

ZONING BOARD OF APPEALS
Town of Lewiston 1375 Ridge Road
Lewiston, New York 14092
Thursday – September 14, 2023

Agenda: LMK Realty Tabled for September, Derek Miller Sullivan Ct (A), Dean Baldassaro Barton Drive (B), Evangil Christians in Spirit of Apostles Buffalo Street (C), Fran/ Marie Williams Mountain View Drive (D)

Present: Conti, Heuck, Machelor, Maggard, Warnick

Presiding: Norman Machelor, Chairman

Pledge of Allegiance

A motion to approve the minutes of August 10, and let me know if there are any corrections.

Conti: Just the fact that present shouldn't be Roemer should be Dave Warnick. Other than that, I will make a motion to accept the minutes as written.

Warnick: Second.

Machelor: Motion made in the second to accept the minutes. All in favor say AYE.

Members: AYE.

Abstained Heuck

Machelor: So, the minutes have been approved. LMK Realty variance tabled for June, July and August asked to be tabled for one more month.

Conti: Make a motion to table it for one more month until October's meeting.

Warnick/ Heuck: Second.

Machelor: Ok motion made in the second to table it again. All in favor say AYE.

Members: AYE.

Machelor: Ok. If you have never 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

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request the Board will grant a variance to continue the project or denial to prohibit a project as presented. And with that I would like to open the public hearing on variance request from Derek Miller 897 Sullivan Court SBL 102.13-1-74 and is anyone here to speak on that please come and speak to the microphone.

Derek Miller: Yes.

Machelor: Tell us what you want to do.

Miller: Yeah, I kind of prepared a little speech it's just a couple minutes to kind of tell us what to do if you don't mind.

Machelor: No, you got the floor.

Miller: Good evening, Board members of the zoning board my name is Derek Miller. My wife Heather and I proud owners of 897 Sullivan Court. Today I stand before you to request a variance for the ustulation of a shed on my property. It's a small addition but the potential not just for me but the community. There's a unique challenge to my property it really lacks flat land ok. The need here I just want you guys to understand that for the shed we are going to use it basically to enhance the property and the area surrounding the property. It's simple but vital storage organization to help us maintain our property. But it's not just about me right. It will benefit the entire community the ascetics of the neighborhood, raising property values for the residents and a well-organized property also means it's safe for a more visually appealing community. I want to show you my shed plans. And here are the most local zoning laws or to take the initiative to speak with my neighbors and I am pleased to inform you that I have their full support for this project. However, I come before you today to request a variance for the front yard depth requirement. That variance being 360 38 for the front portion of the yard requirement.

Machelor: And what is that?

Miller: So basically, what I want to do is place a shed within the 35 feet variance for the front yard.

Machelor: How much of a 35 feet variance?

Miller: I am requesting the shed to placed at 22 feet 6 inches so that would be about 12 ½ foot.

Machelor: Ok.

Warnick: From the front?

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Miller: Umm can I give you a clear picture. I brought some photographs.

Members talking

Miller: These pictures will show you exactly how the shed is going to be positioned on my property but highlight the fact that there's virtually no flat land on my property except for one specific location to the north east.

Warnick: Hey Derek is there a picture where you are putting it.

Miller: I have additional pictures and a picture of the shed as well.

Members talking

Machelor: So, the primary reason that you want to be closer to that road is because you don't have flat land.

Miller: Correct.

Machelor: To put it somewhere else.

Miller: Correct yes sir. Just kind of touching base one of the unique challenges I face is the uneven terrain on the property. The sheds design will count for this minimal disturbance of the land maintain the natural beauty of the surroundings the shed will match essentially the house. I did offer you the shed that I have chosen I will paint that the same color as the house. And preform landscaping around the shed. Really, I just want to emphasize my committed preserving the integrity of the escarpment that bracing our community. I understand the importance of this natural landscape and that the shed will not disrupt or harm anymore that has already been done. So, I respectfully request that you grant permission and the necessary variance for the installation of the shed. A small addition to us but a big impact on the aesthetics of the property. I just want to say thank you for your time.

Machelor: Is it your first shed?

Miller: Yes Sir.

Conti: Where that pad is that was poured is there any... what's right directly behind it when I went over there I didn't.

Miller: It drops right off into... As we all kind of know you have any experience up on Sullivan Court those lots were pretty beat up and they weren't really built for a dwelling. So, it just

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drops completely back down off to the escarpment down below. And if I were to guess it is probably a 15–16-foot drop.

Machelor: Dave questions?

