



# CITY OF LACKAWANNA OFFICE OF CODE ENFORCEMENT

714 Ridge Road – Room 311  
Lackawanna, NY 14218  
Tel: (716) 827-6474 Fax: (716) 827-1866



Date 1/29/25

Agenda Checklist  
Zoning Board of Appeals  
Planning and Development Board

Property address 800 WILLET ROAD.

Reason in front of the board AREA VARIANCES.

Special use permit needed for Zoning? Yes/ No Planning? Yes/ No

Agenda Applicant MARK KOWALSKI

Agenda item DEMO EXISTING AND BUILD NEW GARAGE.

Zone SINGLE FAMILY RESIDENTIAL.

Use variance needed? Yes/ No

Description of use variance (not allowed in that zone) ✓

Area variance needed?  Yes  No

FENCE IN FRONT YARD VARIANCE.

Description of area variances needed (Parking/ height ect...) TO BUILD A LITTLE BIGGER  
NEW 36' x 32' GARAGE. CODE READS 24' x 36' 15A  
3 CAR GARAGE. WANTS TO BUILD 10' OFF OF THE REAR

Description of agenda use? BIGGER THAN 3 CAR GARAGE. | PROPERTY LINE  
AND 10' OFF THE REAR OF PROPERTY.

CODE SAYS 25' OFF THE REAR OF PROPERTS

Code enforcement research (attached if applicable) YES

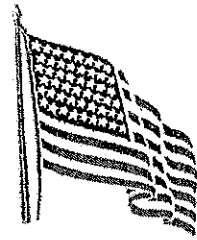
Legal opinion/ research (attached if applicable) NO

Scott Hayes  
Code Enforcement Officer



**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: 1-7-25

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

Application Fee:

Fee

Land Use Variance  
 Zoning Law Appeal

\$ 250.00  
 \$ 250.00

Property Address: 800 Willet Rd. Lackawanna

S.B.L. No. 151.08-5-26

Description of Action to be Appealed: Build a Garage  
36' X 32' in size which is larger than  
zoning currently allows. Building  
will also have 12' Ceilings inside.

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

Mark Kowalski  
Name of Applicant

[REDACTED]  
Signature of Applicant

[REDACTED]  
Address of Applicant

[REDACTED]  
Applicant Phone No.

[REDACTED]  
Applicant's Email

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

Property Owner:

NAME: Mark Kowalski

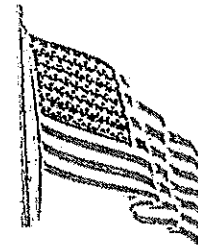
Address: [REDACTED]

Lackawanna N.Y. 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 800 W. 11st Rd.

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

NA.

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?

NA

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


It will not alter the character of the neighborhood.

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

It will not.

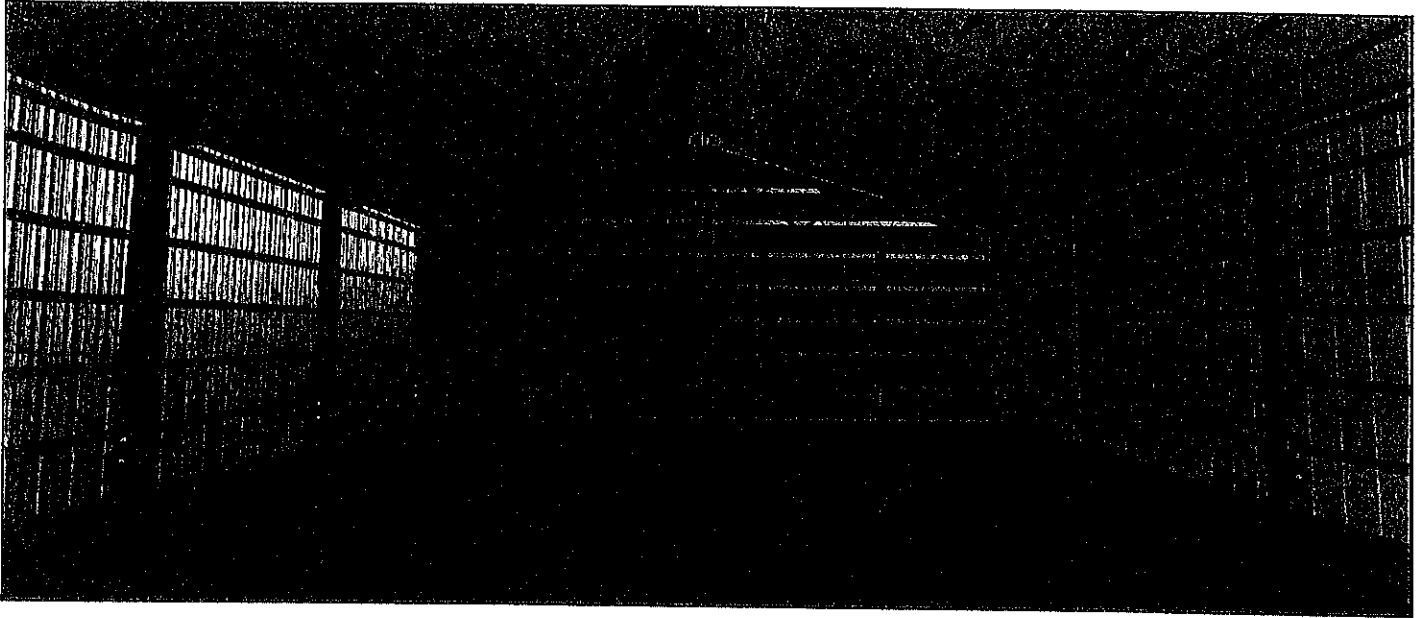
5. Is the alleged hardship self-created?

