

ZONING BOARD OF APPEALS

Town of Lewiston 1375 Ridge Road Lewiston New York  
Thursday – January 11, 2018  
ZB 2018-1

Present: Baker, Balassone, Heuck, Machelor, Muzzi

Absent: Conti

Presiding: Anita Muzzi, Chairwoman

Pledge of Allegiance

Muzzi: Welcome to the Zoning Board of Appeals meeting. We have two items on our agenda tonight. One is an area variance and the second is an interpretation. We will be going with the area variance first that was previously tabled from last month.

**A motion to un-table the variance request for Fiori was made by Machelor, seconded by Balassone and carried.**

**Heuck Aye, Baker Aye, Muzzi Aye, Machelor Aye, Balassone Aye**

Muzzi: This is for the Fiori request, area variance side yard setback, SBL# 87.20-2-25. They are seeking relief of Code 360-38B.

David Giusiana: We reduced the request for the variance by half. We're looking for 10' now we're down to just a little over 5'. We got rid of the .....between the house and enclosed area and lengthened it so they get almost the same square footage. I think they made compromises to the drawing.

Muzzi: Just so we have it for the record, Sandy with the way the lot is put; they need a total variance of 4.9"?

Giusiana: Yes. To clarify I know there was an issue Gary brought up about the interpretation with regards to the overhang. It doesn't count in the side yard setback.

Muzzi: We got that straightened out.

Giusiana: Actually the way the code reads, Mr. Masters and I went through it and it's actually 24" that can extend in to the side yard setback as an overhang, elevated architectural element.

Muzzi: Does anyone have any questions? I will just comment. Good move putting it up to the house.

Heuck: It looks like you did a lot of considering what we had given you as input.

Giusiana: We spent quite a bit of time. We took your comments to heart. We tried to satisfy your comments and what my client really wanted.

Muzzi: Any other questions?

**A motion to approve the variance request was made by Heuck, seconded by Machelor and carried.**

**Heuck Aye, Baker Aye, Muzzi Aye, Machelor Aye, Balassone Aye**

Muzzi: The next item on our agenda is an interpretation. Interpretations are done a little differently and it's not a court of law. We're not going to go back and forth on points. We will open it up, we will let each side or anyone here that would like to speak on the matter speak in a public hearing set situation. We will then close the public hearing. There will be no more comment from the public unless one of the members on the Board has a specific question in which case you should direct your answer back to us. If we need further clarification from the other side then we will do that. At such a point where we close the public hearing we will discuss the situation here on the Board and render our decision. We will ask Mr. Fox to come up first because you are the one who petitioned us for the interpretation.

Fox: I guess all this started last fall when the Montantes wanted to put a 7' high fence along the entire northern side of my property. I didn't want any part of that so we came and that was changed that it wasn't going to happen. At that time Mr. Montante was acting like he wanted to put a different fence up even at that meeting. At that meeting afterwards I went home and I drafted an email and I sent it to the Building Inspector and told him my reasons why if the Montantes came in to apply for a permit that he should not be dealing with them. Here we are today.

Muzzi: Is that the letter or email that we received?

Fox: I sent him a couple but I sent him one...

Muzzi: This is the one you drafted to bring to our attention?

