



TOWN OF LEWISTON
1375 Ridge Road
Lewiston, New York 14092
(716) 754-8213
www.townoflewiston.us

ZONING BOARD OF APPEALS

Thursday – November 10, 2016
7:00 P.M. – Town Hall

- A. Previously Adjourned – Variance Request – Tamburrino – Curtis Court – SBL# 87.20-2-12**
- B. Variance Request – Forbes Homes, Inc. – Lower River Road – SBL# 73.18-1-19**
- C. Variance Request – Scozzafava – Orchard Drive – SBL# 102.09-2-68**
- D. Variance Request – Murphy – Chicora Road – SBL# 101.06-2-46.1**
- E. Variance Request – Brookhaven Trust 3456 – Country Club Trail – SBL# 101.20-2-16**
- F. Miscellaneous**

PLEASE NOTIFY SANDY IF YOU CANNOT ATTEND

135.00

TOWN OF LEWISTON ZONING BOARD OF APPEALS

AREA VARIANCE

USE VARIANCE

It is the responsibility of the applicant to complete this form in its entirety, including all required attachments, and as precisely as possible. Failure to submit a complete application may result in a delay in being placed on a Zoning Board of Appeals agenda or a delayed decision from the Zoning Board.

PROPERTY ADDRESS: 914 ORCHARD

APPLICANT INFORMATION

NAME: John T. Legzafava ADDRESS: 914 ORCHARD DR.

PHONE: 531-3157 Lewiston NY 14092
CITY STATE ZIP

FAX: _____ E-MAIL: _____

OWNER INFORMATION

NAME: John T. Legzafava ADDRESS: 914 ORCHARD DR

PHONE: 531-3157 Lewiston NY 14092
CITY STATE ZIP

FAX: _____ E-MAIL: _____

RELATIONSHIP OF APPLICANT TO PROPERTY:

CONTRACT PURCHASER CONTRACTOR OTHER
 ARCHITECT/ENGINEER LEASEE

OFFICE USE ONLY

RECEIVED BY: SU DATE/TIME RECEIVED: 10/19/16

FEE AMOUNT: 135.00 CHECK/MONEY ORDER#: check

ZONING: R-1 FEE TRANSMITTAL DATE: _____

AGENDA DATE: 11/10/16 DEADLINE DATE: _____

COUNTY TAX MAP IDENTIFICATION NUMBER: # 33085 102.09-268

BRIEF HISTORY OF PROPERTY (historic use of property, ownership history, etc.)

20 yr owners. We have been improving the property for retirement use. We have no garage or any place for one, & existing shed grandfathered in, now one is in disrepair and being replaced in original spot.

DESCRIPTION OF PROPOSED ACTION (include specific use proposed, hours, # of employees, etc.)

Replace old existing metal shed, that is in disrepair, rusted, leaking, sides flapping in. We old one was 9x9 in st corner of plot, covered by trees, 6 ft privacy fence did not block any neighbor views. The lot it sits on is not square, all lots are parallelogram shape which limits land use.

VARIANCE STANDARDS (USE VARIANCE)

Applications for use variances must be based on alleviating a clearly demonstrable hardship, as opposed to a special privilege of convenience sought by the owner. Furthermore, the hardship must be peculiar to the land or building and must not generally apply to land throughout the neighborhood. An example of a property that may potentially have a case for a use variance is a corner store in a predominantly residential neighborhood. If the building has large plate glass windows, a parking lot and loading docks in the rear, it would be extremely costly to convert the building to residential uses to comply with existing zoning regulations.

VARIANCE STANDARDS (AREA VARIANCE)

Applications for area variances must be based on some extraordinary topographic condition or other physical condition inherent in the parcel (for example: exceptional narrowness, shallowness, shape or area). This condition must prohibit or unreasonably restrict the use of the land and/or building. One example of special condition: A utility right-of-way cutting through the rear half of several properties within a larger neighborhood limiting the buildable area of those properties, thereby requiring variances for rear and side yard setbacks for those particular property owners to construct new garages or sheds.

DESCRIPTION OF HARDSHIP (describe the features or conditions of the property that restrict reasonable use of the property under current zoning regulations)

The existing lots are not square more parallelogram therefore we get, from 4' to a ft to have a square shed from fence lines.

Describe how the requested variance will not alter the character of the larger neighborhood or impact adjacent properties:

surrounding properties will have no further or less impact on the existing and a new shed.

we are getting things up to date, improved for our upcoming retirement. This property has no garage or place for one. The shed provides us with winter storage in an area which has existing shed. This area is shaded with over-abundance of trees, will have no impact on neighborhood.