Warnick: Which way is this facing? Are the doors going to face your house or...

Miller: The side doors you're asking Sir?

Warnick: Yeah, is it going this way or is it.

Miller: The side door will face the house and the front doors will face the road.

Machelor: This is the front door.

Warnick: Is it going to be set this way.

Miller: 12x18.

Conti: 12x18 ok.

Warnick: Is it going to be set this way or this way?

Conti: The pad if you're looking from Sullivan Court. The pad is 12 foot wide and it goes 18 feet deep.

Miller: The long end goes to the back.

Machelor: Ok. Thank you!

Conti: How high is it?

Miller: 10 foot from ground to peak with 3 12 pitch for the roof that's 6 ½ foot wall.

Machelor: Ok. Thank you! The public hearing is still open is there anyone else that would like to speak to this? Ok. The board have any further questions? Gary?

Heuck: No.

Conti: Just another quick question is there going to electricity water or anything else in it or just strictly a shed.

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Warnick: Just cold storage.

Conti: I would like to make a motion. Based on the discussion of this board the following considerations as we went through that it would not be an undesirable change to the neighborhood that the benefit sought by the applicant cannot be achieved by any other feasible alternative at this point cause of the land. The variance is substantial because it's going 12 ½ feet back and it is not self-created considering the land is what it is. With those consideration the benefit to applicant does outweigh the detriment to the neighbor so therefore the variance is approved.

Warnick: I will second that.

Machelor: Ok a motion has been made in seconded any further discussion from the board?
Ok I will call the question. Those in favor say AYE.

Members: AYE.

Machelor: Opposed?

Heuck: No.

Machelor: Ok Lisa Poll the Board.

Wisnieski: Joseph Conti: AYE, Gary Heuck: No, Norman Machelor: AYE, David Warnick: AYE

Machelor: Ok AYE's outweigh the No's and motion is granted. Thank you!

Miller: Thank you!

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Machelor: Ok with that I would like to open the public hearing Dean Baldassaro 482 Barton Drive SBL 115.10-1-16. Yes, Sir state your name and what your project is.

Dean Baldassaro I live at 482 Barton Drive.

Machelor: Can you raise the microphone little.

Conti: Just for the recording.

Baldassaro: I live at 482 Barton Drive I wanted to construct Parco Builders construct a 30x44 pole barn at the end of my driveway in the backyard. All steel building matching the house a little bit of a patio on the side for my seasonal vehicle. Code is 18 feet at the peak the building height would be 23 feet 4 inches 3 feet 4 inches over I would like a variance for that so I can put up this building.

Conti: On the sheet you showed the height at being 21.4.

Baldassaro: That's just the peak.

Conti: Right. Where at on your property where is it actually going to be built how far back it's behind the driveway you said.

Baldassaro: Where the driveway ends at the back of the house there will be a 4-foot lift and then the building. It will bring add values to the property it will match the house landscape.

Conti: You have a driveway... The driveway goes back that far there's no garage there?

Baldassaro: Yeah, I have a 2-car garage and a one car adjacent garage for the lawn equipment like a shed.

Conti: Ok. Is that attached the shed.

Baldassaro: Pardon.

Conti: Is the shed attached, or no?

Baldassaro: Yeah.

Conti: It's attached to your house.

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Baldassaro: Yeah.

Conti: OK.

Baldassaro: It's not really a shed it's like an added room. I just have a garage door on it so I can get my lawnmower in and out more easy.

Machelor: It does make a difference. If it was free standing then...

Heuck: You would have too many.

Machelor: You can't have too many.

Baldassaro: I understand that.

Machelor: I didn't hear that answer about why this document says 21 4.

Conti: That's right 21 4.

Warnick: I think he misspoke he said 3 foot 4 but he did say 23 feet high but it's actually 21 4 high.

Conti: 3 feet 4 inches higher than what the code is.

Machelor: That's the 3 feet.

Conti: That's what I heard too that's why I kind of questioned it so.

Machelor: Ok. Alright is there any further questions from the board? Ok the public hearing is still open I want to know if there is anybody else here that would like to speak to this issue in the audience.

Baldassaro: My neighbors here they live kiddy corner from me that's one of the three neighbors I have. Before I even looked at this project, I went solicited my neighbors first before I even got the plans. Just to see if there were any objections.

Machelor: What did they say?

Conti: Hey he can come up to microphone. If you want to have a seat if you want to just come up to the microphone just state your name and address.

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My name is Frank Pietrangeli I live at 469 Barton Drive couple houses down from Dean. I actually sold him the house and I have seen the improvements that he has made inside and outside of the property. Because I know it's going to look good and match the surrounds of the property and the house. I got no problems with it at all.