Fox: Probably so. As you know the Montantes and I both live in the Niagara River Overlay District. I think the authors of that law were very well spoken. I also think that you need to look at the intent portion of that ruling to really get what they were trying to accomplish there. The river front is a once in a life time place to live. It's a once in a life time area to protect and people can affect that river shore for a long time to somebody else's satisfaction that wants to live there. Section 360-34 defines a fence as an accessory use. Section 360-28 defines particular uses of those accessories. What I take from this, it's pretty short, it looks like a lot of words but it doesn't mean a lot. What it says is when a fence is wanted and is not in the line of sight of the river, when it's not in the line of sight of the river then you may have an opaque fence. It's 4' high. Any fence that's wanted that is in the line of sight of the river would then obstruct the view and would not be allowed. It says a fence cannot obstruct the view of the river. That can go a long way if it has vegetation. If it doesn't have vegetation what is going to happen to it in somebody's life time? That chain link fence obstructs the view. I conclude that and I think I know a lot about the properties of a chain link fence, that a chain link fence is neither opaque nor does it have the ability to not obstruct the view. Those are interpretations, those are not interpretations they're facts. The zoning laws from what I understand are based on facts. You can interpret things. You can interpret something like if it's blue or is it a shade of blue or is it something. Opaque, non-opaque doesn't even really have a meaning in the dictionary. It's either opaque or it's not opaque. It's either obstructing or it's not obstructing. Therefore, I believe that the chain link fence that's in my yard was put up by the Montantes after the Building Inspector mentioned why don't we just wait this out and see if how this meeting goes before we put the fence up. They came down and put it up anyway. It's blocking my view, it's obstructing my view and it's not opaque, so it should not be there. I fear, what I'm worried about is my son. I intend to give this property to my son someday. If we put a fence up there, I've got a different situation down there where I'm probably the only guy with the north side of my lot darn near has an unobstructed shot to the river. Anyplace that you put a fence up there, if there comes a time where there's not a tree there or the tree falls down, I would be given that view. If the Montantes build a house which they have mentioned several times that they want to build a house down there it would then be lawn and that wouldn't be trees and I would be able to see the river. If they allow a fence to go up now, that fence is never going to come down and I'm never going to get my chance, my son will never get his chance to see an unobstructed view of the river. There was mention of the fence going to the river. I don't know how he could do that with the wildlife and stuff. That's my view. I don't believe it's possible to have a fence there under the Town Code as it's written now. Thank you.

Muzzi: Would anyone else care to speak?

Pat Gambino, 4752 Lower River Road.

Muzzi: Are you a neighbor?

Gambino: No. I'm a ways away. Mike asked me, I have a chain link fence between me and my neighbor. He asked me, does that obstruct your view? I said absolutely it obstructs my view. Have you ever watched a baseball game through a fence? It's not good. It absolutely obstructs the view. There is no question. I experience it every day.

Muzzi: By your house does the fence go all the way to the river from the road to the river?

Gambino: Yes, there is a cliff, it doesn't go down the cliff but it goes all the way to the edge of the cliff.

Muzzi: There is no wooded area? There is a wooded area?

Gambino: Yes, it drops.

Muzzi: You're seeing over the tops of trees from your house?

Gambino: Yes.

Muzzi: Is there anything else you would like to say?

Gambino: Trees are a nice view, fences aren't. I experience it every day. It obstructs the view 100%.

Muzzi: Thank you.

Connie Adams, 4786 Lower River Road. I'm familiar with the property and I would say that I'd like to know if the fence is going all the way to the river? Then my concern would be that a fence that goes all the way to the river would lie within the significant coastal fish and wildlife habitat zone and would impede the free and unrestricted travel of animals along the Niagara River Corridor. That is a Department of State designation. Nothing should go within 50' of the river itself. That would require a permit and that would include shore line stabilization or a fence. That would be a restriction that I think should be respected. I definitely think a fence all the way to the river would impede that free and unrestricted flow of animal life along the river. These rivers are a precious commodity to be shared by everyone whether you're on a boat in the river or along the shoreline. It's not just for people to appreciate but for wild life as well.

Muzzi: Thank you.

For the record my name is Adam Walters, Attorney for Phillips, Lytle representing Thomas and Margaret Montante.

Muzzi: Do you have an agent letter from your clients?

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Walters: I have a letter I submitted on behalf of them to the Board that you should have in front of you. Also with me are their sons this evening. The hearing gets scheduled obviously around the Board. They were not able to make their schedules clear to be here.

Muzzi: What we are going to need is an agent letter stating that you can speak on their behalf.

Walters: We don't have that tonight. I know after I had sent my letter you had called me and talked. If you had mentioned that I easily could have gotten that. But since this is a public hearing I guess I will do my thing and then you can decide whether you need additional information from them.

