

ZONING BOARD OF APPEALS
Town of Lewiston 1375 Ridge Road
Lewiston, New York 14092
Thursday – June 12, 2025 at 6:00pm

Agenda- Paul Burke 432 Harper Drive (A), ASI Signage Innovations St. Mary's Hospital 5300 Military Road (B)

Present: Conti, Fontana, Heuck, Warnick

Presiding: Joseph Conti, Chairman

Abstain: Norman Machelor

Pledge of Allegiance

Conti: If you have not attended a Zoning Board of Appeals meeting before, the task of the Board is to deny or grant requests to vary the Town of Lewiston Code, hence a variance request to allow or disallow a project brought to us because it cannot be built or performed as presented without a hearing to determine whether upon presentation of the details of the request the Board will grant a variance to continue the project or denial to prohibit a project as presented.

A motion to approve the minutes of May 8, 2025, was made by Heuck, seconded by Fontana and carried.

Conti: First variance request tonight is for Paul Burke area variance for 432 Harper Drive SBL 101.06-1-28. Is there anybody here to speak? Come up to the microphone and state your name and address and what you are looking to do.

Paul Burke: 432 Harper Drive and we want to build a garage shed its and incorporated work shop with an art space. So, we requested a height variance because the shop space would need to be 9 feet and then the size of the roof rafters and floor rafters that would exceed the 18-foot limit. And then we requested a variance on a 100-foot setback so that the side setback/ rear setbacks are only 5 feet versus change to 100 and I'd like to infringe on that 100 feet actually by 3 feet.

Conti: You have a small lot. It's...I know it's in the Town but it's kind of a Village lot correct.

Burke: 100 by 122

Conti: 122 yeah so, it's a large shed 20x24 with a 21-foot height I mean that height is larger than a lot of the houses around that area.

Burke: Yeah, my house it depends on where you stand around the foundation the highest point of the ground to the peak is 21 feet so the lower point would be a little higher.

Conti: We are open to anything going over that differently but to bring the height down to 18.

Burke: I went to an architect in Town and he drew something up second floor would be my wife and I are vertically challenged if you want to call it that.

Conti: No, I'm vertically challenged you have a little more.

Burke: Well, you don't have to worry about ceiling fans do you. But we wouldn't be able to use that second floor at all and that was going to be art space.

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Conti: Ok.

Burke: And I need the 9 feet for the work shop for 8-foot piece of wood.

Conti: Questions from the board? Lou?

Fontana: No.

Conti: Is there anybody else here that wants to speak on this? I do have a letter to read into the minutes.

Dear Mr. Masters,

As I am unable to attend this hearing due to working in Williamsville until 8pm, I would like to voice my opinion to you via email. Regarding Paul Burke building a "shed" at 432 Harper Drive, I am dismayed that he would want a 21' tall structure in this small residential neighborhood, but I am even more dismayed and shocked that an 18' tall structure is allowed to be built there. I'm sorry, but an 18', and certainly a 21' tall structure is no longer a shed, it is a small barn. On a small village sized lot. 21' tall is taller than both of the ranch homes on either side of Mr. Burke (myself included, at 436 Harper Dr). Considering this neighborhood of Tryon drive and Harper drive are comprised of a lot of smaller ranch and cape homes with smallish lots, an 18' tall structure seems to me to be extremely disproportionate at best, an eyesore and view/sunlight blocker at worst. Structures of that size need to be where the lot sizes are much larger and there is not such close proximity to neighbors. In closing, the fact that Mr. Burke is asking for 3 additional feet taller is not the main problem here. The main problem is that an 18' tall structure is allowable in a very small neighborhood. I realize that technically we are considered Town of Lewiston, but we are only one street away from being the Village, and the reality is that our close proximity to houses/neighbors, and small lot sizes are more in keeping with Village home and lot sizes, and shed heights here should be kept at a more reasonable proportion to our overall small size. Thank you, Christina Vickers. In a response to that letter Tim Masters our building inspector did explain to them that the Town Law is 18 foot. I understand that you are close to the Village but there's still there's not a carve out that says well this street is different than that street. The town law is 18 feet tall but that's she wanted her letter read she could not be here so. You can make a comment if you'd like.