Machelor: Thank you! Thank you! Alright so the public hearing is still open any questions from our board? I did ask if anyone else wanted to speak. Hearing no I will close the public hearing. I will look for a motion.

Heuck: I would like to make a motion. That it's not substantial in nature it's only 3 feet 4 inches and that the benefit to the applicant does outweigh any detriment to the neighborhood or the community so therefore the variance should be approved.

Conti/ Warnick: Second.

Machelor: Dave seconded it. Ok we have a motion made in the second. Any further discussion? If not, I will call the question. All those in favor say AYE.

Members: AYE.

Machelor: Lisa poll the Board.

Wisnieski: Joseph Conti: AYE, Gary Heuck: AYE, Norman Machelor: AYE, Marjorie Maggard: AYE, David Warnick: AYE.

Machelor: Motions Approved. Thank you, sir good luck.

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Machelor: Ok I would like to open the public hearing for variance request of an Evangelical Christians in Spirit of Apostles 5861/5863 Buffalo Street SBL 133.08-2-43. Is anyone here to speak to this issue? Good evening state you name an address.

My name is Ilya Nezgoronov I am one of the members at the Evangelical Christians in Spirit of Apostles church and we have some more members here. We are at Buffalo Street 5861 is the pastors house and then 5863 is actually the church. We are looking to get relief from 360-100 and this would be for lot coverage. I think we are talking about we are a little bit over 30% in the green and over 70 of... So, we are looking to install a parking lot in between the pastor's house and the church.

Machelor: And how much of the property will you cover at that point?

Nezgoronov: I believe right now we are covering 84% and 17 as green and once the parking lot is installed, we will be at about 94% and 6% green.

Machelor: That's a very substantial amount. What's the reason for the expansion of the property line?

Nezgoronov: So, we... The reason for expansion of the parking lot is successful church. The church continues to grow organically. And we have done improvements to the church. And we are currently the church is successful and we have a lot of people attending. And looking at this we before we even filled this out, we did look at other options and we are parking on the street right now. But also, if we go back to the when the church was built, I don't think it was accommodated for that many cars. So, today we have everybody wants to drive in their own car, we tried to like if we have families driving in, we have them drive in like one or two cars, so the cars are pretty packed coming into church but there's still a lot of drivers. The space only does not have that many parking spaces. We don't want to park in the street.

Warnick: Which space doesn't have a lot of parking spaces?

Nezgoronov: Our current parking lot on the opposite side of the church does not have as many parking spaces from the front.

Warnick: How many parking spaces do you think you are going to get in there?

Nezgoronov: About 15 to 20.

Conti: Really.

Warnick: I don't see it

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Machelor: Can you come up and let's look at this.

Maggard: How many does that building hold? What is the....

Warnick: Capacity of.

Nezgoronov: We currently I don't know exactly but we are currently expanding the church were expanding I believe it's suppose to be...

Maggard: The one going out to the side.

Warnick: Correct.

Nezgoronov: There is going to be a fire exit in there.

Warnick: Which way are you expanding?

Nezgoronov: So, the church is this would be built on in here we are expanding back there.

Warnick: Ok.

Members: Talking.

Nezgoronov: So, the parking space would be this would be the pastors house this is Buffalo Street this would be the church so we are in between the church and the framed house.

Machelor: So, it's this right here.

Nezgoronov: Yes.

Maggard: How much grass are you going to leave for the minister's house? Pastors house?

Members talking

Conti: The parking lot right now that you have is right there? That's your parking lot.

Nezgoronov: That's the current parking lot.

Conti: And how many spots do you have in there?

Nezgoronov: Seventy-five.

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Conti: That's their parking lot right there.

Machelor: Yeah.

Conti: This is the church. Right here is where he wants it right. You're going to get 15 spots in there.

Nezgoronov: It's 80 its over 80 feet by about 35 feet and if you.

Warnick: How deeps the parking spot got to be.

Nezgoronov: 5 feet 16.

Members talking

Maggard: There has to be a clearance.

Conti: Right, it can't be right on top of the house.

Nezgoronov: How far from the house can we be?

Conti: I don't know what the code... that would be something... but you figured the here's the little porch so you figure you have to give your self-space you can't park right on top of the porch that's right there so at least I don't know what the code is so...

Maggard: At least 5 feet.