*It was not.*

  
Sign Application and Print Name Below

*Mark Kowalski*

# FBI Buildings



### Building Specs

Width: 36'  
Length: 32'  
Height: 12'  
Roof Type: Gabled  
Roof Pitch: 3.5":12"  
Post Footing: Perma-Column  
Base Trim: Yes

### Colors

Roof Color: Regal White  
Wall Color: Regal White  
Trim Color: Regal White  
Soffit: Regal White  
Sliding Door Trim: Regal White  
Walk Doors: Regal White  
Large Doors: Regal White  
Track: Regal White

### Interior

### Walls

### Roof Options

Front Endwall Overhang: 1'  
Back Endwall Overhang: 1'  
Left Sidewall Overhang: 1'  
Right Sidewall Overhang: 1'

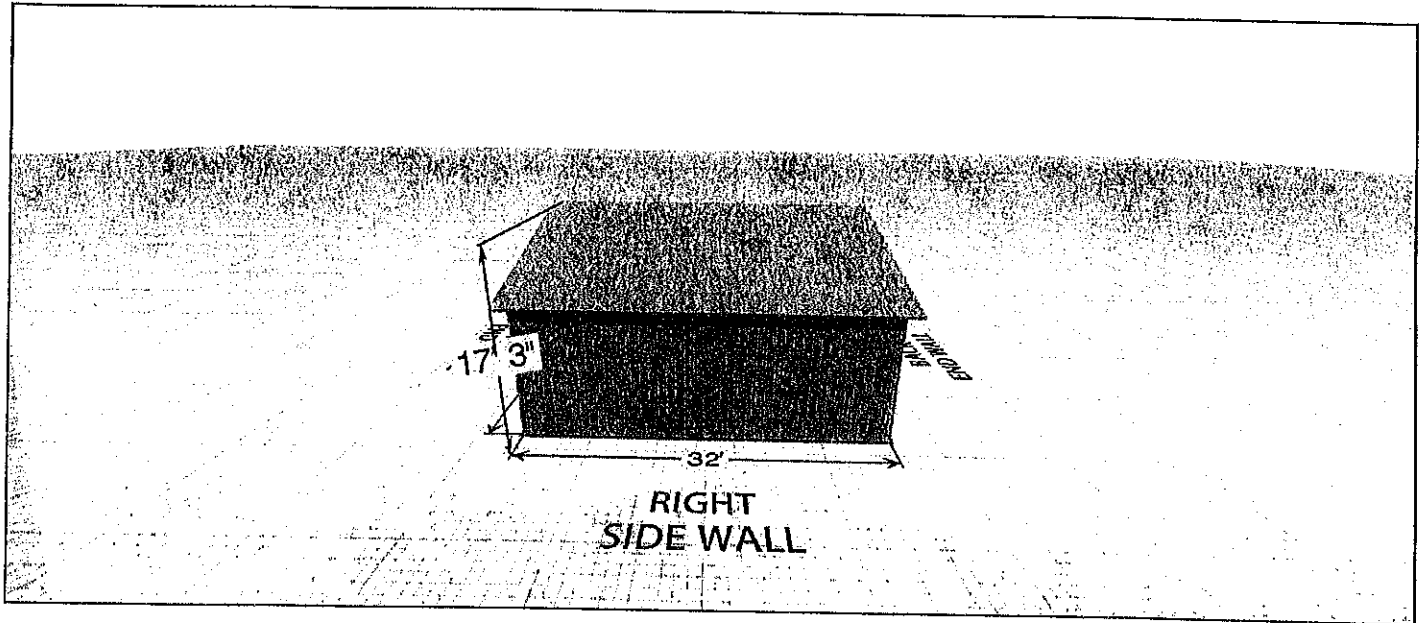
### Lean-tos

### Windows & Doors

Item Sizes:

FBiBuildings.com ★ (800) 552-2981  
3823 W 1800 S Remington, IN 47977

# FBI Buildings



### Building Specs

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### Interior

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### Lean-tos

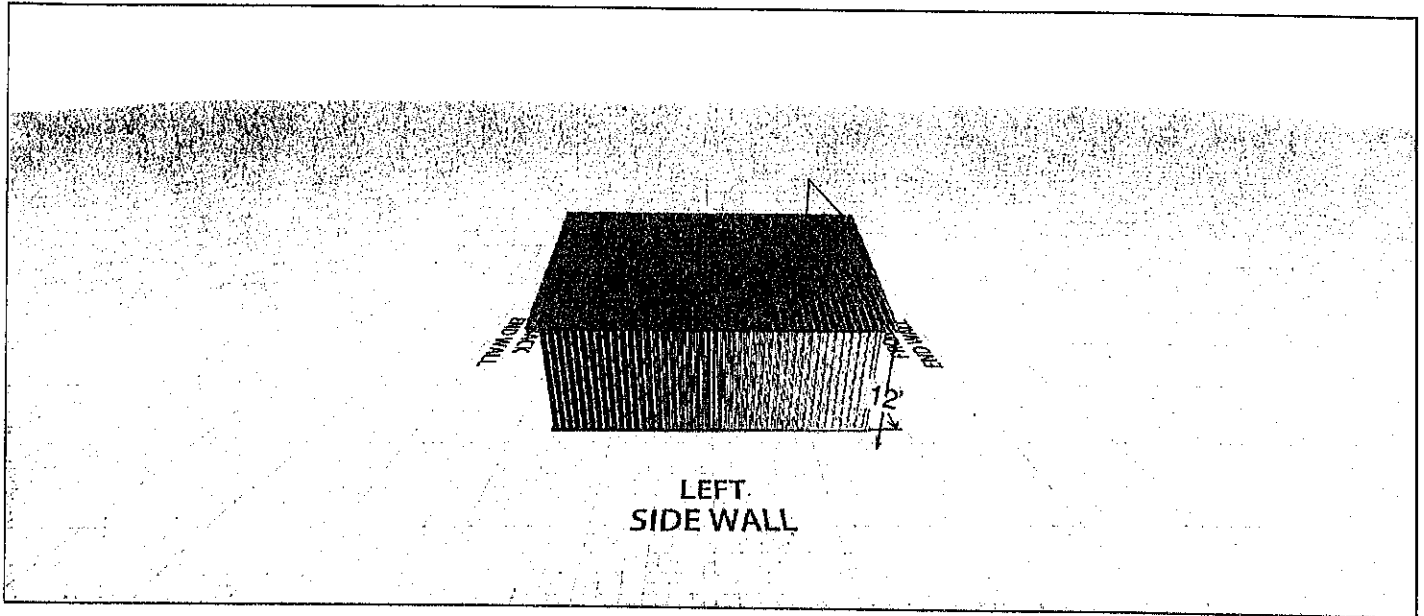
### Windows & Doors

Item Sizes:

FBIBuildings.com ★ (800) 552-2981  
 3823 W 1800 S Remington, IN 47977



# FBi Buildings



### Building Specs

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 Length: 32'  
 Height: 12'  
 Roof Type: Gabled  
 Roof Pitch: 3.5":12"  
 Post Footing: Perma-Column  
 Base Trim: Yes

### Colors

Roof Color: Regal White  
 Wall Color: Regal White  
 Trim Color: Regal White  
 Soffit: Regal White  
 Sliding Door Trim: Regal White  
 Walk Doors: Regal White  
 Large Doors: Regal White  
 Track: Regal White

### Interior

### Walls

### Roof Options

Front Endwall Overhang: 1'  
 Back Endwall Overhang: 1'  
 Left Sidewall Overhang: 1  
 Right Sidewall Overhang: 1

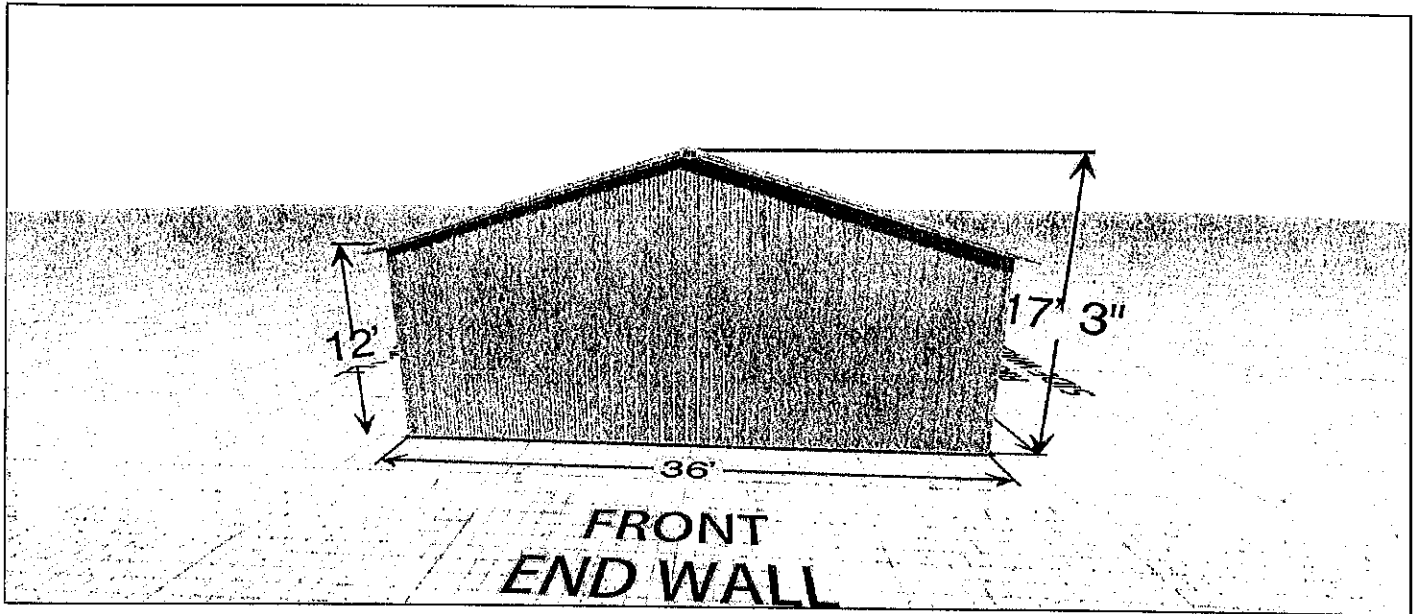
### Lean-tos

### Windows & Doors

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 3823 W 1800 S Remington, IN 47977

# FBI Buildings



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### Interior

### Walls

### Roof Options

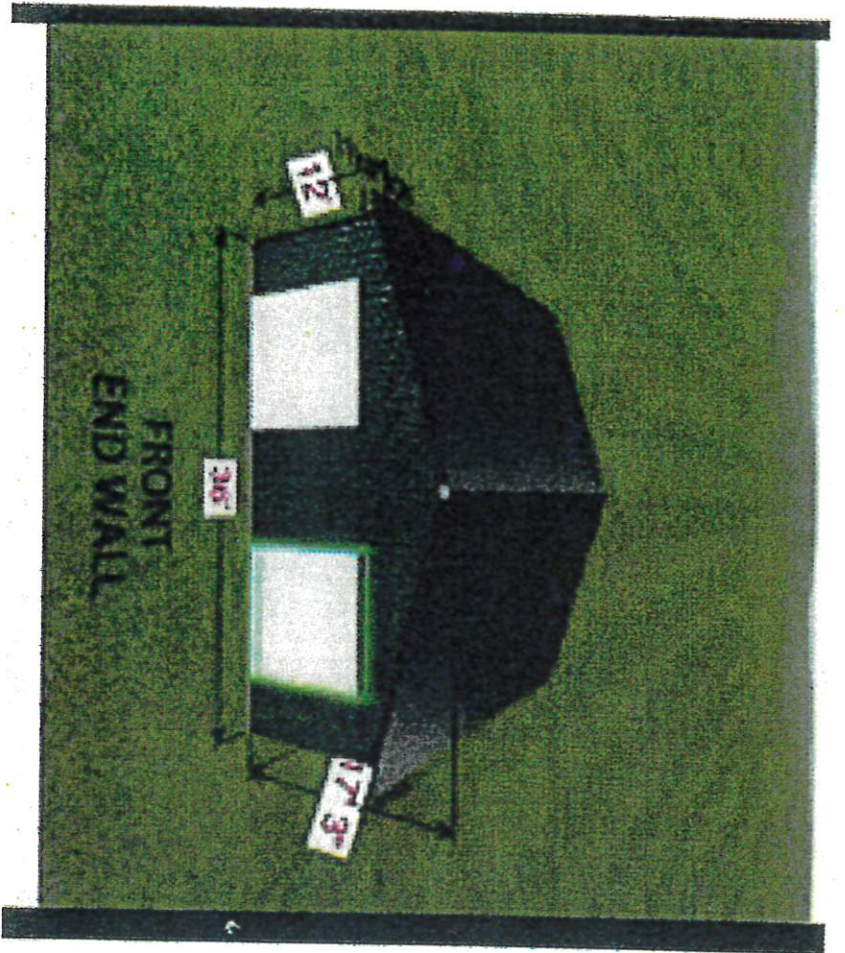
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 Right Sidewall Overhang: 1

