY 14218  
Applicant's Email

Applicant Phone No.

Role of Applicant to Project  
(owner, attorney, lessee, agent,  
architect, engineer, contractor...)

Property Owner:

NAME: Noela Deane / Bishme Nelson  
Address: 1398 Electric Ave, Apt 3  
Laekawanna NY 14218





**CITY OF LACKAWANNA  
DEPARTMENT OF DEVELOPMENT**

714 Ridge Road – Room 309  
Lackawanna, NY 14218  
Tel: (716) 827-6474 Fax: (716) 827-1866



---

**City of Lackawanna Criteria for an Area Variance**

**(All applicants must answer questions below when an Area Variance is sought)**

Before the Zoning Board of Appeals may grant an Area Variance the Applicant must provide proof of, and the ZBA must consider the following:

- (1) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
  - (2) whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance;
  - (3) whether the requested area variance is substantial;
  - (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
  - (5) whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.
- (c) The board of appeals, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

In order to establish the above please complete the questions below (Please feel free to use additional pages if necessary):

Property Address \_\_\_\_\_

1. What facts support that the applicant cannot realize a reasonable return ?

NONE

2. Why should the ZBA determine the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood?

if I Build 20 feet from the rear property line, shed will be obstructed by five Beautiful Large pine trees. This will cause, in my humble opinion, a disserve to the natural environment.

3. Will the use variance, if granted, alter the essential character of the neighborhood ?

NO

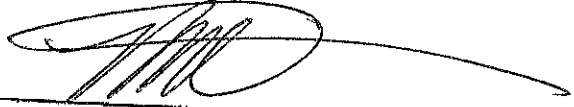
4. Will the proposed area variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?

NO

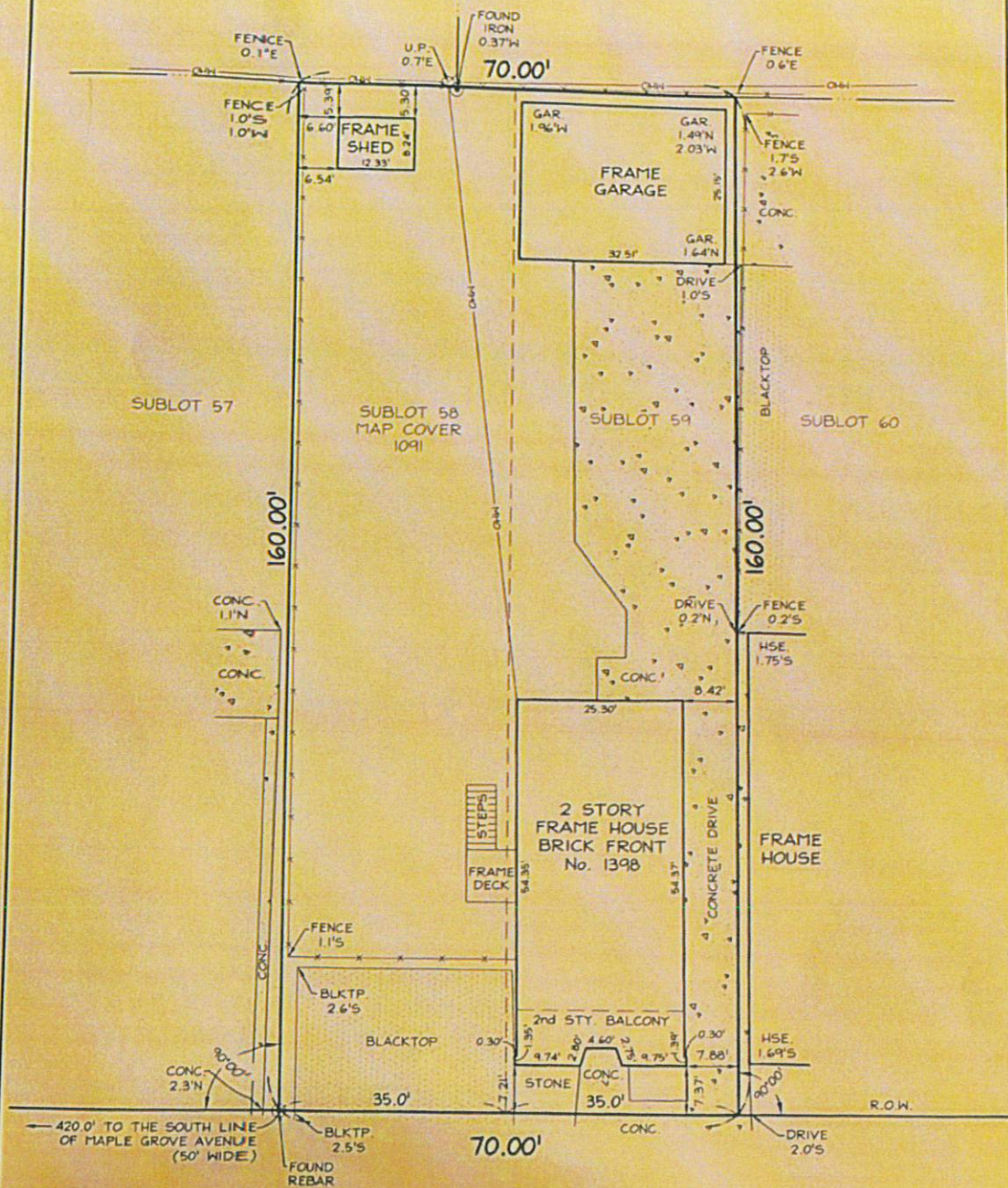
5. Is the alleged hardship self-created?

