

ZONING BOARD OF APPEALS
Town of Lewiston 1375 Ridge Road
Lewiston, New York 14092
Thursday – February 8, 2024
Agenda- 4660 Model City Road David Giusiana as agent (A)

Present: Conti, Heuck, Machelor, Gallo, Warnick

Presiding: Norman Machelor, Chairman

Pledge of Allegiance

Machelor: I would like to ask the board to read the minutes of the prior meeting and I would like a motion to approve or adjust.

A motion to approve the minutes of January 11, 2024, was made by Conti, seconded by Warnick.

Machelor: As motion was made in the second and approve the minutes. All those in favor say Aye

Members: AYE

Machelor: abstained in my case I wasn't here. Minutes have been approved. Thank you!

Machelor: If you have not attended a Zoning Board of Appeals meeting before, the task of the Board is to deny or grant requests to vary the Town of Lewiston Code, hence a variance request to allow or disallow a project brought to us because it cannot be built or performed as presented without a hearing to determine whether upon presentation of the details of the request the Board will grant a variance to continue the project or denial to prohibit a project as presented. And with that we are going to open the public hearing. Public hearing held Zoning Board of appeals Town of Lewiston February 8 for the VMC Group 4660 Model City Road, Model City New York 14107 SBL 88.00-1-25. Variance request yards requiring 360-111 A side yard. There shall be a side yard along the side of every lot in I district industrial that is of not less than the height of the building nearest the side line from 25 to 15 feet side yard with the intent to sub divide into two lots the property is zoned Industrial 1 industrial. So, David would you like to approach and state your name and so on.

Dave Giusiana as agent and architect for the development group.

Machelor: You have to get shorter or that has to get taller.

Giusiana: Ok

Conti: That's good

Giusiana: You can't live in Lewiston and not know the project right. I mean it's the 3 blue houses that have been an eyesore for everybody since we were all kids. So, the intent here now originally, they wanted to divide it into 3 individual properties so then they would renovate them and then sell them. We won't go though the whole history of that but that didn't really work. So, were back again to talk about the idea of subdividing into 2 lots by tearing down the middle home. If you have driven by recently, you see that the other 2 homes are currently being renovated. The need for the variance is the height requirement being because it's an industrial zone I picked 15 feet in this situation because to me it is actually a balance between almost meeting the requirement of a side yard set back but then also trying to balance then the size of the 2 lots that would then be created. If I went ahead and created that northern or middle boundary if you want to call it to the full 25 feet then the lot that the north house

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has sat on would be less than 75 feet. So, it would have not been at a standard Town of Lewiston lot. So, to me this was the balancing act between the two. That's really it. And of course, the buildings are existing so.

Machelor: You can't move them

Giusiana: Right. Sorry getting the variance hopefully from this board tonight and then proceed to planning board for the subdivision into 2 individual lots. So then once they are renovated, they can sell them.

Gallo: My only question is it on septic or is it sewer? I am just wondering where the tanks are and the leech fields.

Giusiana: Its on sewer.

Gallo: It's on sewer.

Giusiana: I am pretty sure yeah

Gallo: I don't know.

Giusiana: Yeah

Gallo: I am further out Ransomville and we are septic so. Ok.

Serianni: So how much frontage would there be for these respected lots

Giusiana: The south lot would be 95 feet and change and the other lot would be 80 feet and change.

Conti: It's right on the top of the plans.

Giusiana: He has a reduced version.

Machelor: It seems fairly simple. When were you hear before for this?

Conti: Not that long ago. You came to us too.

Giusiana: Oh yeah right.

Conti: I kept screwing up your name.

Giusiana: Right. We wanted to create 3 lots and that just wasn't going to fly so.

Conti: Right.

Machelor: And of course, one of the reasons for the set a side, side yards in residential areas is to provide fire protection and all that kind of stuff so there's no other buildings in the way at the moment anyways and the 15 foot would be adequate in a normal residential lot.

Giusiana: Because maximum required by any single-family home.

Machelor: Right. Just because it's in the wrong zone we can't change that either.

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Conti: Kind of funny because we had said this brought this to their well you weren't by yourself at that time. They were here. And we recommended tearing the middle house down and possibly doing that and they were like no, no, no we're not going to sell these, these are not going to be sold and now all of a sudden, they are going to be sold.

Giusiana: A lot of it's a product of it's like any renovation more than they kind of expected. Which is also the thing that made it easier to approach the conversation about tearing the middle one down. When we really got into it, it was going to need even more work than the other 2 so it was kind of a no brainer. Some of the thing that came up previously the adjacent neighbors who are here had a concern for creating current control over the site and the idea of installing a fence along the both westerly and northernly property lines here which my client is more than willing to do so if you want to make that a contingent part of the variance, we are more than willing to do that.

Machelor: Well, it's...we are still in open meeting so

Conti: So, you are saying on the north side and on the west side.

Giusiana: Correct.

Conti: The back and the side toward her property?

Giusiana: Correct.

Serianni: On the north parcel, correct?

Conti: On both prop well...

Giusiana: No, the intent would be that the west

Everyone talking

Conti: They are talking about a fence here and the whole back. So, on her side of the property where she has the horse farm and then the back of both pieces of property.

Giusiana: Correct. The fence on the north side would the intention would be 6 feet till it gets to the front of Then it drops down.

Machelor: But that's not part of our...

Conti: But this is part of what he's. But that we can make part of.

Machelor: Alright David. Thank you! Would you like to comment.

Horne: Sure. Candy Horne 4634 Model City I am the adjacent farm that you were just discussing. We have been speaking with them both at the last meeting and then they talked to us again tonight. Our main concern was that northern border because when they were rentals, we always has that problem with people crossing those lines. 4 wheelers bikes children playing on our horse fencing our equipment and we just wanted to establish before the property was sold the new owners would have a physical barrier where they can see where the property line is and there was no distinction as to the field being a playground like they have done in the past. He has been very fourth coming his client is more than willing to do that he has said it on 2 occasions and as long as we can put it in that it will be a solid structure so we don't have to worry about that trespass then we have no problems. Ok

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Machelor: Thank you! Anyone else want to speak to this? Ok. Well, I will close the public hearing. And ask the board if they have any further questions of Mr. Giusiana?

Members: No

Heuck: Nope pretty straight and clear.

Machelor: Well, I am open for a motion.

Conti: I would like to make a motion. Based on the board's discussion and the following considerations that a fence be constructed on the north side of the property and on the rear of both properties. This zoning board determines that the benefit of the variance to the applicant outweighs any detriment to health safety and welfare of the community that the variance request is the minimum necessary and the variance be granted.

Machelor: Do we have a second?

Heuck: Second

Machelor: Ok motion has been made in the seconded. Any further discussion from the board? Hearing none I will call the question. All those in favor say AYE

Members: AYE

Machelor: Opposed? Lisa, would you poll the board.

Wisnieski: Gary Heuck: AYE Joseph Conti: AYE Norman Machelor: AYE Mark Gallo: AYE David Warnick: AYE

Machelor: Thank you! Motion to adjourn?

Heuck: adjourn

Gallo: Second

Machelor: All those in favor

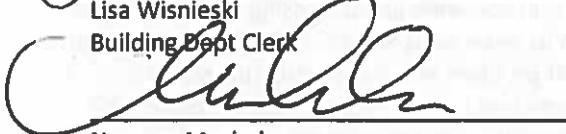
Members: AYE

Machelor: Opposed

Respectfully submitted by



Lisa Wisnieski
Building Dept Clerk



Norman Machelor
Chairman