APPLICATION ATTACHMENTS

To ensure appropriate and timely review of the application, please provide the following additional documentation in support of the application. Failure to provide all of the applicable materials listed below may result in a delay in scheduling the application for review by the Zoning Board of Appeals.

_____ \$135 application fee (cash or checks payable to the Town of Lewiston)

_____ Detailed site plan (7 copies)

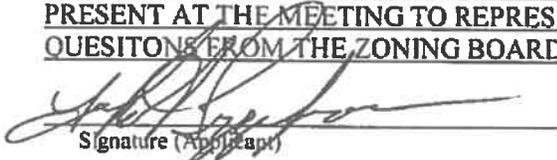
_____ Photographs of existing conditions

_____ Property survey (7 copies)

APPLICANT/OWNER AFFIRMATION

I, THE UNDERSIGNED, DO HEREBY AFFIRM THAT THE INFORMATION CONTAINED IN THIS APPLICATION IS TRUE TO THE BEST OF MY KNOWLEDGE AND I FURTHER UNDERSTAND THAT INTENTIONALLY PROVIDING FALSE OR MISLEADING INFORMATION IS GROUNDS FOR IMMEDIATE DENIAL OF MY APPLICATION.

FURTHERMORE, I UNDERSTAND THAT I (OR A DESIGNATED REPRESENTATIVE) MUST BE PRESENT AT THE MEETING TO REPRESENT THE APPLICATION AND RESPOND TO ANY QUESTIONS FROM THE ZONING BOARD OF APPEALS MEMBERS.


Signature (Applicant)

Date

IF APPLICANT IS NOT THE OWNER OF RECORD FOR SUBJECT PARCEL:

I, THE UNDERSIGNED, HEREBY AFFIRM THAT I AM THE OWNER OF RECORD FOR THE SUBJECT PARCEL AT THE TIME OF APPLICATION. FURTHERMORE, I AM FAMILIAR WITH THE REQUEST BY THE APPLICANT AND AUTHORIZE SAID APPLICANT TO REPRESENT THE INTEREST OF THE OWNER (S) IN FURTHERANCE OF THE REQUEST.

Signature (Owner)

Date

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NOTE: PROPERTY OWNER MUST BE PRESENT AT SCHEDULED PUBLIC HEARING

TOWN OF LEWISTON
ZONING BOARD OF APPEALS

AREA VARIANCE

USE VARIANCE

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PROPERTY ADDRESS: 453 Chicora Rd

APPLICANT INFORMATION

NAME: Melissa Murphy ADDRESS: 453 Chicora Rd

PHONE: 716 628-2802 Lewiston NY 14092
CITY STATE ZIP

FAX: _____ E-MAIL: _____

OWNER INFORMATION

NAME: Melissa Murphy ADDRESS: 453 Chicora Rd

PHONE: 716 628-2802 Lewiston NY 14092
CITY STATE ZIP

FAX: _____ E-MAIL: _____

RELATIONSHIP OF APPLICANT TO PROPERTY:

CONTRACT PURCHASER CONTRACTOR OTHER
 ARCHITECT/ENGINEER LEASEE

OFFICE USE ONLY

RECEIVED BY: SU DATE/TIME RECEIVED 10/19/16

FEE AMOUNT: 135.00 CHECK/MONEY ORDER#: ck

ZONING: R-1 FEE TRANSMITTAL DATE: _____

AGENDA DATE: 11/10/16 DEADLINE DATE: _____

COUNTY TAX MAP IDENTIFICATION NUMBER: #23087 101.06-2.46.1

BRIEF HISTORY OF PROPERTY (historic use of property, ownership history, etc.)

Owned home 2005

DESCRIPTION OF PROPOSED ACTION (include specific use proposed, hours, # of employees, etc.)

Replace existing fence with 7ft' fence along backyard

Currently awaiting job quotes

VARIANCE STANDARDS (USE VARIANCE)

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VARIANCE STANDARDS (AREA VARIANCE)

Applications for area variances must be based on some extraordinary topographic condition or other physical condition inherent in the parcel (for example: exceptional narrowness, shallowness, shape or area). This condition must prohibit or unreasonably restrict the use of the land and/or building. One example of special condition: A utility right-of-way cutting through the rear half of several properties within a larger neighborhood limiting the buildable area of those properties, thereby requiring variances for rear and side yard setbacks for those particular property owners to construct new garages or sheds.

