

LEGAL NOTICE  
CITY OF LACKAWANNA  
**ZONING BOARD OF APPEALS AGENDA**  
COUNCIL CHAMBERS  
**TIME: 5:00 P.M.**  
**Wednesday May 28, 2025**

Agenda

- Nomination and election of Vice Chair
- Approval of minutes for meeting held on April 30, 2025

NEW BUSINESS

- Zoning Law Appeals      Abdul Khalique  
19 Gibbons St  
Request additional variance from which was granted last month  
Install a fence past the front of the foundation on  
Electric and Gibbons  
in Mixed Residential
- Zoning Law Appeals      Nabeel Albakri  
2 Meadowbrook Dr  
Replacing old fence from the back of the house and side to  
Vinyl fence including the front of the yard  
in Single Family Residential
- Land Use Variance      Ezzaldean Mubarlat  
3292 South Park Ave  
Requesting to open a ice cream parlor and sweet  
shop with indoor seating  
in Neighborhood Commercial



**CITY OF LACKAWANNA**  
**OFFICE OF CODE ENFORCEMENT**

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



Date 5/20/25

Agenda Checklist  
Zoning Board of Appeals  
Planning and Development Board

Property address 19 GIBBONS

Reason in front of the board COMING BACK TO GET A SECOND VARIANCE

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

Agenda Applicant ABDUL KHALIQUE

Agenda item 6 FOOT TALL FENCE FOR GIBBONS STREET FRONT YARD

Zone MIXED RESIDENTIAL

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...) 6 FOOT TALL FENCE  
HEIGHT ON GIBBONS STREET SIDE NOW, 6 FOOT  
OFF OF THE FOUNDATION.

Description of agenda use? WANTS TO FENCE IN MORE OF THE  
YARD. THEN APPROVED FOR AT LEAST MONTHS  
MEETING

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:

04/11/2025

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

Application Fee:

Fee

Land Use Variance

\$ 250.00

X Zoning Law Appeal

\$ 250.00

Property Address:

19 GIBBONS

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

Description of Action to be Appealed:

Want to install a  
fence past the front of the foundation  
on the Electric Ave side of the house  
and on Gibbons

APPLICATION **IS** HEREBY MADE to the City of Lackawanna Zoning Board of Appeals for a Land Use **V**ariance 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

Abdul Khalique

Name of Applicant

Abdul Khalique

Signature of Applicant

19 Gibbons St

Address of Applicant

[REDACTED]

Applicant Phone No.

[REDACTED]

Applicant's Email

@com

Role of Applicant to Project

(owner, attorney, lessee, agent,  
architect, engineer, contractor...)

Property Owner:

NAME:

Abdul Khalique

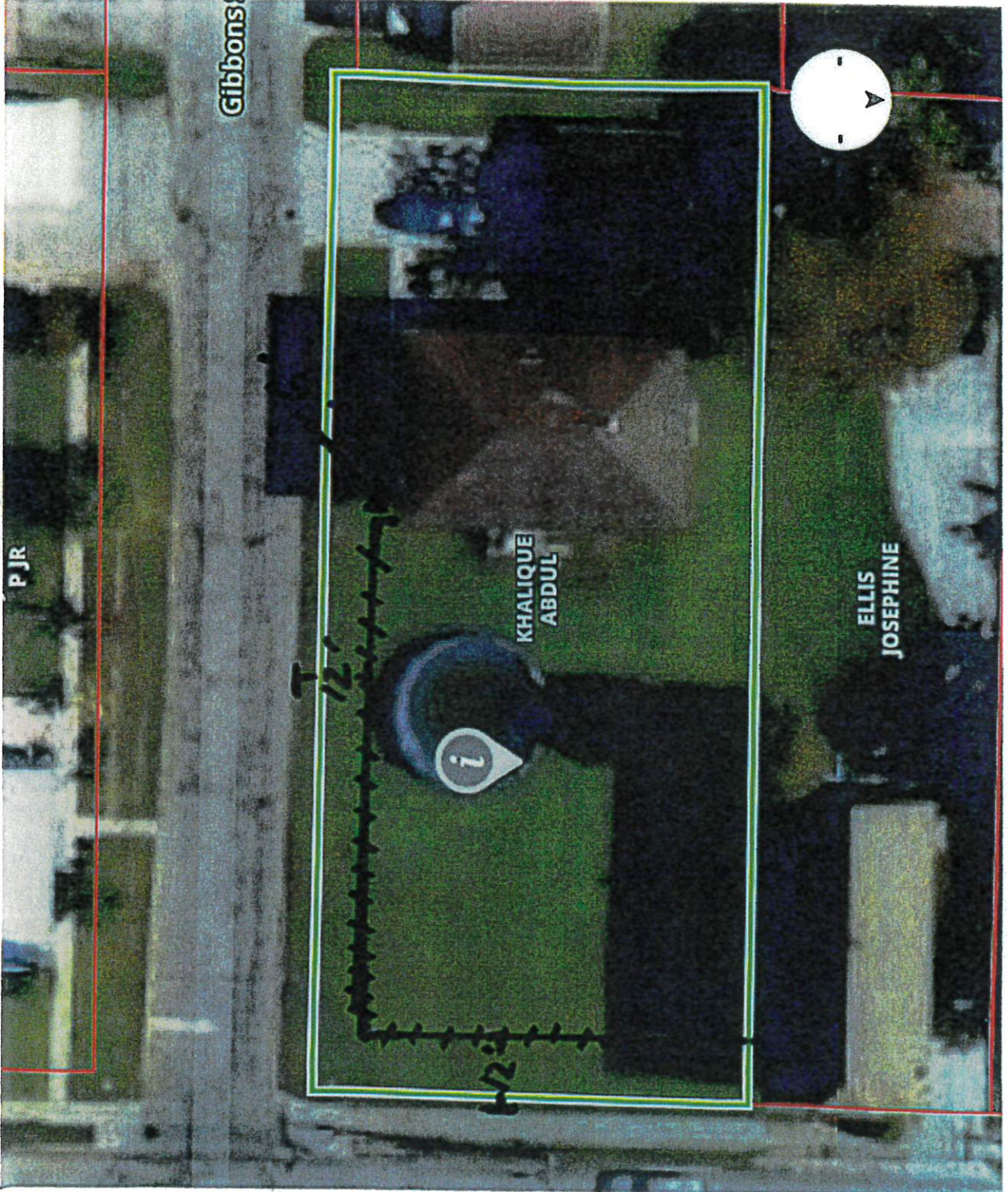
Address:

19 Gibbons St.

Lockawanna NY 14218



Not to Scale



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NY 14218



CITY OF LACKAWANNA  
DEPARTMENT OF DEVELOPMENT

Application Notice

May 16, 2025

Abdul Khalique  
19 Gibbons St  
Lackawanna, NY 14218

**Re: 19 Gibbons St**

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: May 28, 2025**

**Time:**

**Time: 5:00 pm**

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

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

Boarding Neighbors  
Josephine Ellis-1510 Electric  
John Iafallo-275 Colton



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

**Property owner: Abdul Khalique**

**Address: 19 Gibbons St**

**In reference to: Request additional variance from which was granted last month and install a fence past the front of the foundation on Electric and Gibbons**

You are entitled to appear at the public hearing scheduled for **5/28/25@ 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 5/28/25

Agenda Checklist  
Zoning Board of Appeals  
Planning and Development Board

Property address 2 MEADOWBROOK DRIVE

Reason in front of the board NEEDS A VARIANCE TO PUT 6' TALL FENCE

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

Agenda Applicant NABEL ALBARRI

Agenda item FRONT YARD / SIDE YARD AREA VARIANCE

Zone SINGLE FAMILY RESIDENTIAL

Use variance needed? Yes/No ☒ No

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

Area variance needed? ☒ Yes ☐ No

Description of area variances needed (Parking/ height ect...) AREA VARIANCE TO INSTALL 6 FOOT TALL VINYL FENCING IN FRONT SIDE YARD.

Description of agenda use? WANTS TO FENCE WHERE 3 FOOT TALL FENCING EXISTS NOW.

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: 5-8-2025

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

Application Fee:

Fee

       Land Use Variance  
  X   Zoning Law Appeal

\$ 250.00  
\$ 250.00

Property Address: 2 meadowbrook Dr

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

Description of Action to be Appealed: Replacing old fence from  
the back of the house and side to vinyl fence  
including the front of the yard

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

Nabeel Albakri  
Name of Applicant

Nabeel Albakri  
Signature of Applicant

2 meadowbrook Dr.  
Address of Applicant

[REDACTED]  
Applicant Phone No.