### Lean-tos

### Windows & Doors

Item Sizes:

FBIBuildings.com ★ (800) 552-2981  
 3823 W 1800 S Remington, IN 47977



Google Maps

795 Willet Rd

Orchard Park, New York

Google Street View

Jul 2022 See latest date

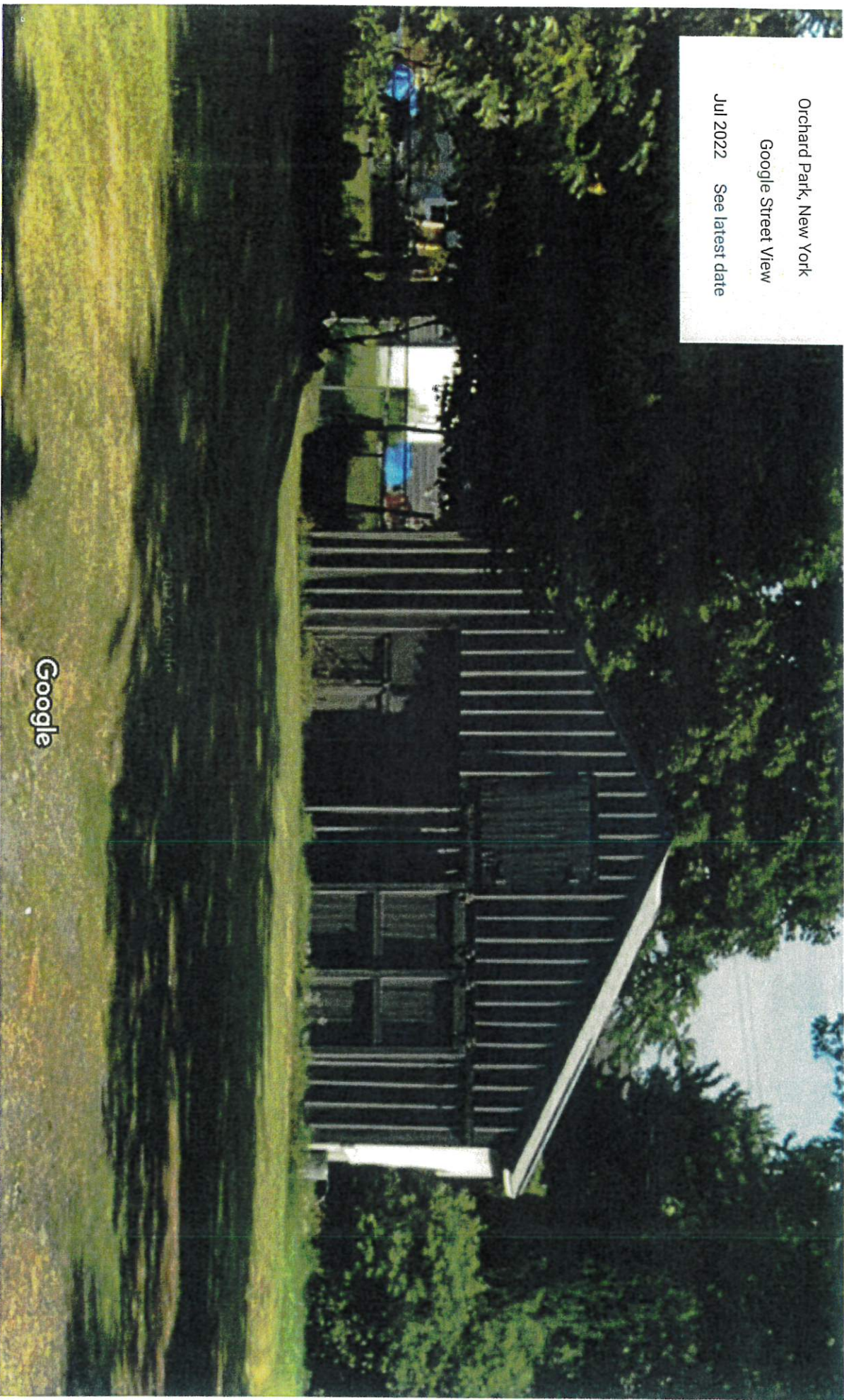


Image capture: Jul 2022 © 2024 Google



Willet Rd  
Edison St

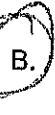
City of Lackawanna, NY  
Tuesday, December 31, 2024

## Chapter 230. Zoning

### Article VI. Additional Use Requirements

#### § 230-45. Accessory structures.

[Amended 6-7-2016]

- A. Every building hereafter erected shall be located on a lot as herein defined, and except as herein provided, there shall not be more than one main building and its accessory structures or buildings on one lot, except for nonresidential buildings and multifamily dwellings in districts where such uses are expressly permitted.
-  B. All accessory structures shall observe the same yard requirements as principal buildings, except that accessory buildings lying wholly within a rear yard may not be located within five feet of any residential lot line.
- C. In any district, the distance between the main building and the accessory building shall be a minimum of 10 feet.
- D. All accessory structures shall be located in the side or rear yard.
- E. Accessory structures shall not exceed the lot coverage of the principal structure.