Muzzi: I would have to confer with our attorney on that. Would we want to table....

Walters: I would say I've never heard of an attorney needing an authorization from a client to appear on a matter. I do zoning hearings across the state.

Muzzi: We require an agent letter for sure.

Parisi: We generally require an agent letter but there is nothing to say a member of the public who wants to speak at a public hearing can't speak so I would let him.

Muzzi: You will be speaking at our public hearing today as a member of the public.

Walters: Fair enough. I will be a member of the public who wrote the letter aboard perhaps. With some documentation I would like to run through that. I do have some boards that I brought. If I can just grab these and I'll come back to the microphone. Obviously there have been some issues going on for a while between the Montantes and Mr. Fox. The Montantes have lived at their property since the early 1970's, for about 45 years. Both Kevin and Matt grew up on the property. They are very familiar with the details of the property if you have questions about that. I'm sure they would be happy to answer. I do think it's important to take a moment to understand some history and some back ground here. This is an aerial photo of the maps that's attached tab B to my letter. It shows both of the properties. These properties are somewhat unique on how they relate to each other.

Fox: Our purpose for being here is to be objective of that law, not the whole story of the Montantes.

Muzzi: He has the right to speak. It's a public hearing at this point. Any member like anyone else can speak. We are going to limit the time though.

Walters: I do think it's important that the Board understand why the Montantes feel they need a fence.

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Muzzi: I will tell you we are here to interpret a code and to decide on a permit being issued. Again you are not speaking for a client today.

Walters: Fair enough. In the future I will make sure I have my authorization letter and we apologize for that. This is the Montante house. This is the Fox house. As you can see there is a substantial difference. The Montante house is up towards the road. Their open back yard is here behind the house. The house slopes down to a lower level. They have owned this property for about 45 years. They want to keep the lower end very heavily wooded. They like it that way.

Muzzi: Again you cannot speak for anyone other than yourself here sir. You have to speak as a member of the community and not on behalf of someone.

Walters: I will take that in to account in my comments. There are issues or there have been problems relative to the property line. I would point out the Montantes are not proposing a fence on the other side of their property. That side is open. That side will stay open. Why do they want a fence over here? There have been a couple of issues.

Fox: Can I rebut this? It's bullshit.

Walters: I am going to ask their sons to come up and talk about what they know. These gentlemen spend a lot of time on their property. The Montantes grandkids spend a lot of time on the property. Matt why don't you talk about .....

Muzzi: We will let Matt come up and introduce himself. If you will give us your name and address sir.

Walters: Then I will come back and do the wall.

Mathew Montante, 159 Bidlow Pkwy in Buffalo.

Muzzi: Hi Mathew, welcome. What would you like to say to us in this public hearing?

Montante: First thank you for taking the time to listen to us. Essentially all we're trying to do is put up a fence because of the actions that the neighbors have taken with regards to the property line. They've been trespassing for many years and encroaching on our property.

Fox: Am I able to....

Muzzi: Sir, please he is speaking. No one interrupted you. We're going to let him speak.

Fox: I thought I....

Muzzi: We are going to let him speak. Anyone can speak during a public hearing of their choosing. Please do not interrupt anymore.

Fox: I won't. I don't understand the process.

Muzzi: The process is anyone here can speak. It's a public hearing. I specifically talked about it before we started. You would get your chance, they would get their chance and anyone else here could speak. We are not going to be interrupted anymore. It's very rude.