DESCRIPTION OF HARDSHIP (describe the features or conditions of the property that restrict reasonable use of the property under current zoning regulations)

Due to height of pool deck, the current fence is providing viewing/privacy at approx. 4ft. Current fence is 20yrs old and is need of repair. Removal of shrubs have created a lack of privacy.

Describe how the requested variance will not alter the character of the larger neighborhood or impact adjacent properties:

The fence will not alter the neighborhood, due to property layout and will add to my property look/value. Upon speaking with both backyard neighbors, they agree a new fence and height will provide each of us the desired privacy. They agree it will add to the safety of our property and help to maintain the solitude we seek in our backyards.

APPLICATION ATTACHMENTS

To ensure appropriate and timely review of the application, please provide the following additional documentation in support of the application. Failure to provide all of the applicable materials listed below may result in a delay in scheduling the application for review by the Zoning Board of Appeals.

_____ \$135 application fee (cash or checks payable to the Town of Lewiston)

_____ Detailed site plan (7 copies)

_____ Photographs of existing conditions

_____ Property survey (7 copies)

APPLICANT/OWNER AFFIRMATION

I, THE UNDERSIGNED, DO HEREBY AFFIRM THAT THE INFORMATION CONTAINED IN THIS APPLICATION IS TRUE TO THE BEST OF MY KNOWLEDGE AND I FURTHER UNDERSTAND THAT INTENTIONALLY PROVIDING FALSE OR MISLEADING INFORMATION IS GROUNDS FOR IMMEDIATE DENIAL OF MY APPLICATION.

FURTHERMORE, I UNDERSTAND THAT I (OR A DESIGNATED REPRESENTATIVE) MUST BE PRESENT AT THE MEETING TO REPRESENT THE APPLICATION AND RESPOND TO ANY QUESTIONS FROM THE ZONING BOARD OF APPEALS MEMBERS.



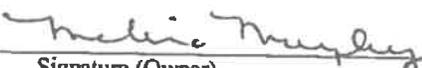
Signature (Applicant)

10 | 18 | 16

Date

IF APPLICANT IS NOT THE OWNER OF RECORD FOR SUBJECT PARCEL:

I, THE UNDERSIGNED, HEREBY AFFIRM THAT I AM THE OWNER OF RECORD FOR THE SUBJECT PARCEL AT THE TIME OF APPLICATION. FURTHERMORE, I AM FAMILIAR WITH THE REQUEST BY THE APPLICANT AND AUTHORIZE SAID APPLICANT TO REPRESENT THE INTEREST OF THE OWNER (S) IN FURTHERANCE OF THE REQUEST.



Signature (Owner)

10 | 18 | 16

Date

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NOTE: PROPERTY OWNER MUST BE PRESENT AT SCHEDULED PUBLIC HEARING

**TOWN OF LEWISTON
ZONING BOARD OF APPEALS**

AREA VARIANCE

USE VARIANCE

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PROPERTY ADDRESS: 5088 Country Club Trail

APPLICANT INFORMATION

NAME: Brookhaven Trust 3456 ADDRESS: 335 Buffalo Avenue
John P. Bartolomei, Trustee

PHONE: 716-282-2774 Niagara Falls, NY 14303
CITY STATE ZIP

FAX: 716-282-2778 E-MAIL: john@jpbartolomei.com

OWNER INFORMATION

NAME: Brookhaven Trust 3456 ADDRESS: 335 Buffalo Avenue

PHONE: 716-282-2774 Niagara Falls, NY 14303
CITY STATE ZIP

FAX: 716-282-2778 E-MAIL: john@jpbartolomei.com

RELATIONSHIP OF APPLICANT TO PROPERTY:

CONTRACT PURCHASER CONTRACTOR OTHER

ARCHITECT/ENGINEER LEASEE

OFFICE USE ONLY

RECEIVED BY: SV DATE/TIME RECEIVED: 10/26/16

FEE AMOUNT: 135.00 CHECK/MONEY ORDER#: ck

ZONING: R-1 FEE TRANSMITTAL DATE: _____

AGENDA DATE: 11/01/16 DEADLINE DATE: _____

COUNTY TAX MAP IDENTIFICATION NUMBER: # 23095, 101.20-216

BRIEF HISTORY OF PROPERTY (historic use of property, ownership history, etc.)

Property is a subdivision lot in the Country Club Lane Subdivision which is a subdivision of land previously owned by Mountain View Development Corp (Niagara Falls Country Club).