05/02/2020

< 67 of 72 >

Select Date ▾



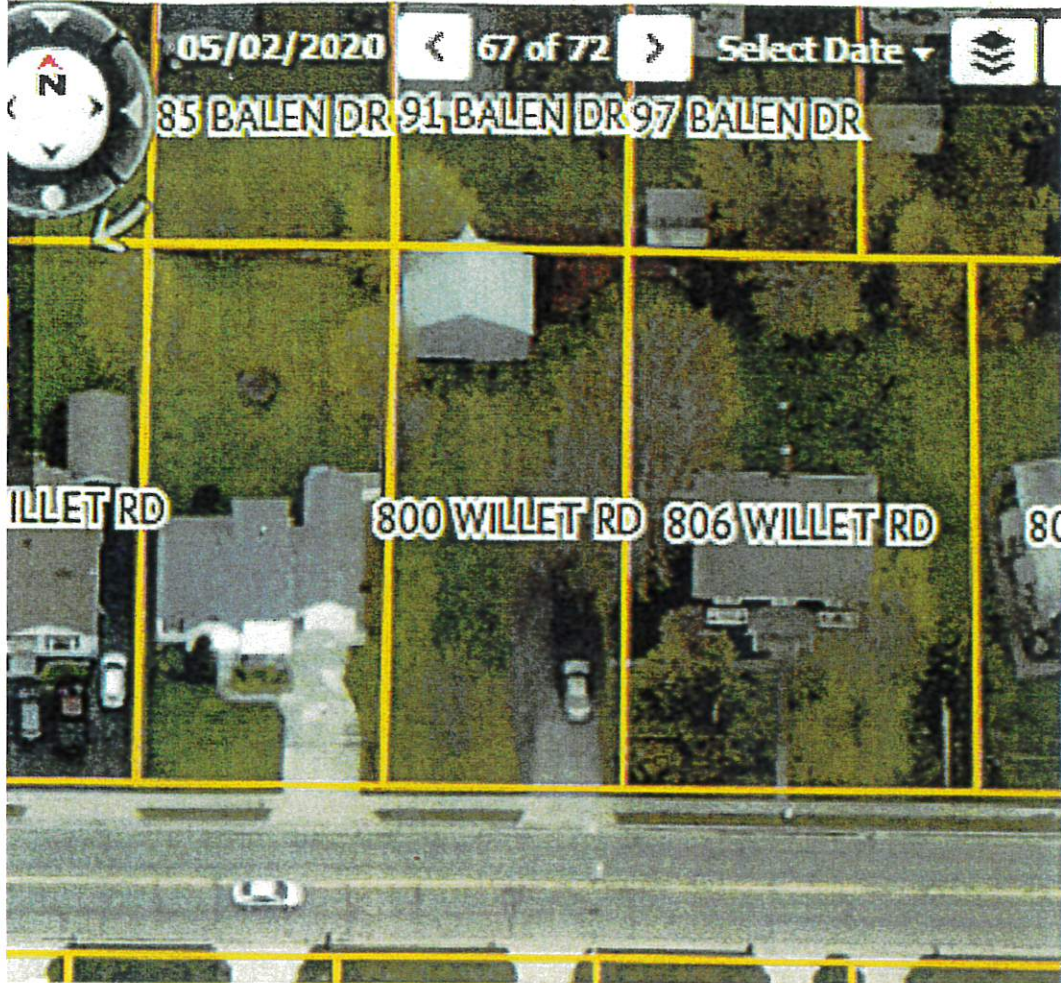
85 BALEN DR 91 BALEN DR 97 BALEN DR

WILLET RD

800 WILLET RD

806 WILLET RD

80





CITY OF LACKAWANNA  
DEPARTMENT OF DEVELOPMENT

Application Notice

January 15, 2025

Mark Kowalski  
1129 McKinley Pkwy  
Lackawanna, NY 14218

**Re: 800 Willet Rd**

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: January 29, 2025**

**Time:** \_\_\_\_\_

**Time: 5:00pm**

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

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

Boarding Neighbors  
Willet Living Trust- 806 Willet  
Wm J Hamilton- 792 Willet  
Brandon Bozard-91 Balen



CITY OF LACKAWANNA  
DEPARTMENT OF DEVELOPMENT

Bordering 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. <u>  X  </u> Variance    |
| 5. _____ Zoning Law Appeals      |                             |

**Property owner: Mark Kowalski**

**Address: 800 Willet rd**

**In reference to: requesting variance for new garage**

You are entitled to appear at the public hearing scheduled for **1/29/25@ 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  
OFFICE OF CODE ENFORCEMENT

714 Ridge Road – Room 311  
Lackawanna, NY 14218  
Tel: (716) 827-6474 Fax: (716) 827-1866



Date 1/29/25

Agenda Checklist  
Zoning Board of Appeals  
Planning and Development Board

Property address 300 COMMERCE

Reason in front of the board ZONING FOR HEIGHT VARIANCE / PLANNING SITE PLAN

Special use permit needed for Zoning? Yes  No  Planning? Yes  No

Agenda Applicant UFP REAL ESTATE, LLC / BRIAN LENNEMAN

Agenda item ZONING VARIANCE / PLANNING SITE PLAN

Zone INDUSTRIAL ZONE

Use variance needed? Yes  No

Description of use variance (not allowed in that zone) ✓

Area variance needed?  Yes / No

Description of area variances needed (Parking/ height ect...) HEIGHT OF NEW SILO'S WILL BE 65' IN HEIGHT, CODE READS 40' MAX HEIGHT WITHOUT A VARIANCE.

Description of agenda use? NEW MANUFACTURED.