NO

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



\_\_\_\_\_  
Sign Application and Print Name Below



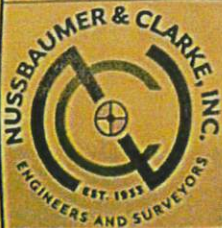
**ELECTRIC (60' WIDE) AVENUE**

NO IRONS SET OR FOUND AT PROPERTY CORNERS UNLESS NOTED HEREON.

509 Main Street, P.O. Box 516, East Aurora, NY 14052  
 p (716) 655-1058 f (716) 655-1964 www.nussclarke.com

This survey was prepared without the benefit of an abstract of title and is subject to any state of facts that may be revealed by an examination of such.

Unauthorized alterations or additions to any survey, drawing, design, specification, plan or report is a violation of section 7209, provision 2 of the New York State Education Law.



**BOUNDARY SURVEY**  
 1396 & 1398 Electric Avenue  
 Part of Lot 28, Township 10, Range 8  
 Holland Land Company's Survey  
 City of Lackawanna  
 County of Erie, State of New York

*Thornton A. Kenyon*

Date of Survey: 2/24/2022

Scale: 1" = 20'

Project No.: 2213-0058

Successors to the records of Graf Land Surveyors

Successors to the records of James L. Shisler, Land Surveyor



CITY OF LACKAWANNA  
DEPARTMENT OF DEVELOPMENT

Application Notice

October 6, 2023

Noela Deane/Bishme Nelson  
1398 Electric Ave  
Lackawanna, NY 14218

**Re: 1398 Electric Ave**

The above item has been placed on the agenda for the next scheduled meeting of the Planning and Development Board and/or Zoning Board of Appeals of the City of Lackawanna.