DESCRIPTION OF PROPOSED ACTION (include specific use proposed, hours, # of employees, etc.)

Installation of a 6' high wooden fence at the rear lot line of the property to close a 69.3' gap in the fencing of the rear lot line. 81% of the 325 foot rear lot line is fenced as a result of fences at the rear lot lines of contiguous properties to the north. The 69.3' foot fence on the rear lot line of the subject property will be connected to the contiguous fences of the properties to the north thus closing the gap (see detailed site plan attached).

VARIANCE STANDARDS (USE VARIANCE)

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VARIANCE STANDARDS (AREA VARIANCE)

Applications for area variances must be based on some extraordinary topographic condition or other physical condition inherent in the parcel (for example: exceptional narrowness, shallowness, shape or area). This condition must prohibit or unreasonably restrict the use of the land and/or building. One example of special condition: A utility right-of-way cutting through the rear half of several properties within a larger neighborhood limiting the buildable area of those properties, thereby requiring variances for rear and side yard setbacks for those particular property owners to construct new garages or sheds.

DESCRIPTION OF HARDSHIP (describe the features or conditions of the property that restrict reasonable use of the property under current zoning regulations)

The property conditions which meet the variance standards are described in detail on the attached, and hereby incorporated, correspondence to the ZBA of even date herewith. Briefly stated, the fence is required to remove danger and liability from trespassers entering the property which frequently is done by dangerous and noisy vehicles; and to prevent further dumping of debris on the site. (See photos of existing debris).

Describe how the requested variance will not alter the character of the larger neighborhood or impact adjacent properties:

The only impact on adjacent properties will be beneficial: to removing unsightly, unsafe and unhealthy debris and to remove the danger and apprehension from trespassers onto and through the property. The one family residential character of the larger neighborhood will be restored and maintained by the installation of the fence (see attached and incorporated correspondence of even date herewith).

APPLICATION ATTACHMENTS

To ensure appropriate and timely review of the application, please provide the following additional documentation in support of the application. Failure to provide all of the applicable materials listed below may result in a delay in scheduling the application for review by the Zoning Board of Appeals.

\$135 application fee (cash or checks payable to the Town of Lewiston)

Detailed site plan (7 copies)

Photographs of existing conditions

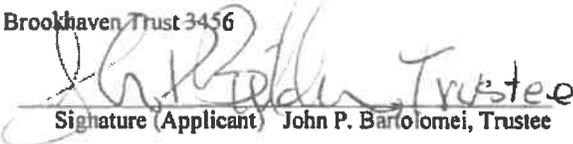
Property survey (7 copies)

APPLICANT/OWNER AFFIRMATION

I, THE UNDERSIGNED, DO HEREBY AFFIRM THAT THE INFORMATION CONTAINED IN THIS APPLICATION IS TRUE TO THE BEST OF MY KNOWLEDGE AND I FURTHER UNDERSTAND THAT INTENTIONALLY PROVIDING FALSE OR MISLEADING INFORMATION IS GROUNDS FOR IMMEDIATE DENIAL OF MY APPLICATION.

FURTHERMORE, I UNDERSTAND THAT I (OR A DESIGNATED REPRESENTATIVE) MUST BE PRESENT AT THE MEETING TO REPRESENT THE APPLICATION AND RESPOND TO ANY QUESTIONS FROM THE ZONING BOARD OF APPEALS MEMBERS.

Brookhaven Trust 3456


Signature (Applicant) John P. Bartolomei, Trustee

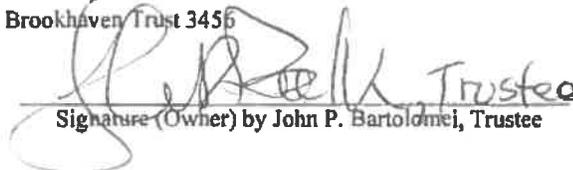
10/25/2016

Date

IF APPLICANT IS NOT THE OWNER OF RECORD FOR SUBJECT PARCEL:

I, THE UNDERSIGNED, HEREBY AFFIRM THAT I AM THE OWNER OF RECORD FOR THE SUBJECT PARCEL AT THE TIME OF APPLICATION. FURTHERMORE, I AM FAMILIAR WITH THE REQUEST BY THE APPLICANT AND AUTHORIZE SAID APPLICANT TO REPRESENT THE INTEREST OF THE OWNER (S) IN FURTHERANCE OF THE REQUEST.