[REDACTED]  
Applicant's Email

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

Property Owner:

NAME: \_\_\_\_\_

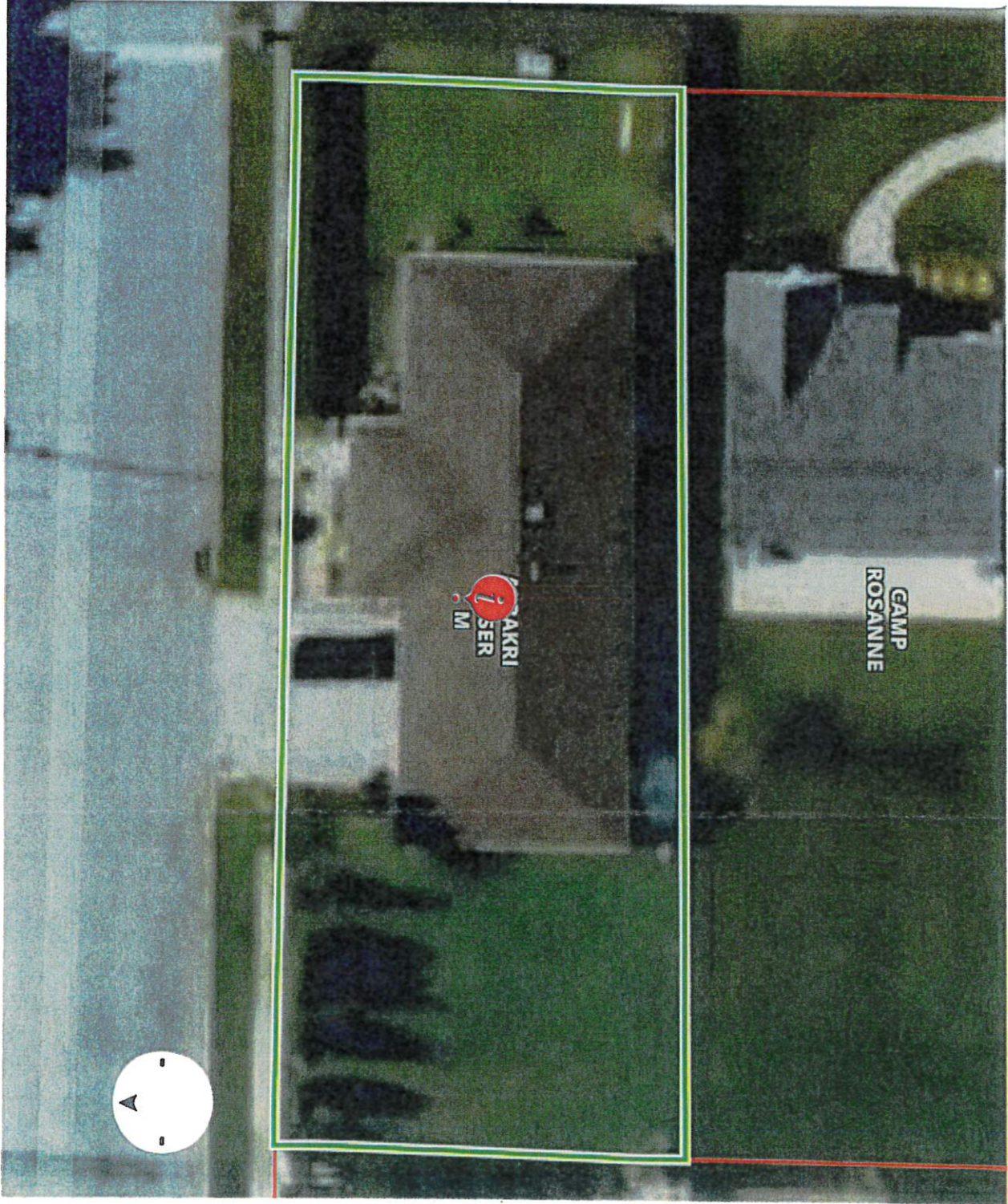
Address: \_\_\_\_\_

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CITY OF LACKAWANNA  
DEPARTMENT OF DEVELOPMENT

Application Notice

May 16, 2025

Nabeel Albakri  
2 Meadowbrook Dr  
Lackawanna, NY 14218

**Re: 2 Meadowbrook 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: May 28, 2025**

**Time:**

**Time: 5:00 pm**

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

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

Boarding Neighbors  
Rosanne Camp- 298 South Shore Blvd  
Diane McFarland-16 Meadowbrook