Montante: So they've been violated. The property has been trespassed upon. In fact structures have been built that have impeded on the property. My parents are in their, they are elderly and they are thinking long term with regards to what they want with the property. This property is going to stay in the family beyond their lives. This is a property that is very important to us. Both my brother and I have children here locally. We are on this property all the time. They are not asking for anything other than to just protect their rights on their property which are continually violated time and time again. We've even had conversations with Mr. Fox and his son, have heard them talk about doing metal detecting .....hunting on our property. It's time for us to put up some kind of a barrier since we're not able to see what goes on down below all the time. Mr. Fox is correct in saying he is the only house down there so he's the only full time resident down there at the river. He has also constructed fences himself down there. I'm not sure if they are per code or not per code. But he has constructed fences down there which would be doing pretty much the same thing that any fence would do. It's an ornate fence. Its nice looking but part of it is on our property. It's also accompanied with a large garage that was built down there. I'm not sure if that was something that was inspected, permitted and that has caused a significant amount of drainage issues because we have discovered that particular garage is draining on to their property and we have been experiencing significant amount of flooding down there.

Muzzi: You realize these things you're talking about are not before us?

Montante: All we're looking to do is build a fence as per code. We're looking to put something that is a solid barrier. We're not asking anything beyond what we feel is okay by code. We filed for a permit. We got the permit. We hired a contractor and started putting up a fence.

Balassone: Has that been started yet?

Montante: Part of it has been started. There are two sections of the fence that have been put up. We are waiting for spring for the next section of fence.

Muzzi: That will go how far down to the shore line?

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Montante: I'm not sure of the distance to the shore line. Whatever it was it has been approved by the Building Inspector.

Walters: I'll just stick to the facts, no opinions about the Montantes feelings. Attached to my letter under tab A you'll find a survey that I have hand written notations on it. This is the survey that accompanied the building permit application for Tim Masters. It shows 3 sections of fence that are proposed along the northern property line. The 40' and the 180' sections are closest to the road in the middle. The 180' sections, these 2 sections have been installed. We have photos of what those look like. Those are included under tab C of the materials. This first photo in tab C is the furthest away from the water and as you go further in on the photos they get closer to the water. This is the end of the 180' section. It ends at Mr. Fox's house. We are talking about that section of fence that runs from approximately here on the property through the middle part to a wall that is right next to Mr. Fox's house. That wall is actually perpendicular to the river. That wall effectively obscures any view someone would have from this end of the property of the river. You can see the Montante property is very heavily wooded. These are leaf off conditions. This is as open as it's ever going to be. Those photos were taken on New Year's Day. You can see there is absolutely no view of the water from this 180' section. This section that has been installed could not possibly obscure the view of the river because the river simply is not visible due to the distance between this section and the river and due to the construction of the house and the wall that Mr. Fox built. This is a fence, it's not part of the house; this is a fence that's used to help enclose this yard. That literally obstructs the view of the water. On some level it's ironic that we are here because of a fence that is running towards the river not blocking the view but a chain link fence allegedly obscures the view of the water. As you can see from these photos it's simply not possible. This is a photo taken just after the fence was installed about 3 weeks ago just before the weather broke. It's simply not possible from this fence to obscure a view of the river. We feel the evidence is pretty clear on that. We have another section of fence that has not been installed yet. Those are the photos under tab d of the materials. The stakes you see in the snow with those exhibits are the property line that was staked out by the surveyor. The Montantes are proposing a chain link fence that would run along that property line. That is what Tim issued a permit for. That section has not been built. We've been talking to Mr. Fox about doing something. He would like an ornamental fence. We are willing to do an ornamental fence if some of the encroachment issues are dealt with. We're still working through that with his attorney and him. No final agreement has been reached. The idea would be an ornamental fence. Mr. Fox has an ornamental fence. This is tab e photos. It's just a little further in on the property. That fence is actually on the Montante property. We've talked to him about relocating it so it's on the property line then we would continue down towards the water. There are trees in here that would basically stop at the trees at the end of the property before you get to the water. The two things I would point out there in terms of visual impact, first there is an orientation issue here where the river is. The photos clearly show that. The property because of the angle and the change in the angle of the river. The property does not run directly in to the river. Most of the river view is on the Fox property. Again, if this is a line (map) this is a fence, this is