~~Planning and Development Board~~

~~Zoning Board of Appeals~~

**Date:**

**Date: October 25, 2023**

**Time:**

**Time: 5:00pm**

**City Council Chambers Room 241**  
**Lackawanna City Hall**

If you have any questions please feel free to call 827-6474 or 827-6421

Boarding Neighbors  
Rashida Begum-1404 Electric  
Norbert Baron-171 Colton



CITY OF LACKAWANNA  
DEPARTMENT OF DEVELOPMENT

Boarding Property Notice

Dear Sir or Madam:

As an adjoining property owner in the City of Lackawanna, you are hereby notified that a neighbor has made application to the Planning and Development Board and/or Zoning Board of Appeals of the City of Lackawanna as follow;

1. \_\_\_\_\_ Site Plan Review
2. \_\_\_\_\_ Special Use Permit
3. \_\_\_\_\_ Development Plan Review
4. \_\_\_\_\_ Variance
5.   X   Zoning Law Appeals

**Property owner: Noela Deane**

**Address: 1398 Electric Ave**

**In reference to: Requesting to build shed five feet from property line**

You are entitled to appear at the public hearing scheduled for **10/25/23@ 5:00pm** in Council Chambers at Lackawanna City Hall to express your support or opposition to the granting of said application.

Communications, relating to the application, may be filed with the appropriate Board before the meeting by writing to:

Planning & Development Board/Zoning Board  
Department of Development  
714 Ridge Road, Room 309  
Lackawanna, NY 14218

If you have any questions regarding the meeting, please call 716-827-6474

PLANNING AND DEVELOPMENT BOARD, CITY OF LACKAWANNA  
ZONING BOARD OF APPEALS, CITY OF LACKAWANNA



CITY OF LACKAWANNA  
**Zoning Board of Appeals**  
COUNCIL CHAMBERS

MINUTES

Wednesday September 27, 2023

---

**Opening:**

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

**Present: Stampone, Mohamed, Beres, Turner, Krakowski**

---

**Agenda:**

**A. Approval of Board meeting minutes:**

Motion to approve minutes for 7/25/23: Beres: Second: Mohamed  
All yeas carried 4-0

---

**Item #1**

**Land Use Variance**

Caroline Muszynski  
88 Shamokin Dr  
Request to install in ground pool

Caroline Muszynski representing

Mrs. Muszynski explained they want to put an in ground pool where the current pool is and go back a little by the deck. The concrete in the picture is more than we will have.

Chairman Beres said it's a 10 ft variance they need around the pool and they will be within the 8 ft and a 2 ft variance where the deck going to be.

Mrs. Muszynski stated she spoke to the neighbors on both sides and they are fine with the pool.

Motion to approve: Beres: Second: Stampone  
All yeas carried 5-0

---

**Item #2**  
**Land Use Variance**

Joseph Giglio  
288 Martin Rd  
Requesting to install 4 foot privacy fence on property

Mrs. Giglio representing

Mrs. Giglio stated she looking to install a fence around the back yard. Looking for a variance since it's a corner lot. The fence will be necessary for our dog and use of the back yard. The neighbors moved in with a pit bull and I was walking my dog and had to fill a police report due to an attack by the neighbor dog. The fence will be for security, due to the neighbors have people coming in and out at all times of the day and night. The neighbor Mr. Catuzza has no problem with the fence. The other neighbor never showed concern. Our fence to have that height won't affect the traffic.

Mr. Hayes asks is the fence going to be against the sidewalk on Teresa.

Mrs. Giglio said it will be back about eighteen inches from the sidewalk  
Mr. Giglio said we are not going to put it right on the sidewalk due to kids with their bikes.

Board discuss the fencing

Chairman Beres addressed the Board stating they ask for a 4 ft variance and now they want a 5 ft variance.

---

Mrs. Giglio said after they put the application in they notice the other houses had a 5 ft fence and with the incident with the dog maybe 4 ft is not enough.