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

**Property owner: Nabeel Albakri**

**Address: 2 Meadowbrook Dr**

**In reference to: Replacing old fence from the back of the house and side to vinyl fence including the front of the yard**

You are entitled to appear at the public hearing scheduled for **5/28/25@ 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 5/20/25

Agenda Checklist  
Zoning Board of Appeals  
Planning and Development Board

Property address 3292 SOUTH PARK

Reason in front of the board PARKING VARIANCE AND FRONT YARD VARIANCE

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

Agenda Applicant EZZALDEEN MUBARIAT

Agenda item NO PARKING ON PROPERTY / FRONT YARD VARIANCE

Zone NEIGHBORHOOD COMMERCIAL

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...) AREA VARIANCE FOR 4 PARKING SPACES / TO BUILD A 42" WIDE RAMP ON THE SIDE WALK IN FRONT OF THE BUILDING.

Description of agenda use? PARKING VARIANCE AND RAMP IN FRONT OF THE BUILDING FOR TO OPEN ICE CREAM AND SHOP WITH INDOOR SEATING

Code enforcement research (attached if applicable) YES

Legal opinion/ research (attached if applicable) —

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: 4/04/25

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

Application Fee:

Fee

\_\_\_\_\_ Land Use Variance

\$ 250.00

\_\_\_\_\_ Zoning Law Appeal

\$ 250.00

Property Address: 3292 South Park Ave

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

Description of Action to be Appealed: Parking Variance (No  
Parking on the property) and Variance to  
build a front platform and stair

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

APPLICATION IS HEREBY MADE to the City of Lackawanna Planning and Development Board for a site plan review, special use permit, development plan review or subdivision review 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.

Eugene Mubnik  
Name of Applicant

3313 South Park Ave  
Address of Applicant

[REDACTED]  
Applicant's Email

Eugene Mubnik  
Signature of Applicant

[REDACTED]  
Applicant Phone No.

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

Property Owner:

NAME: Alec Seifer

Address: 3292 South Park Ave

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Director of Development





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

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



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**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: 3292 South Park Ave.

1. Will 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, and if not why not?

Nothing in proximity to the proposed change  
will be negatively affected, ~~and~~ or affected at  
all. I only plan to add two steps with a landing  
and a ramp on the side as well.

2. Can the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance, and if not why not?

Unfortunately, ~~I~~ I don't see another possible way  
of achieving this goal of safety, ~~and~~ considering the  
big safety hazard.

3. Is the requested area variance is substantial when considered against adopted area zoning regulations?

No, the only thing different would be the  
stairs and ramp being added.

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

This proposal will only benefit the conditions by  
adding stairs, a ramp, and removing a safety  
hazard.

5. Is 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?

The difficulty was not self created as this  
was not used as a store front.

