



**TOWN OF LEWISTON**  
1375 Ridge Road  
Lewiston, New York 14092  
(716) 754-8213  
[www.townoflewiston.us](http://www.townoflewiston.us)

**PLANNING BOARD**

**Thursday – November 17, 2016**  
**6:30 P.M. – Town Hall**

**Re-zoning**

Lombardi – Ridge Road – SBL# 102.02-1-53, 102.02-1-54, 102.02-1-55  
Information & Discussion  
Motion to set public hearing  
Please bring packet from last month

**Subdivision**

Bright/Mawhiney – Albright Road – SBL# 90.00-3-33.1  
Information & Discussion  
Motion to classify (Minor or Major)  
Motion to approve or not approve

**Miscellaneous**

**Adjournment**

**PLEASE NOTIFY SANDY IF YOU CANNOT ATTEND**

To: The Honorable Lewiston Town Board

From:

NAME: Roger Mawhiney  
ADDRESS: 425 Lake Street  
Wilson, NY 14172

TELEPHONE: (716)523-0454

RE: Request to Subdivide

Tax Map #/SBL# 90.00-3-33  
Road: 2820 Albright Road  
Number of Lots: 2 (i.e. original and 1 lot)

Variance Requests: Applicant has purchased 39.046 acres of the 44.40 acres owned by Kelly Ann Bright at this location. The Parcel purchased by Applicant has 527.25 feet of frontage and the parcel retained by Kelly Ann Bright has 348 feet of frontage and is comprised of approximately 3.5 acres of land improved with a home and several other out buildings, all as shown on the Niagara Boundary and Mapping Services survey dated June 13, 2014 (Job No. 8656-14) attached hereto.

Fee Paid: \$65.00 Application Fee \$100.00 SEQR Fee and \$250.00 Recreation Fee

Date Paid:

10/19/16

Accepted by:

Carole Schroeder

NOTE: On July 12, 1993 the Town Board approved imposing a \$250.00 per lot recreation fee on each subdivision payable (within 30 days) when the property is divided.

Roger Mawhiney  
Signature

10-12-16  
Date

Referred to Planning Board

Date: 10/19/16

**JONES, HOGAN & BROOKS, LLP**  
Attorneys at Law

Morgan L. Jones, Jr.  
F. Gerard Hogan  
Matthew E. Brooks  
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Abraham J. Platt

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William B. May (1928-2016)  
William H. Earl (1913-2007)  
J.F. Henry DeLange (1914-2001)  
Philip S. Chamot, Retired

October 17, 2016

Town of Lewiston  
Attn: Chris McAuliff  
Code Enforcement Officer  
1375 Ridge Road  
Lewiston, NY 14092

**RE: Premises conveyed by Kelly Ann Bright and George J. Wolf to Roger Mawhiney  
February 19, 2016  
2820 Albright Road, Town of Lewiston, SBL No. 90.00-3-33**

As you know, the history with regard to this transaction is that my client bought the 39.046 acre parcel from George Wolf. Mr. Wolf was going to retain the parcel improved with the house and out buildings having about 348 feet of frontage on Albright Road. My client paid for the survey and paid a sizable deposit with regard to this transaction. Then Mr. Wolf did not hire an attorney with regard to this transaction and ended up conveying the property in question to his daughter, Kelly Ann Bright. We were finally successful in convincing Kelly Ann Bright to cooperate with regard to selling the 39.046 acre parcel to Mr. Mawhiney which transaction closed in February of 2016.

It was then brought to our attention that the Town of Lewiston had not given its approval for this transaction but that we could resolve this problem by unifying the 39.046 acre parcel with other land owned by Mr. Mawhiney which he had acquired from Helen S. Helmich and Gerald P. Helmich back in 2010. We went ahead and filed a Deed September 23, 2016 under instrument No. 2016-17174 consolidating the premises purchased from Kelly Ann Bright with the premises purchased from Helmich. We thought that that would resolve this problem. A copy of that Deed was supplied to the Town of Lewiston Building Inspector by letter dated September 27, 2016.

Then, as luck would have it, it was learned that the Helmich property was in a different school district than the property purchased from Kelly Ann Bright. We were told that that issue had to be addressed in order to put this matter finally to rest. We were told that the only way to resolve it is to make this Application that is enclosed herewith for approval by the Town of Lewiston of the "subdivision" of the Kelly Ann Bright property into the two pieces, one being the piece that she conveyed to Roger Mawhiney by the Deed in February of 2016 comprised of about 39 acres of land and the other being the premises that she retained being comprised of about 3.5 acres of land having about 348 feet of frontage on Albright Road.

Therefore, we enclose herewith the appropriate Application for a one lot subdivision and a check in the total amount of \$415.00 for all the filing fees with regard to this Application.

Please call me if you have any questions concerning the contents of this letter. Thank you for your cooperation in this matter.

Very truly yours,

JONES, HOGAN & BROOKS, LLP



F. GERARD HOGAN, ESQ.

FGH:hla

Encl.

cc: Roger Mawhiney