Chairman Beres ask Code Enforcement if they are aware of the neighbors having a 5 ft fence

Mr. Hayes and Mr. Balon said no

Mr. Hayes said it was something that has been there

Chairman Beres ask Mrs. Giglio is she amending her request

Mrs. Giglio said yes if I can

Board motion for the 5 ft fence

Motion to amend the 4ft fence to a 5ft fence: Beres: Second: Krakowski  
All yeas carried 5-0



**Item #3**  
**Land Use Variance**

George Halsey  
64 Steelawanna Ave  
Requesting variance 6ft front yard, height 9 ft, 7 ft side yard

George Halsey representing

Board discuss the 9 " on Mr. Halsey application

Mr. Balon explained Mr. Halsey need 9 " on the house height, 7 ft on the yard variance and a 6 ft fence in the back yard

Chairman Beres said there are two variances, one on a 30 ft house going 9 inches higher and the second is a 7ft variance on the fence

Board discuss houses on the street

Motion to approve 30ft + 9 " on the house: Beres: Second: Turner  
All yeas carried 5-0

Motion to approve 7 ft for side yard: Beres: Second: Krakowski  
All yeas carried 5-0

Board discuss code for fencing

~~Mr. Halsey suggest to approve everything else and let the fence go for now. The fence will be the last thing to do for the house.~~

Motion to table the fence: Stampone: Second: Beres  
All yeas carried 5-0

**Item #4**  
**Zoning Law Appeal**

Frank Wailand  
108 Dona St  
Requesting setback for rear and side yard abutting residential  
Properties

Frank Wailand representing

Mr. Wailand stated they submitted all the information of the 1951 church which has been unused for many years and the request is to have onsite parking for 9 vehicles.  
Mr. Wailand refers to the photos submitted regarding the green space and the existing building at the rear of the property which will be demolished.

This area will be for the 9 vehicles. The existing building to the east is 1.5 feet from the property line and on the west the church is 1.5 ft from the property line.

Member Stampone ask how many parking spots

Mr. Wailand said 9 and they were determined by the square footage of the building. We will make some green space in the front

Member Krakowski ask if all the parking going to be right up against the property line

Mr. Wailand that is correct

Mr. Hayes stated for paving he needs 15 ft with the black top away from the property line in a residential area.

Chairman Beres what is the variance

Mr. Hayes said he wants to do black top right to the property line. Does the Board want to do with parking lot drainage or drainage to the center and goes to the storm sewer, so it doesn't run off toward the neighbors?

Mr. Wailand with a runoff it will be contained

Motion to approve: Mohamed: Second: Beres  
All yeas carried 5-0

#### **Item #4**

#### **Zoning Law Appeal**

John Lydon  
18&20 Sand St  
Construct multi family dwelling (4) two bedroom units

Steve Smigielski the Architect, Falie the property manager and co owner representing

Mr. Steve explained there are two individual 30 wide lots and wants to combine them into one lot. Once that is done he is proposing to build a 4 unit multifamily building with two units on each floor. It will be 2000 sq ft per floor and onsite parking. On the plans there will be six parking spaces and due to the lot sixes there are a number of variances. There would be a front yard setback 25 feet is required, right now we are showing ten feet at the front and that will allow parking at the rear of the building. The side yard setback 30 feet is required; it's 60 feet so 30 and 30 will make it unbuildable. The two stories, building length is ok but the parking is shy by three parking spaces and for four units it will require nine spaces and we are showing six.

Mr. Balon explained the variances

Board discuss the properties, streets, fire codes, parking

---

Mr. Steve stated the owner will put a buffer around the parcel which could be a privacy fence, hedges, and landscaping.

Chairman Beres ask about the dumpster

Mr. Hayes said they will be allow to use totes

Neighbor- Desiree Lewis- 181 Center

Ms. Lewis addressed the parking for the new building and where is it going to be.

Mr. Steve explained the parking will be behind the building

Neighbor-Cheryl Klubek-complaint about the neighbor not cutting the grass and the problem will be parking

Member Krakowski said the building is too big for the lots and suggest making the building smaller.

Board discuss changing the size of the building

Motion to table: Beres: Second: Krakowski

All yeas carried 5-0

---

Motion to adjourn: Beres: Second: Mohamed

All yeas carried 5-0

Lackawanna  
Oct 4, 2023 at 9:36:55 AM  
N 42° 49' 21", W 78° 49' 39"  
1342 Electric Ave  
Lackawanna NY 14218