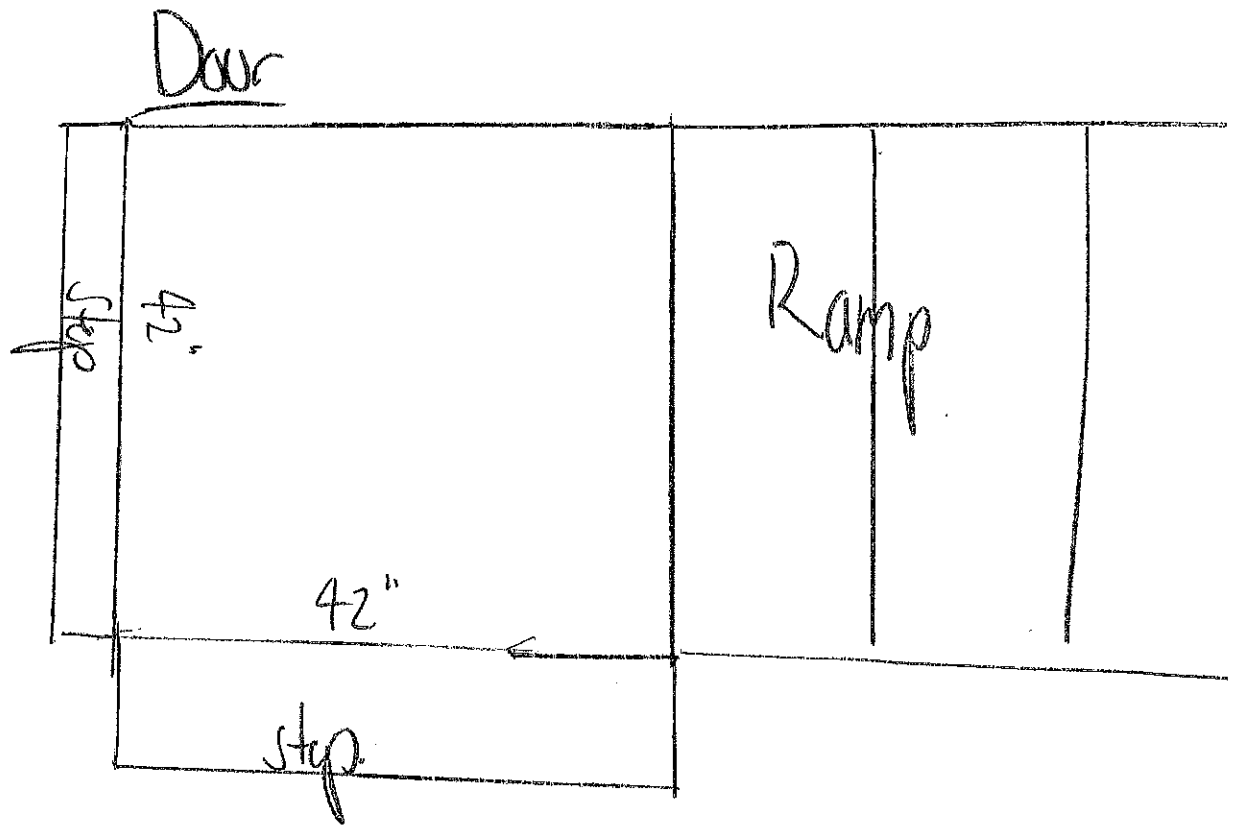
*Ezra Deane*

Sign Above, Print Name Below

Ezra Deane

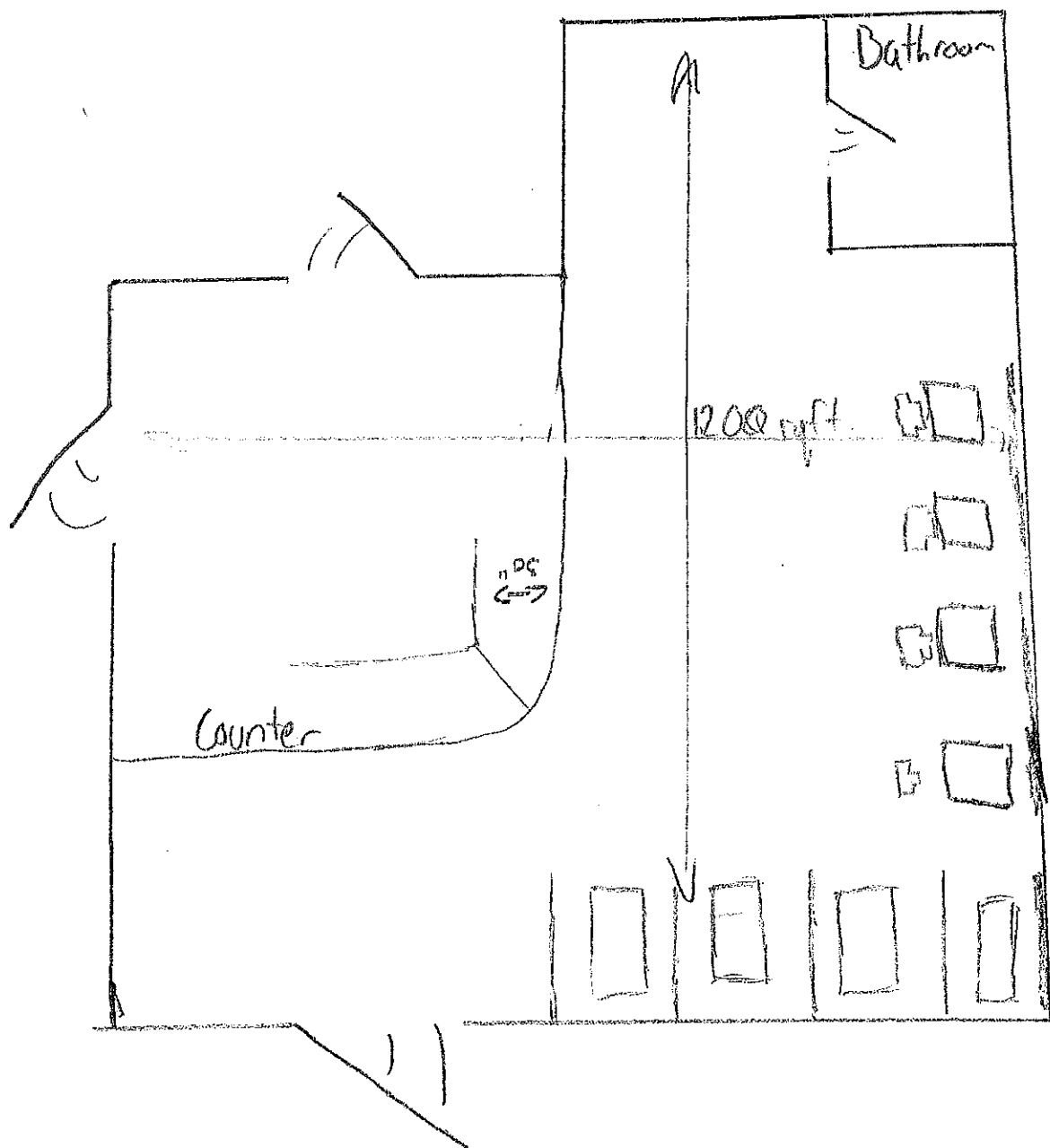
Front of  
Building

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# Floor plan for Cream City



## **PARKING LICENSE AGREEMENT**

This Parking License Agreement (this "License Agreement") is made as of July 1, 2012, by and between **SoPark Corp.**, a New York corporation having a mailing address of 3300 South Park Avenue, Buffalo, New York 14218 ("Licensor") and **Wolf Fitness Inc.**, a New York corporation having a mailing address of 3292 South Park Avenue, Lackawanna, New York 14218 ("Licensee") (collectively referred to as the "Parties," and singularly as a "Party").

### **RECITALS**

A. WHEREAS, Licensor is the owner of certain real property improved for its employee parking adjacent to its factory and office.

B. WHEREAS, Licensee's personal training and fitness facility abuts Licensor's parking lot.

C. WHEREAS, Licensor desires to convey to Licensee a revocable license for parking in a designated area comprised of ten (10) spaces for use by Licensee's clients and invitees as more particularly shown on Exhibit A attached hereto and made a part hereof, all as further described below.

NOW, THEREFORE, for One Hundred Dollars (\$100.00) per month, paid by the 1<sup>st</sup> of each month for the month that parking is granted by Licensor and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Licensor and Licensee agree as follows:

#### **1. Parking License.**

a. Licensor hereby grants Licensee a license (the "Parking License") for vehicular parking, by Licensee's authorized clients and invitees on the ten (10) parking spaces identified on said Exhibit "A" (the "Parking License Area").

b. The License Agreement is effective for an "Initial Parking License Term" of month to month beginning on July 1, 2012.

c. Licensor shall, at its expense, stripe a total of 10 parking spaces in the Parking License Area. Licensee's clients and invitees shall park only in the designated area.

2. Maintenance. Licensor agrees to maintain the parking areas located in the Parking License Area in good repair and operable condition, consistent with Licensor's normal obligations regarding its parking, including snow removal, striping, maintenance, repair and resurfacing as needed.

3. Indemnification. Licensee shall indemnify, defend and hold Licensor harmless from and against any claims, expenses, liabilities, loss, damage and costs, including reasonable attorney's fees, in any actions or proceedings in connection therewith, incurred in connection with, related to, arising from, or due to or as a result of the death of any person or any accident, injury, loss or damage, however caused, to any person or property, or any other type of claim or loss, arising from Licensee's exercise of, or use of, the License set forth herein ("Losses") (except Losses resulting from Licensor's failure to comply with its obligations under this License Agreement and/or the negligence or willful misconduct of Licensor, or any of the agents, servants or employees of Licensor.