the river, this is the Fox property, if you are trying to look from the Fox property across the Montante property to the water all you see is trees and you can see from the aerial photo you would be looking across these trees. The Montante property is actually at a turn in the river. Their woods actually extend out. The fence would be here. You would be trying to look across the fence, across this property to the river. You just can't do it. The trees are there. I think Mr. Fox acknowledges he talks about if the trees ever come down his view would be obscured. Those trees have been there for a long time. There is no blocking of a view from the installation of these fences. I understand that is the central objection. We think the photos clearly show that they do not violate the code. I understand from discussion with Tim Masers that was always viewed that a chain link fence is permitted under that section of the code. It talks about impact to views. The view has always been it has to be a transparent fence. As Mr. Fox pointed out the Montantes were here in August seeking a solid wood fence and the Board denied that variance.

Muzzi: It was a height variance they sought.

Walters: We understood it was a solid wood fence.

Muzzi: It was a height variance that they sought. There was discussion but the height was the....

Walters: There's no question they would like a taller fence. They've gone with what the Building Inspector has told them as of right. We believe that makes sense. Again, a fence is critical. We'd love to work these issues out with Mr. Fox but there has to be a fence at the property line.

Muzzi: Does anyone else care to speak?

Kevin Montante, 330 Niagara Street, Lewiston. I'm just going to be brief. I appreciate the time tonight. In addition to the talk about the view being blocked or potential, the topography actually goes up before it gets to the river approximately 15'. Even if the trees were cut down you still wouldn't have a view of the river from Mr. Fox's property from his house. The erosion or maybe the ice from hundreds of years ago pushed up the bank. In reality if you cut down trees it's not going to make any difference. You still won't see the river. I appreciate the time. This is an unfortunate matter I'm sure you don't like to deal with. Thank you.

Muzzi: At this time we are going to close the public hearing. If the Board has any questions for either party we.....we are going to close the public hearing at this time. I know we all have questions. You will get to speak some more, both sides. I'm going to start with Mr. Fox. Can you come up to the microphone so we can chat?

Fox: I'm sorry. I didn't mean to offend you in any way.

Muzzi: That's okay. We just have to keep law and order.

Fox: This is out of my.....

Muzzi: I know there are emotions involved on both sides. It makes it easier for the records.

Fox: There were things that were brought up that I didn't expect to be part of....

Muzzi: I'm going to say one thing, we are here to interpret whether or not the Building Inspector issued the permit properly and that is why we are here. Other things.....people can speak about what is near and dear to them. We are here for that purpose tonight. That is what we are going to be discussing. My question to you is I was out there the last time because I wanted to have a good feel of everything. Is there a railing or something that goes on your property across the back of your property?

Fox: There is an ornamental fence that goes around the back of my property because about 12 years ago at 50 years old I had a son. I had an occasion where a baby sitter was watching my son and my son got very close to the river's edge before the baby sitter found that out. When I found that out I immediately put a fence up to contain him. Being in the fence business I put a pretty nice fence up, big balls on the top of it, wide spaces because I didn't need a pool enclosure or anything so you could see through it. It looked pretty nice so I haven't removed it after Jesse is gone.

Muzzi: With that fence when you put it in did you get a permit for it?

Fox: I can't recall. I was going to ask the Building Inspector because I inquired about building permits on fences and we discovered that there is a permit that wasn't issued on the Montantes along with some other permits that I'm wondering about State permits, he said you couldn't see it, the trees were gone but that's because of the excavation they did when they put the retaining wall in at the river.

Muzzi: What you have asked us to do and the reason we are all here today is you feel that the chain link fence that they would like to continue with would obstruct your view? Different angles would obstruct your view.

Fox: On a chain link fence and you look this way.....

Muzzi: With that fence that you installed that runs parallel with the river but up by your house.....

Fox: I told the Montantes in a recent letter that I would remove....

Muzzi: Can I finish? So if you're in your back yard and you're looking through one fence and then angling yourself at another fence I'm having a hard time....where are you on your property where you're suggesting at 45 degrees you will have an obstruction? Are you behind your fence that you put in?