Members talking

Nezgoronov: What we are looking for is we came to Town hey we are going to do some expansion of the church and hey we are going to umm we do the siding we're going to put a fence for our neighbors and we said we are going to need some parking spaces currently we are parking about 10-12 car on the street when it's busy for our services. And we said we have this space can we make this a parking lot. And they said you have to get an engineer see where the water runoff is going to be we got that done. They said...

Conti: Where's the water run off going to be?

Nezgoronov: It's going to go into Buffalo Street but...

Conti: But that's the problem.

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Nezgoronov: So, when we went for this, they said we can probably make this work but you need to go for a variance on the green zone before you go invest into you know...

Conti: But didn't you just say the runoff is just going to off into the street.

Warnick: Yeah, you can't do that.

Nezgoronov: That's not we are here for a variance for the zoning.

Conti: But all part of that variance we have to worry about the runoff of the water because right now the green space will absorb that in now all of a sudden, you're putting black top it's going to roll right off and then into the street and flood the street.

Nezgoronov: Ok.

Warnick: That's a problem.

Conti: That's an issue we have to deal with, with the variance.

Nezgoronov: So, it would be another variance?

Conti: No that's all part of this here. That's part of us determining.

Warnick: The other thing too you said your about 75 spots currently but you can't tell me what your capacity of the church is. When you're having your congregation there what is the max for that building? That varies to cause if it's 80 then your only I think it's more than 80... I think you need to find out what.

Nezgoronov: I want to say with our expansion with everything I believe that with the whole capacity I think it's 300 but I do not know exactly I would get those. We were told to we are looking for relief from the green zone and then we would get an engineer involved we need to where the runoff would go and all that stuff.

Machelor: Personally, I would like to see other than this the dotted lines on the green. I would like to see your plan to put parking spaces in there that are the correct size. Because obviously as Joe pointed out you have to miss the porch here. We're going to look and see how far from the building you can go. I'd like to see how you plan to put those spaces in there.

Conti: Also, how far close to the sidewalk.

Machelor: How close to the sidewalk they are.

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Conti: And the runoff. The runoff is huge as far as I am concerned at least. Just to say it's going to runoff into the street doesn't...

Nezgoronov: We would definitely we have an engineer involved but they're like you have to go through variance first if you guys are ok with granting the variance of us putting the parking lot we would move forward and say what is need to do that.

Conti: To get the variance.

Warnick: They mesh together you have to have that so we know where the water goes before, we approve.

Nezgoronov: So, lets... Worst case scenario the water we would have to install reservoir for the water runoff right.

Members talking

Machelor: We're not going to do that.

Warnick: That's engineering.

Nezgoronov: Correct so let's say that it is approved and moving forward we would get the engineer involved and the engineer would say you need to install reservoir or engineer says you can't do this we can't...

Conti: This is why it has to work in conjunction with us. Because we've already said oh yeah sure go ahead do it. And now you are worried about the water runoff. The plan has to be all set-in front of us done. And say ok this is what I want to do this is how I am going to take care of the water either going to be spot this is how far away from the house. You can't just say approve it and then we will go to the next step. There is no next step at that point.

Warnick: That's right.

Machelor: Dave?

Warnick: No that's it you have to come in with how big the parking lot what the off sets are from the buildings you can't go nose to tail on the cars because that's not a parking lot that's a grid lock and you need to know where the waters going that's a major concern for everybody that lives around you, not just in your buildings as well. If it starts running toward your foundations and stuff, you're going to create problems of your own. That I am sure you don't want down the road.

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Maggard: Another thing too you're looking at a safety violation if you're going too close to the house.

Warnick: Right.

Maggard: You have to have an area that goes up to any exit on a facility.

Warnick: And that's all-fire code stuff. If there's a fire, they have to be able to get out of that.

Nezgoronov: So, we are we got an engineer we did the... map and next portion would be to be to file for zoning to were talking about green zone. But you guys are actually looking for more...

Conti: But for us to approve to say oh yeah go ahead pave it there's all these steps that go along with it.

Nezgoronov: No, we would not pave it we are...

Conti: But if we gave you approval you could just go ahead and pave it.

Warnick: Right.

Nezgoronov: We would have to go through the engineer we would still have to pull the permits. Right? At this moment we can not pull a permit to pave.

Warnick: Because of the zoning.

Conti: Because of the zoning. But if we say ok go ahead.

Nezgoronov: So next portion would be we would go and take this to the...

Machelor: There's no next portion. You have to do this first here.

Nezgoronov: Ok.