Code enforcement research (attached if applicable) YES

Legal opinion/ research (attached if applicable) NO:

Scott Hayes  
Code Enforcement Officer



# 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: 01/10/2025

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

Application Fee:

\_\_\_\_ Land Use Variance  
 Zoning Law Appeal

Fee  
\$ 250.00  
\$ 250.00

Property Address: 300 Commerce Drive, Lackawanna, NY 14218

S.B.L. No. 14 1.08-1-13.121

Description of Action to be Appealed: \_\_\_\_\_

Redevelopment of 300 Commerce Drive including an approximately 18,860 SF addition to the existing structure, reconfiguration and paving of driveways/parking lots, relocation of the existing stormwater pond, new stormwater management facilities, re-routing of existing utilities to enable the proposed addition, new concrete pavement storage yard, and three new rail spurs onto the site from the adjacent Genesee and Wyoming Railroad.

A height variance is requested as the proposed action includes eight product storage silos that exceed the maximum height allowed by code (40'). The silos will be 65' in height. The silos will be lower than the existing tower roof which stands at 82' in height. The approval of this height variance is necessary for this project to proceed, as it is crucial for the proposed operations.

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

UFP Real Estate, LLC  
Name of Applicant

2801 East Beltline Avenue NE  
Grand Rapids, MI 49525  
Address of Applicant

[Redacted]  
Applicant's Email

DocuSigned by:  
[Redacted]  
98A10C000005440...  
Signature of Applicant

[Redacted]  
Applicant Phone No.

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

Property Owner:

NAME: Lackawanna Realty, LLC

Address: 4 Centre Drive

Orchard Park, NY 14127



**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 300 Commerce Drive, Lackawanna, NY 14218

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

**Operational Limitations:** *Without the height variance, the applicant cannot construct the necessary structures (e.g., silos or equipment) required to meet the operational demands of the project, making the property unsuitable for its intended use.*

**Property Constraints:** *The physical characteristics of the property, such as limited buildable area near the proposed rail spurs, make it impossible to achieve the same operational capacity or efficiency without exceeding the height limit.*

**Use of Property:** *Denial of the variance would leave the property underutilized or incapable of supporting the intended use, which is critical for generating a reasonable return on investment.*

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?

*The requested height variance is unique as it pertains to specific conditions of this property and the proposed operations. If granted, the variance would apply solely to the eight proposed silos on this property, which are essential for the success of the project.*

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

*The character of the existing site and surrounding properties are primarily industrial and contains other existing structures that exceed 40' in height. Therefore, the use variance, if granted, would not alter the essential character of the neighborhood. The location for the eight proposed silos is on the far side of the property from the nearest non-industrial buildings, as well as the existing structure that is taller than the proposed eight silos and would act as a visual barrier from these properties. An existing vegetated natural barrier also exists to screen the silo location from these properties.*

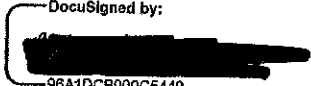
4. Will the proposed area variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?

*The neighborhood/district is industrial and contains other existing structures that exceed 40' in height. Therefore, the use variance, if granted, would not alter the physical or environmental conditions of the neighborhood/district.*

5. Is the alleged hardship self-created?

*The need for a height variance was not self created and is due to pre-existing requirements in the local zoning code. The code requirements were in place before the owner's interest in this site and make the variance necessary for the proposed operations to take place on this property.*

DocuSigned by:

A black rectangular redaction box covering the signature of the document.

86A1DCB900C6449

**Sign Application and Print Name Below**  
Brian Lenneman



CITY OF LACKAWANNA  
DEPARTMENT OF DEVELOPMENT

Application Notice

January 15, 2025

UFP Real Estate LLC  
Brian Lenneman  
2801 East Beltline Avenue NE  
Grand Rapids, MI 49525

**Re: 300 Commerce Dr**

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: January 29, 2025**

**Time:**

**Time: 5:00pm**

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

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

Boarding Neighbors  
Tomahawk- 155 Commerce  
Community Service- 264 Ridge  
Ceferino Lopez-19 Kossuth  
Wardell Spates- 16 Kossuth  
Quikrete- 11 N. Steelawanna



CITY OF LACKAWANNA  
DEPARTMENT OF DEVELOPMENT

Application Notice

January 15, 2025

Lackawanna Realty LLC  
4 Centre Drive  
Orchard Park, NY 14127

**Re: 300 Commerce Dr**

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Planning and Development Board

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Community Service- 264 Ridge  
Ceferino Lopez-19 Kossuth  
Wardell Spates- 16 Kossuth  
Quikrete- 11 N. Steelawanna





CITY OF LACKAWANNA  
DEPARTMENT OF DEVELOPMENT

Application Notice

January 15, 2025

Thomas Bock

**Re: 300 Commerce Dr**

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Planning and Development Board

Zoning Board of Appeals

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**Date: January 29, 2025**

**Time:**

**Time: 5:00 pm**

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Boarding Neighbors



CITY OF LACKAWANNA  
DEPARTMENT OF DEVELOPMENT

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- |                                  |                             |
|----------------------------------|-----------------------------|
| 1. _____ Site Plan Review        | 2. _____ Special Use Permit |
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| 5. _____ Zoning Law Appeals      |                             |