Fox: There is a non-obstructive view except for Montantes shed and Hank Bryk's sheds that are down there that runs along the whole north side of my property line. If there were no shed there. They are the only un-natural barrier to the river, in the line of site to the river. There are barriers, there are things that block it but that's not to say for an eternity it's going to be like that. A fence blocks that for an eternity.

Muzzi: Not so much.

Fox: If next year the Montantes build a house down there and put lawn there where the trees are, and if these trees are always going to be there which a lot of them are ash trees and they're dying by the dozens down there. If those trees die then what happens? Can I ever regain that possibility of the view?

Muzzi: What we are here again to see if that permit when it was issued was done correctly.

Fox: The law that's cited here....

Muzzi: We're asking questions now because you had your chance to speak, my question to you is I'm assuming you didn't get a permit for the fence that you put up when your child was young?

Fox: I can't recall that was 12 years ago. At that time I was in an office, I had people that did things for me, clerical work. I really can't tell you if I did or if I didn't.

Muzzi: My question to you is where are you on your property where you talk about a chain link fence obstructing your view? Behind that fence you installed?

Fox: I could be standing here, that's a line of sight view to the river. I can go down anywhere on my property. If you come to my property and you look towards Youngstown if there's not a shed in the way I have a line of sight to the river. Because I'm fortunate enough that nobody has built anything there yet. I'm trying to preserve that there's nothing built there yet. The builders and the writers of this code saw that and that's what they were trying to intent. That's what I said in the beginning, we need to look at the intent of what they were trying to do.

Muzzi: Does anyone else have any questions? Any more questions from either side? You can have a seat sir.

Fox: I'm sorry if I'm passionate.

Muzzi: That's okay. Everybody is in situations like this. I would like to go in to a short executive session with our attorney for a question. We will be right back.

Muzzi: We are going to have some discussion on the merits of what was presented to us in the letter and that definitely is the chain link and the obstruction of the chain link possibly and if the permit was in deed granted properly. Personally I think chain links are created with holes in them for a reason but that's my take on it. I think they are built that way for a reason to not be obstructive. I really think in a river side use that a chain link fence by definition with having holes in it would give anybody the view. I don't know what else you would put there.

Machelor: I would like to question Mr. Fox. Is it your opinion based on what you're reading that no fence would be allowed?

Fox: The law....

Machelor: Your interpretation is that no fence would be permitted?

Fox: A fence would be allowed when it's not in the line of sight to the river, in other words it's back there somewhere or it's behind a building or something like that.

Machelor: Anybody's line of sight from anywhere?

Fox: Basically yes. I'm saying its line of sight because the only, that it cannot be in the line of sight is to be ....from somewhere else. If I'm here and the river is over there I'm in a line of sight, the fence has a potential to block the view. It doesn't say that it has to have holes in it. It says not obstruct. And that's why Pat's here it can obstruct. Then if it doesn't obstruct, there are fences that are allowed but they must be opaque. Chain link fences.....nor is it able to not obstruct. This is a special zoning area and it has special wording and special laws.

Machelor: What is your opinion what the meaning of opaque is?

Fox: Opaque is solid.

Machelor: Wouldn't that be solid as opposed to opaque?

Fox: But it says a fence may be used if it's not obstructing.

Machelor: Let's say the fence was 2' high.

Fox: Then in this case.....

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Machelor: That would obstruct your view if you were sitting on the ground.

Fox: You could lay down and someone could make an argument I guess. But with a 4' fence I can sit in a lawn chair and be obstructed.

Machelor: If you were in your own property in your back yard you would have to look through your ornamental fence in order to see the river right?

Fox: In some spots. In 40-50' of my 800' of the north line yes, about 800' of property line.

Machelor: I thought the fence we were talking about was parallel to the river?

Fox: It is but its a little section around the back of my house.

Machelor: But you wouldn't be standing in the back of your house to see through it.

Fox: Those are not the places that .....