Machelor: You have to satisfy all these concerns. Marge's concerns Dave's concerns Joe's concerns my concerns. I have my own particular ones draining mine is I want to see how these parking places are going to fit in there. You said to us Well we're going to have x amount of spaces because we need them and we get a drawing back an say you can't have that number of spaces. Then we have to balance getting rid of that green for a minimal benefit. So...

Conti: And besides that, it's also going from the code says 70% green space you're going down to 6% or 70% usage so 30% green space you want to go down to 6% green space that's huge.

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Warnick: Which your already over right now.

Machelor: Your way over.

Warnick: He's over by 10 right now. 10%

Conti: Yeah, I don't know actually more than that.

Warnick: Well now before they put the parking lot, he said they...

Conti: So really 20%.

Maggard: What are you doing with that Calkins building?

Nezgoronov: For now, it's there. I don't know that would be another question.

Maggard: Well, you guys own that Calkins building right.

Nezgoronov: Correct. Correct.

Maggard: Is it worth your while to eliminate that and put parking spaces there?

Nezgoronov: I am sure that other members could probably speak on that and you know.

Members talking

Maggard: Just throwing out suggestions that's all.

Machelor: Nope that's not on our thing today. Ok. I would like to ask if there is anyone else here the public hearing is open. Does anyone else wish to speak to this? State your name.

Victor Burdukov: Thank you very much. While we are going through the process there's more information.

Conti: Can you tell us what your position is.

Burdukov: I am a member of the congregation I happen to be an attorney. But member of the congregation. While more information is being is going to be prepared for your presentation in the mean time maybe I can make it next time I definitely want to state some of the considerations. I know obviously there are factors that you have to weigh. I just wanted to go through how I see the things for discussion. So as with every matter that goes before you it's

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the benefit of the applicant weighted on the health, safety and welfare of the neighborhood or community. So, the first thing to take into account if it's and undesirable change. Obviously that section of Sanborn is historic our church I believe was early 1900's. We want to present the church we want it to continue running. We want it to be maintained. Our church is growing organically we aren't necessarily trying to do something that we haven't already been doing. We want to continue operating as a church the parking lot has disturbed that purposes. And also, the fact that we have a church of a couple 100 members we benefit the community of Sanborn. There's not a lot of reason why people come to Sanborn maybe college we got a couple 100 people coming in every weekend and even during the week to benefit the economy some people call Sanborn their home, Lewiston their home and we want the church to stay here for generations to come. I am 28 years old I was born and raised in that church. So, we have a long history and we want to continue it going. With regards to detriment to near by properties you mentioned a concern about drainage but out side of that it kind of sheltered in between the main building and the pastoral house so it's segregated from any detriment that it might cause a neighbor directly. So, I think...

Conti: Once it goes into the street.

Warnick: Unless you go across the street.

Burdukov: And that's why we will address the draining issue of course.

Warnick: But prosthetically sorry to interrupt. But prosthetically the people across the street instead of seeing grass there they are going to see more blacktop.

Burdukov: But currently they're not even seeing the grass because there are cars lined up along side of the road.

Warnick: When your having services yes when you're not having services its grass.

Burdukov: Correct.

Machelor: When it rains on Tuesday it goes into the grass not into the street.

Burdukov: Understood. Understood. So, the current problem and why I would say it's not even maybe for some reasons it may be considered an undesirable change but for the reasons why it might be desirable is first of all the traffic will move freely, pedestrian or vehicular because the cars are set off to the side. When you have a car with 5 children their opening doors going out into the road there's not a big shoulder there. So, it's already dangerous as it is. The only option is probably parking by the fire hall which is half a mile away. You don't want a mother carrying children...

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Machelor: I was going to ask that question how far away is the firehall you say half mile.

Burdukov: Maybe it's quarter of a mile.

Machelor: Maybe it's 300 yards.

Warnick: No, it's further than that. Where the parking lot is, is way further down because they have the playground and then across

Burdukov: Yes.

Warnick: But question about I don't know who owns the Calkins stuff? You guys don't own the stuff across the street do you.

Burdukov: No.

Warnick: Because I know there is some blacktop that is vacant there. Semi vacant.

Burdukov: The owner has told us that we cannot park there.

Warnick: I was just bringing it up.

Burdukov: In considering the other factor there are other alternatives that

Conti: How many services do you have on a Sunday?

Burdukov: We have 2 services on Sunday we have one on Friday. Before the pandemic we had one on Wednesday and we are planning to bring that back after we complete construction. Sometimes we have youth on Monday we have things going on, on Saturday sometime. We are a very active church.

Conti: Where's the construction going? You're adding on to the church?