**Property owner: Brian Lenneman**

**Address: 300 Commerce Dr**

**In reference to: requesting variance for new manufacturing factory**

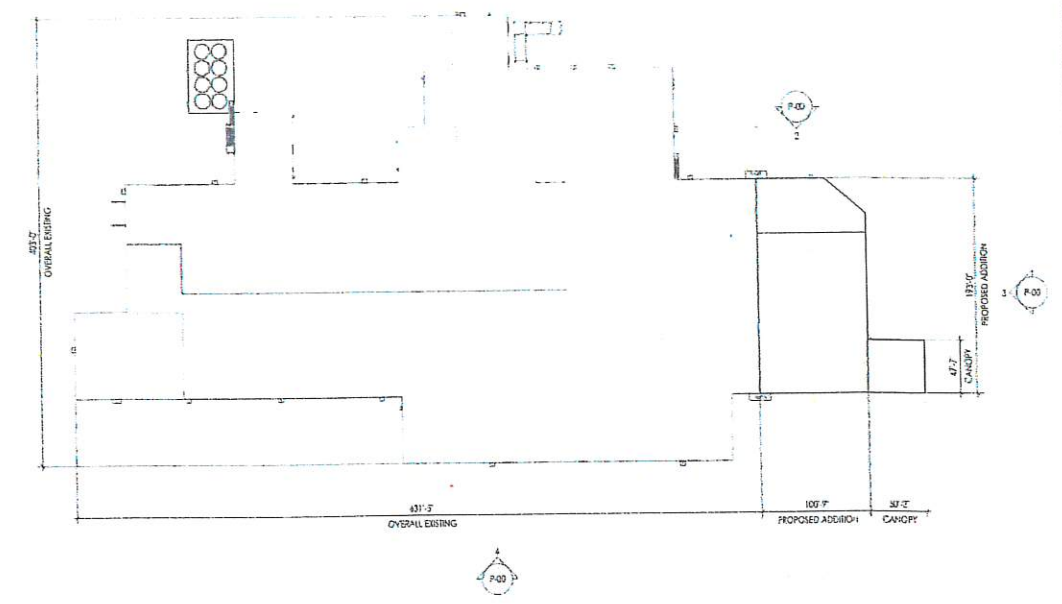
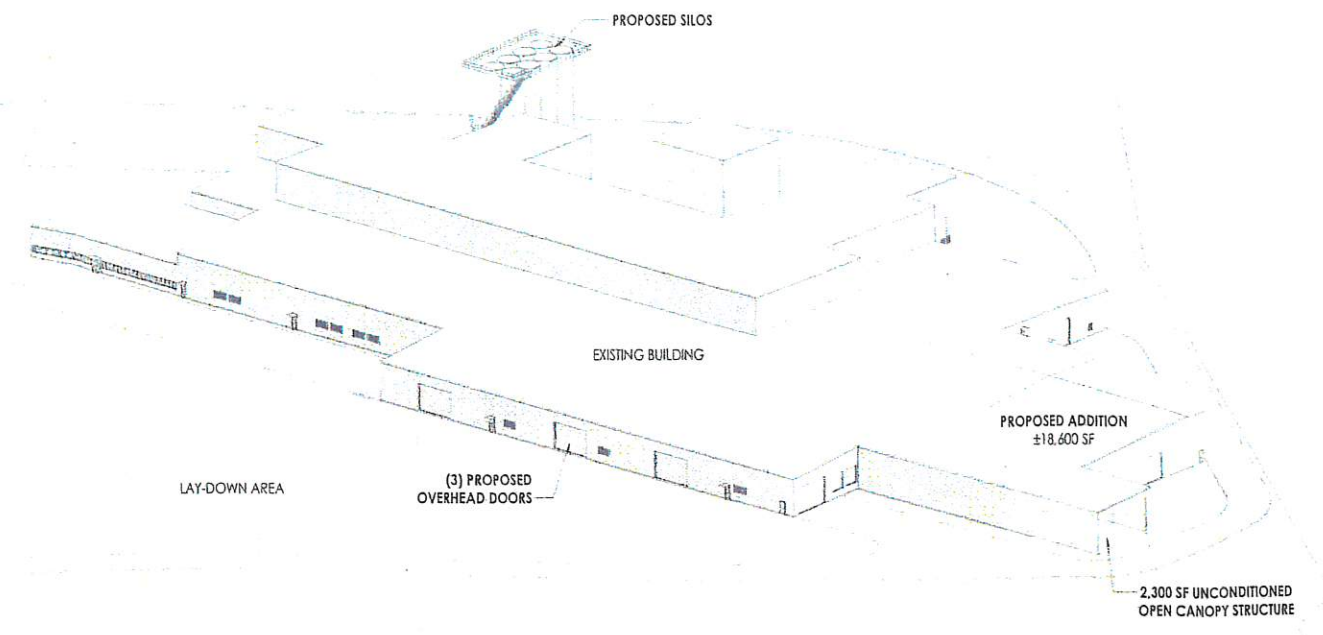
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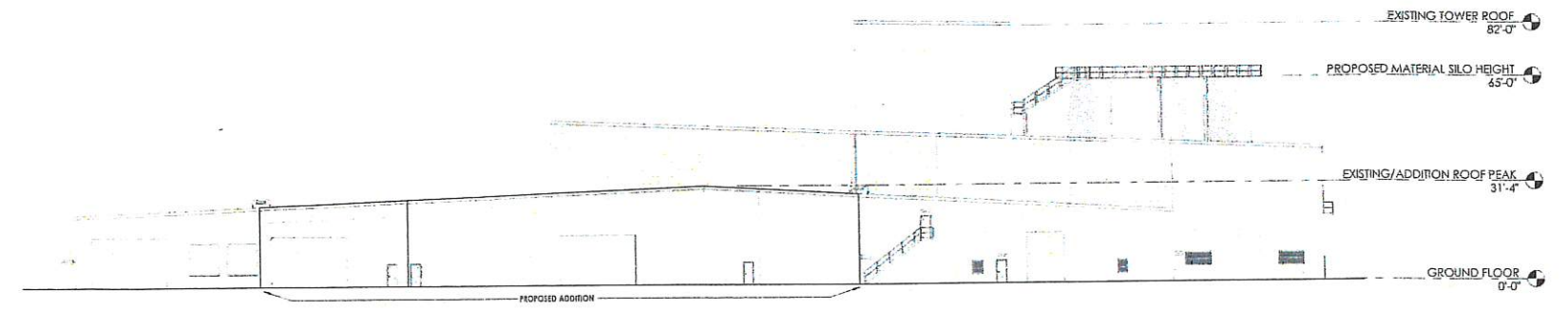
PLANNING AND DEVELOPMENT BOARD, CITY OF LACKAWANNA  
ZONING BOARD OF APPEALS, CITY OF LACKAWANNA