Machelor: So it's not the 800' it's the width of your property essentially. Does it go the entire width of your property?

Fox: No it doesn't.

Machelor: How much width does it go?

Fox: It goes quite a bit, it's a small area; I only have a 75' wide lot. It only goes across the back. I can take that down. I left it up inconsequentially. I don't want something that gathers, the bigger the more it becomes a bigger issue with the more fence there is. A small amount of fence is tolerable. A giant amount of fence becomes.....

Machelor: You know the code says it has to be less than 4'. So 3'.11" would do. Any adult standing there could clearly see over it. Any adult could stand there and see the river without the fence in the way.

Fox: If you sat down in a chair with an ice tea that's not going to happen.

Muzzi: I'm curious about the wall that is in the one picture. Was that built when your house was built?

Fox: That was built when the remodel was built.

Muzzi: Did you get a permit for that?

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Fox: Oh I can't recall. There is the lady that could probably tell us right there yes or no right off the bat. If I have to remove those things I'll remove them starting tomorrow.

Muzzi: I'm just questioning....

Fox: I feel that strongly that I will remove every bit of fence that's on my property.

Muzzi: In some areas a 3' fence would obstruct and in other areas it won't.

Fox: That wall cannot obstruct the view of the river no matter what because there's no perspective. Unless you're on my property, if you're on my property it could obstruct the view of the river. From the Montantes my house sticks out way past theirs. So if you take an angle from the edge of this ....

Muzzi: Maybe you can help us with the one picture there....(map)

Fox: If they were standing over here I don't think there's a spot where the end of the house and the wall line up where they would lose any view of the river.

Machelor: When did you build your home?

Fox: I redid some stuff about 15 years ago.

Machelor: In other words the Montantes were already living in their home and you built a home much closer to the river.

Fox: My house was there already. I added on to it.

Machelor: And other buildings as well?

Fox: The garage in front yes, which I got a permit.

Machelor: From the Montantes stand point if they were standing in their back yard and wanted to look to the southwest they wouldn't be able to see the river from their house because your house would be in the way.

Fox: Yes.

Machelor: What was the purpose of that wall anyway?

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Fox: Tony Munno told me to build a wall, it will make your house look bigger and it was a drivet wall. What it doesn't show is I spent about 3 weeks on each one of these gates hand building these gates. It's really just an accessory to make it look nicer.

Muzzi: Any other questions?

**Based upon the evidence that we have in hand and based upon the fact that after review of the different zoning sections that are applicable to this situation I would make the motion that the issuance of that building permit by the Town of Lewiston Building Inspector was in compliance with the statutory regulations as stated forth in 360-26, 360-28, 360-34 was made by Heuck, seconded by Machelor and carried.**

**Heuck Aye, Baker Aye, Muzzi Aye, Machelor Aye, Balassone Aye**

**A motion to approve the minutes of December 2017, was made by Heuck, seconded by Balassone and carried. (1 abstention)**

**Heuck Aye, Bake Abstain, Muzzi Aye, Machelor Aye, Balassone Aye**

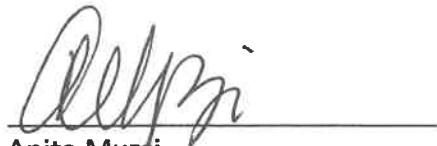
Muzzi: We would like to welcome our new attorney Ryan Parisi. What a night to step forward. We hope you come back next month. Welcome to our new Town Board member Mr. Jacobi. Thank you for coming out. Do you know everybody? Introductions. We have a new liaison to our Board, Al Bax. It's nice to have another legal mind to back us up if need be. Gary has been placed as second in command for running meetings if for some reason I cannot come. If anybody wants to be Gary's back up let me know. Does anyone have anything else before we close the meeting?

**A motion to adjourn was made by Balassone, seconded by Heuck and carried.**

Respectfully submitted,



Sandra L. VanUden  
Zoning Secretary



Anita Muzzi  
Zoning Chairwoman