Burdukov: It's within the church. We added a small addition for a fire exit and it's just going to be the main hall that's going to be expanded.

Conti: Inside the church?

Burdukov: It's not being expanded out. Which wouldn't be an option because parking space.

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Conti: That's what I was wondering. On the side by the parking lot, I am looking a google earth here. There's a building at the time this was taken it's a grey building possibly a brown top I can't tell is that a house or is that the building she was talking about that you guys own?

Burdukov: So south

Warnick: Right on the corner of Niagara and Buffalo is a orange building

Conti: No this here.

Burdukov: Yep. That's the barn.

Conti: You guys own this.

Burdukov: Yes.

Conti: That's a possibility that you tear that down and you could produce more than 10 I don't know I am just saying.

Warnick: Alternative.

Conti: It's an alternative.

Burdukov: It's definitely an option. But it's currently used as storage during construction and it's definitely easier to say tear down a historic building traditional zone it is a historic building.

Conti: It's deemed historic.

Burdukov: Well, we are located within the traditional historic neighborhood. That's what it's called under zoning. So, us in Sanborn there along Buffalo Street and in Pekin we are in that zoning designation I think it's blue on the zoning map. So obviously there has been concerning the substantial nature of it. Going onto adverse impact on physical or environmental conditions we noted the drainage so we will definitely look into that. With regards to self-created its organic growth we have many families that have been married in that church many kids that come after many people have joined it's definitely something that we are liking however it's growing pains. We are trying to figure out how to best solve the problem and the other thing is as I already said while it's doesn't go into the factor specifically as laid out but the ones that effect health safety and welfare especially during cold winters, we don't want people walking down sidewalks that might not be cleaned. Sunday morning people like to sleep in not everybody going to be going out to shovel the driveway for our church members to be walking down. It's also consideration we have a lot of children. I am director maybe the children choir I have over 100 kids that I teach so. 100 kids have to get into there we don't want them running

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down people front yards down the road so if it's contained within the property. I think that it benefits not only us but also those around us. Those are my considerations I do have a copy of the notes if you want to have them for the record.

Machelor: Alright. Thank you! Anyone else would like to speak?

How are you? My name is Pavel Osiyuk I am also one of the members of the church. I also wanted to say my share to compel you guys to allow us to variance. Actually, if I may. To allow us with this variance. I have my few reasons also there was the discussion what we have green versus paved or occupied by the structures. If we are going to be we are currently at 83 17 but looking at other churches and the way churches are structured, I mean anywhere in Buffalo or anywhere in Western New York or anywhere in the state there's a plot of land with a building and everyone is always struggling for parking. Parking spots so it makes it very difficult for a church property to have a residential type of percentage of green on there if you might agree. Just very many churches are trying to cram parking spots that is if they are active churches. I live next to a church in North Tonawanda it probably has 1 or 2 percent of grass on it and the rest is structure parking and cemetery. So that is one point.

Conti: That's green space.

Osiyuk: Yes, I am sorry. Also concerning safety as previous as Victor mentioned previously the safety of parking on the streets. I think that's a very big deal and that's why we really want to kind of beg you for it. I have 5 children under 9 years old and sometime I do come in late and all the parking spaces are occupied. It is very difficult for me to safely park on the street try to get them out try to get them into the church let alone in the winter is also pretty risky. If we're allowed these parking spots it will really allow some of the families with children to kind of find another spot. You know what I mean. So, we've made many we've got together very frequently with the members of the church and there in very dire need of parking spots. If there was another solution that could have been done believe we would have exercised it. Concerning that barns that's there we also store a lot of stuff there, for weddings for just various different needs of the church. So, if we eliminate that building it will be a little bit more stress for us arrange storage somewhere else. Concerning the neighbor of the old rest of the Calkins buildings I have spoken with him myself as well as others he's not working with us on the parking because during the weekends his property is very much unoccupied and we've tried to find dialog with him to see if we can even maybe monetarily cover him to allow us to do it. He's just not a very cooperative individual and we respect that it's his property so we have parked there once or twice in the past and he has given us a lot of trouble so we have made it extremely clear to our members that we can not park there. The other point I wanted to bring up is. Oh yes it can not be achieved by any other method we're really looking at other options and really don't have much. As far as the drainage we will consult engineers and try and find

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out I know there is some green area in the other side of the church maybe we can do drainage there. I work a little bit with drainage so there are systems and bubblers that can be installed for drainage to go a different way if it's not desired to go into the street. And concerning the benefit to surrounding businesses if you guys allow us or the community allows us to grow the church, we definitely benefit the community. I grew up across the street from Hoover's Dairy and watched it grow. And very many of our members after church go there for lunch. We definitely stimulate the economy locally there are well. So, we're improving the esthetics of the building right now with various little things and we would like to grow so I would like to participate in compelling you guys to approve. Thank you!