Brookhaven Trust 3456


Signature (Owner) by John P. Bartolomei, Trustee

10/25/2016

Date

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**TOWN OF LEWISTON
ZONING BOARD OF APPEALS**

 AREA VARIANCE

 X USE VARIANCE

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PROPERTY ADDRESS: Wolf Run (@ Lower River Rd. (SE corner, access to French Landing Sbdv.))

APPLICANT INFORMATION

NAME: Forbes Homes, Inc. ADDRESS: 470 Cayuga Road

PHONE: (716) 688-5597 Buffalo, New York 14225
CITY STATE ZIP

FAX: (716) 688-6674 E-MAIL: wtuyn@forbeshomes.com

OWNER INFORMATION

NAME: Jerald I. Wolfgang ADDRESS: 4267 Lower River Road

PHONE: (716) 754-7745 Lewiston, New York 14174
CITY STATE ZIP

FAX: _____ E-MAIL: jw4267@gmail.com

RELATIONSHIP OF APPLICANT TO PROPERTY:

 X CONTRACT PURCHASER CONTRACTOR OTHER

 ARCHITECT/ENGINEER LEASEE

OFFICE USE ONLY

RECEIVED BY: SU DATE/TIME RECEIVED 10/6/16

FEE AMOUNT: 135.00 CHECK/MONEY ORDER#: cd

ZONING: R1 FEE TRANSMITTAL DATE: _____

AGENDA DATE: 11/10/16 DEADLINE DATE: _____

COUNTY TAX MAP IDENTIFICATION NUMBER #2306P 73.18-1-19

BRIEF HISTORY OF PROPERTY (historic use of property, ownership history, etc.)

The property is the recently subdivided "French Landing Subdivision," with all 27 lots under contract to Forbes Homes, Inc., after the site is building permit ready with all infrastructure complete, PIP's accepted, and utilities installed.

DESCRIPTION OF PROPOSED ACTION (include specific use proposed, hours, # of employees, etc.)

The action is the continued permitted use of a sign on the property identifying the location of the approved subdivision to prospective home owners. This is important as the subdivision is located behind the existing homes on Lower River Road.

VARIANCE STANDARDS (USE VARIANCE)

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DESCRIPTION OF HARDSHIP (describe the features or conditions of the property that restrict reasonable use of the property under current zoning regulations)

The existing sign is located on private property (which is a permitted use), however once the streets are dedicated, the land will become public property and signs are not allowed within the right of way. There are no lots which front on Lower River Road, so there is nowhere that the sign can be relocated to. The sign is not permanent, and will be removed after the lots have been sold.

Describe how the requested variance will not alter the character of the larger neighborhood or impact adjacent properties:

Signs that identify the location of new neighborhoods for prospective homeowners are not uncommon, and this sign already exists at this location. Remaining in this location after the land transitions from private to public ownership will not alter the character of the larger neighborhood or impact adjacent properties in any way.

APPLICATION ATTACHMENTS

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\$135 application fee (cash or checks payable to the Town of Lewiston)

Detailed site plan (7 copies)

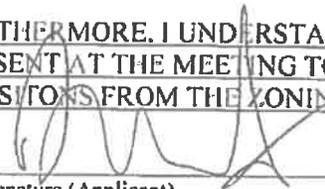
Photographs of existing conditions

Property survey (7 copies) (same as site plan)

APPLICANT/OWNER AFFIRMATION

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FURTHERMORE, I UNDERSTAND THAT I (OR A DESIGNATED REPRESENTATIVE) MUST BE PRESENT AT THE MEETING TO REPRESENT THE APPLICATION AND RESPOND TO ANY QUESTIONS FROM THE ZONING BOARD OF APPEALS MEMBERS.



Signature (Applicant)

October 10, 2016

Date

IF APPLICANT IS NOT THE OWNER OF RECORD FOR SUBJECT PARCEL:

I, THE UNDERSIGNED, HEREBY AFFIRM THAT I AM THE OWNER OF RECORD FOR THE SUBJECT PARCEL AT THE TIME OF APPLICATION. FURTHERMORE, I AM FAMILIAR WITH THE REQUEST BY THE APPLICANT AND AUTHORIZE SAID APPLICANT TO REPRESENT THE INTEREST OF THE OWNER (S) IN FURTHERANCE OF THE REQUEST.



Signature (Owner)

(AS AGENT FOR OWNER)

October 10, 2016

Date

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NOTE: PROPERTY OWNER MUST BE PRESENT AT SCHEDULED PUBLIC HEARING