4. Insurance. Licensee shall provide proof of insurance, with a minimum General Liability Coverage of \$500,000 per occurrence, which holds Licensor harmless for Licensee's use of Licensor's parking lot. Licensor and Licensee shall each cause the other to be a named insured on their general liability and premises liability insurance and shall provide an insurance certificate requiring thirty (30) days prior notice of cancellation to the certificate holder.

5. Remedies and Enforcement. In the event of a breach or threatened breach by a Party of the provisions hereof, the other party shall be entitled to full and adequate relief by injunction and equitable remedies.

6. Successors and Assigns. This License Agreement shall be binding upon and inure to the benefit of the Parties and their respective successors and permitted assigns. No third party shall be entitled to enforce any term, covenant or condition of this License Agreement, or have any rights hereunder.

7. Amendment. This License Agreement may only be amended by a document executed by the Parties to this License Agreement or their successors or permitted assigns.

8. Waiver. No waiver of, acquiescence in, or consent to any breach of any term, covenant or condition of this License Agreement shall be construed as a waiver of or acquiescence in, or consent to any other, further, or succeeding breach of the same or any other term, covenant or condition.

9. Severability. If any term or provisions of this License Agreement shall, to any extent, be invalid or unenforceable under applicable law, then the remaining terms and provisions of this License Agreement shall not be affected thereby, and each such remaining terms and provisions shall be valid and enforced to the extent permitted by law.

10. Applicable Law. The License Agreement shall be construed, governed and enforced in accordance with the laws of the State of New York.

11. No Partnership or Joint Venture. Nothing in this License Agreement shall be construed to make the Parties hereto partners or joint ventures or render any of said Parties liable for the debts or obligations of the others.

2. Section Headings. The section headings used herein are for reference and convenience only, and shall not enter into the interpretation hereof.

Entire Agreement. This License Agreement sets forth the entire agreement between the



standings, oral or written, not herein expressed.

Notice. Any notice to be given hereunder shall be directed as follows:

If to Licensor: SoPark Corp.  
3300 South Park Avenue  
Buffalo, New York 14218  
Attn: Gerry Murak, President

If to Licensee: Wolf Fitness Inc.  
3292 South Park Avenue  
Lackawanna, New York 14218  
Attn: Elizabeth L. Wolf, CEO

15. No Recordation. This License Agreement shall not be recorded by either Party.

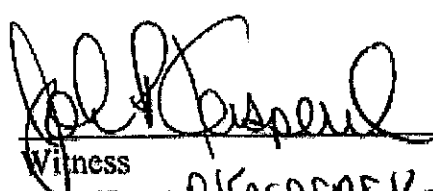
16. Counterparts/Facsimile. To facilitate execution, this License Agreement may be executed by facsimile or electronic mail in .pdf format and in as many counterparts as may be deemed appropriate by the parties, all of which when taken together shall be deemed an original and shall comprise one (1) agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement the day and year first written above.

**LICENSOR:**

SoPark Corp.


By:  6/27/12  
Gerry Murak, President

 6/27/12  
Witness  
JOHN P. KASPRZAK

**LICENSEE:**

Wolf Fitness Inc.

By:   
Elizabeth L. Wolf, CEO

  
Witness

The Property 3292 South Park ave  
has 10 parking spaces in total.  
4 will be designated to Cream City.

— Alec Seifer  
Alec Seifer



CITY OF LACKAWANNA  
DEPARTMENT OF DEVELOPMENT

Application Notice

May 16, 2025

Ezzaldean Mubarlat  
3292 South Park ave  
Lackawanna, NY 14218

**Re: 3292 South Park 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: May 28, 2025**

**Time:**

**Time: 5:00 pm**

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

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

Boarding Neighbors  
Mural Properties LLC- 3296 South Park  
Mohamed Hussains- 15 East Milnor



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: Ezzaldean Mubarlat**

**Address: 3292 South Park Ave**

**In reference to: Request a parking variance and variance to build a front platform and stairs**

You are entitled to appear at the public hearing scheduled for **5/28/25@ 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