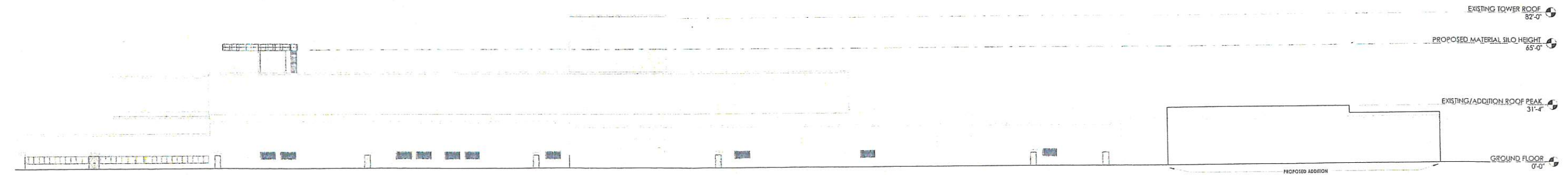
1 KEY PLAN  
1/8" = 1'-0"



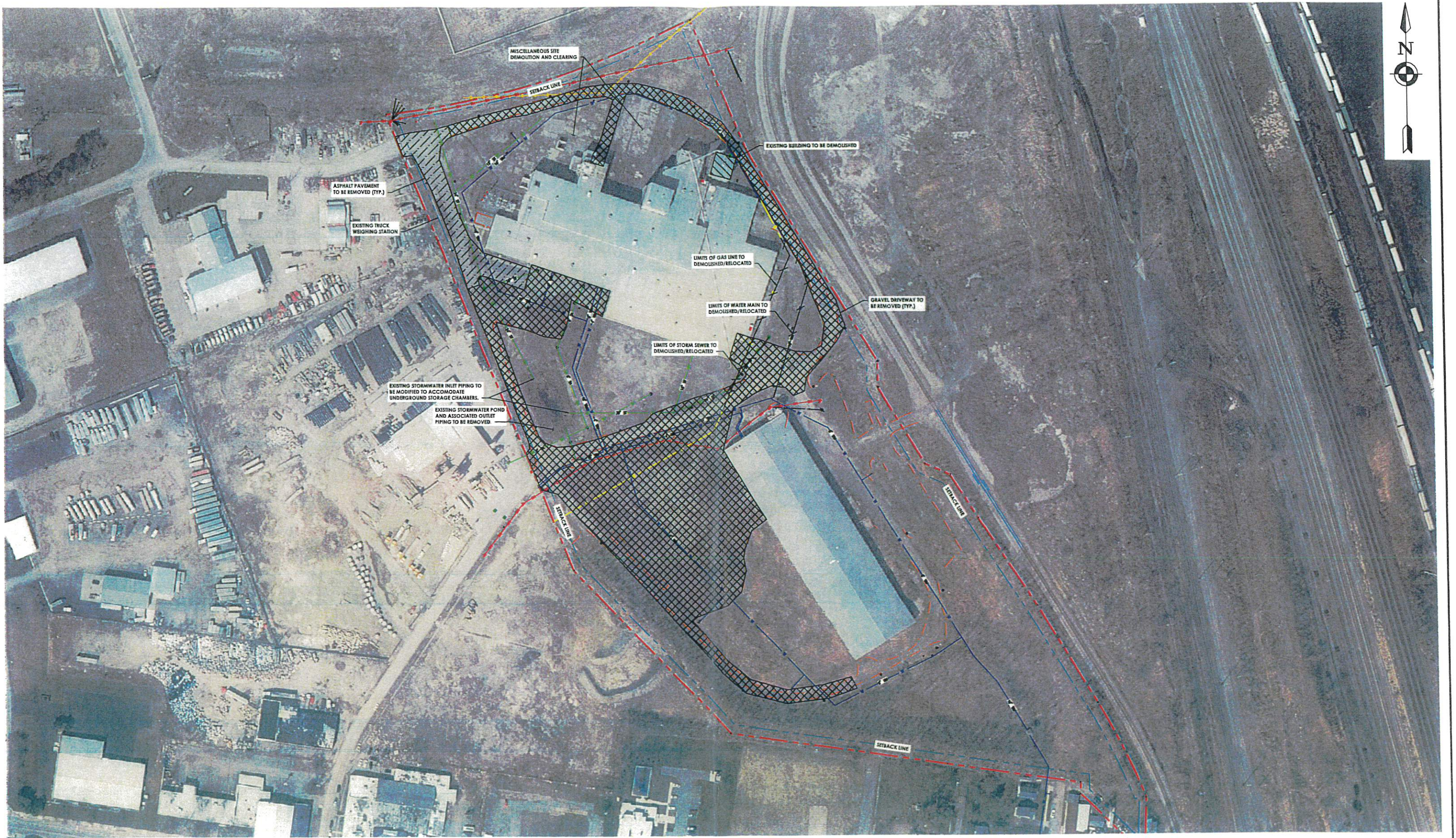
2 ELEVATION - NORTH  
3/16" = 1'-0"



3 ELEVATION - EAST  
3/16" = 1'-0"



4 ELEVATION - SOUTH  
3/16" = 1'-0"



**BULK REGULATIONS TABLE**

ZONE: INDUSTRIAL	REQUIRED	PROVIDED
MINIMUM LOT SIZE	1 AC	31 AC
MAXIMUM LOT COVERAGE	80%	55%
MAXIMUM BUILDING HEIGHT	4 STORIES OR 40 FT	-
FRONT SETBACK	20 FT	93 FT
SIDE SETBACK	15 FT	176 FT
REAR SETBACK	25 FT	30 FT
PARKING SPACES	80	100
ACCESSIBLE PARKING SPACES	6	6
GREEN SPACE	20%	45%