Machelor: Thank you! Does anyone else this is still a public hearing. Yes Sir.

Christopher Duck I am also a member of Evangelical Christians. I just want to say again we cannot emphasize enough the safety factor maybe limited time wise. But I do think that the public safety factor outweighs that limited aesthetic change. The public safety for both members of the church and members of the public that have to go down a more congested road. The Calkins property that were mentioned and I think 1% green space on the old Calkins property and I looked at the Corner Stone church just a little bit down on Buffalo Street and it was recently paved and there was green space removed from there. And based on calculations rough calculations I did using overhead math it looks like to me it looked like it was approximately 8% green space at that property.

Machelor: You realize of course that all these comments about other people's property and in the way that they were handled are not before us.

Duck: I understand that.

Machelor: They may have been before us sometime in the past. Not that I know of.

Duck: I apologize.

Machelor: We don't do business that way. And the other thing is that it's that we don't want to be here suggesting how you might do this. You have to bring your plans to us fully developed.

Duck: Right.

Machelor: So, here's what not fully developed I'd like to see how many parking places you can put in that space first. How are you going to arrange them so that you are actually going to get parking places. We want to see how you're going to handle the drainage. Not how an engineer is going to handle it. You bring us what the engineer says and we will decide whether

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that's appropriate or not. All these economic factors, this safety issue you know we are not equipped to answer that. If we were to answer that we would have to have a traffic study that tells us how many people go down Buffalo Street and all of those kind of considerations before we could even begin to say. I mean if you have a family with 5 children and you go to church there if I was you guys, I would go and write family space on a bunch of those places back there. And save him, save him and him. And say that's your spot so that you can unload your kids. So, I mean just as a suggestion. The aesthetics it's not just aesthetics the green is not just aesthetics it's tangible thing real property that is still green and still absorbs water and all the other things that it gets. So, the benefit analysis here is really off how many parking places are going to get in order to give up that stuff. And how are they going to be structured so that there're safe.

Conti: What's the thought of us push this off till November October's meeting let not rush the time. Push it off till October's meeting and come back with these answers that he's requesting. Because if you said no and you want a vote right now it would never go through because you don't have the answers.

Duck: I think there was a little miscommunication from what they got from the inspector or whatever.

Warnick: This is not the first time this has happened.

Conti: So, let's postpone this meeting I will make a motion to postpone the meeting until October.

Warnick: I will second it.

Conti: Table the meeting sorry.

Warnick: Table it yes.

Conti: And then this way you can come back with the answers on drainage and the amount of spots and how it's going to be setup.

Members talking

Conti: How far from the building you can be with your parking spots. The whole thing if you can come forward with a full plan. Then we can obviously vote on it. And say this is what we feel this is how it effects. Because right now it would I would be a no. But without having that information I have no way of... So, I think by tabling it until October. If that's okay with you guys that would probably be best.

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Serianni: That was one of the options I was going to quote anyway. If you were going to make a decision, I was going...

Machelor: What I will do is close the public meeting.

Conti: We have to leave it open. Leave the public meeting open.

Warnick: Leave it open because

Machelor: Leave it open until next month.

Heuck: Leave it open.

Machelor: Alright then I will accept your motion.

Conti: To table it. Dave seconded it

Warnick: I second it

Machelor: Motion made in the seconded. To table until next month. All in favor say AYE

Members: Aye

Machelor: Opposed. Ok Lisa.

Wisnieski: Joseph Conti: AYE, Gary Heuck: AYE, Norman Machelor: AYE, Marjorie Maggard: AYE, David Warnick: AYE.

Machelor: Ok we're good. See you next month bring your complete plan.

Duck: Thank you!

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Machelor: Ok. Variance request Fran/ Marie Williams 441 Mountain View Drive SLB 101.19-1-2.

Serianni: First one here last one up.

Max Willig I am the architect for Fran and Marie Williams. And in our packet, we have a letter from them authorizing me to represent them.

Machelor: Ok

Conti: Ok

Willig: There are a copy of a letter and email from the neighbors on both sides. We are looking for an area variance. Based on the 15% of the lot width we would hit the required side yard at 15 feet we are requesting a variance of 10 feet.

Warnick: To 10 feet

Willig: Up to 10-foot side yard.

Machelor: So, you're only asking for 5-foot variance right.

Conti: Yes

Willig: 5 foot relieve and I am assuming that everyone has my packet that we submitted.

Machelor: Yes, we do.

Willig: And the last page was a foldout it's at the same scale as the overall property survey. So, you can see the house is already non-conforming. I submitted photographs also. And in terms of the character of the neighborhood the addition will essentially be invisible to the neighbors to the west very heavily landscaped, the neighbors to the right a significant distance away.

Machelor: It allows us to tape what you are saying.

Willig: One other thing recently turned 80 and getting close they have lived in the house for 28 years mobility starting to become an issue. We are trying to provide a solution. The industry calls it aging in place. The purpose of the addition is a master suite which would have a master bedroom closet laundry room and bath. That's where all the functional areas of the house are. The garage the powder room the kitchen the home office. The other end of the house all living

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room spaces. So, it makes sense for them to grow older in the house with it being on that side is very heavily landscaped both neighbors have no issue.

Machelor: Well, you know let's get down to cases for example here. You are the architect so you are the one who designed that zig zag side you can't move the whole process 5 feet. Where's the direction. 5 feet toward the slate covered patio. Right. I mean you could take up some slate covered patio and put your addition there. Right?

Members talking

Machelor: This is where you're asking for the variance right here.

Willig: Yes

Machelor: Why can't you take this master suite and move it over here 4 feet.

Willig: Because from the main part of the house this is all view out to the gorge.

Machelor: To where?

Willig: Out to the gorge. So

Machelor: Where is north, south, east and west here?

Willig: This is north

Machelor: I am looking at this thing.

Members talking

Willig: It's a spectacular house and their views are spectacular it may have the most magnificent site and they maintain it immensely.

Machelor: Who's here?

Warnick: What's on the other side

Willig: There is an aerial photo

Maggard: You have some pictures in there too don't you

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Willig: There's about 4 or 5 pictures

Machelor: I wanted to know who is next door

Willig: We have a letter from them

Maggard: We have a statement that they are ok with it.

Warnick: Yeah

Willig: I think that is the

Members talking

Willig: 431 the Vrooman's

Conti: 10 feet is that's not squared off 10 feet there right it's only at certain points that it's 10 feet

Willig: Yes. In the addition I wanted to keep everything square and not have any angles.

Conti: So, it's at 10 foot the max then it goes back to...

Warnick: How deep are these?

Willig: I think they are a foot and half to two feet.

Machelor: One window after another?

Willig: There will be windows on this side of the house.

Conti: So, it's 10 feet here right

Willig: You can see up here where the existing garage is this is already preexisting

Conti: So, it's only this is 15 feet here right and then it goes back to 10 here so only 10 feet here

Warnick: It's only 10 feet at the points.

Conti: It's only 10 feet at the top point. Only 10 feet here but then it continues to get wider.

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Members talking

Willig: So, 15 and 15 are here so that's what zoning calls for and the house is already 10 and change at this point. So, I am suggesting a line at 10 parallel to the property line and we just hit it at those points.

Heuck: And this is the addition you want to put on.

Willig: Black is the addition.

Conti: Alright

Heuck: The existing is already there.

Conti: The existing you see that right

Members talking

Willig: I think it's reasonable

Machelor: The public hearings open I don't see anybody else in the audience.

Talking

Machelor: Ok I am ready for a motion.

Conti: You have to close the meeting

Machelor: Ok I am going to close the public hearing. Thank you! The board have any questions anyone?

Heuck: Why are you still the chairman?

Machelor: Because you're not smart enough.

Conti: Wow

Heuck: That's a kick in the puss isn't it.

Machelor: Well.

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Conti: I would like to make a motion. Boys. Boys. Based on the boards discussion the zoning board determines that benefit of the variance of the applicant outweighs any detriment to health, safety and welfare of the community and that the variance request is minimum necessary and the variance be granted.

Warnick: Second

Machelor: Motion made in the seconded any further discussion? I will call the question all those in favor say AYE.

Members: AYE

Machelor: Lisa

Wisnieski: Joseph Conti: AYE, Gary Heuck: AYE, Norman Machelor: AYE, Marjorie Maggard: AYE, David Warnick: AYE

Machelor: Approved.

Talking

Machelor: Motion to adjourn

Conti: Motion to adjourn

Heuck: Second

Machelor: All in favor

Members: AYE

Machelor: Adjourned. Thank you!

Respectfully submitted by


Lisa Wisnieski Building Dept Clerk


Norman Machelor Chairman