Burke: The houses is to the direct rear and to the west rear are both 2 story and well over 100 feet back. The neighbor at 430 or whatever the west side of me where the shed is going to be built doesn't have a problem. As far as blocking view or sun light my neighbor to the west of me has 12, 100-year-old oak trees there's no sun to my yard.

Conti: Umm what are you going to have inside of this she?

Burke: Wood working shop.

Conti: So, you're going to have electricity and that's it.

Burke: That's it.

Conti: There's nothing that's going to end up being an apartment or a small...I mean that's some of the questions.

Burke: No...

Conti: There's no sewer there's no plumbing there's no nothing just electricity. Alright you can have a seat. Anybody else here that wants to speak on this behalf. I'd like to close the meeting the open portion of the meeting. Anybody on the board want to make a comment questions. Can we get a negative declaration on the SEQRA.

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Seaman: Joe did you see the additional email from today. I can read it.

Conti: I have it right here too.

Seaman: If you can read that into the record as well, please.

Conti: Oh, here it is. Thank you, Tim, for the info on where to go with the 18' height allowance. Because Tim had basically explained to her that you have to go to the Town Board to try and discuss that as far as you want to get something changed like that. We are here to uphold the Zoning Laws and the Zoning Laws 18 foot. Thank you, Tim, for the info on where to go with the 18' height allowance. Because the reality is, what's another 3 feet, when it's the 18 feet that's already too high? Mr. Burke is a nice person, and he's not asking for the outrageous with 3 extra feet. An 18', 21' structure wouldn't be a problem at all if it were placed in the center of a back yard, but to have it 5 feet away from a neighbor's property line is very bad, in my opinion. Thank you again, Christina Vickers. Alright comments from the Board?

Warnick: The 5 feet's the standard anyways right.

Conti: Well, he...

Warnick: He's good.

Conti: No, it's not because you have to be 100 foot back. He's at 97. Right. 97 feet vs 100 feet that's the one part and that would give him ok for the 5 foot because your 5 feet from the lot lines now if we approve the 97 foot your shed would be 5 feet from the lot line correct.

Burke: Actually, it's going to be 5 feet from the fence line west and south.

Conti: Ok. So, what he's looking for to ok the 97-foot vs 100 and then 21 vs 18.

Talking

Fontana: What roof pitch?

Talking

Conti: Because there was nothing.

Fontana: Looks like 12

Conti: Was there any other way to make it smaller to fit into the code with the height?

Burke: No sir because of the height of the shop.

Conti: You mentioned that it was going to be a garage are you putting the actual garage door on it or an 8- or 16-foot door?

Burke: Actually, we have 12-foot sliding glass door on the house the back of the house and we are going to put that on so that it looks...

Conti: 12-foot glass sliding door. Do I have a motion by the board? Or more questions.

Seaman: Do the negative dec first motion for a negative dec.

Conti: Can I get a motion for a negative declaration for the SEQRA on this variance.

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Heuck: I'll make a motion to have a negative dec on SEQRA.

Conti: Ok. A second.

Warnick: I second.

Conti: All in favor say AYE.

Members: AYE.

Conti: Opposed. OK. We have 2 parts to this right.

Seaman: You can do them as 1.

Conti: You can do it all at the same time. If anyone has a motion

Warnick: I'd like to make a motion I am going to do them separately though. The motion to approve the building height from 18 to 21 feet

Fontana: I'll second it.

Conti: Ok. Motion in the second on the height variance. All in favor say AYE.

Members: AYE

Conti: Opposed. Lisa Poll the board please

Wisnieski: Joseph Conti: AYE, Lou Fontana: AYE, Gary Heuck: AYE, David Warnick: AYE

Conti: Ok that's the height variance. Now what about the variance from 100 feet back to 97 feet.

Warnick: Alright so no area variance will be granted without consideration by the board of the following factors. Whether an undesirable change would produce the character of the neighborhood or detriment to nearby properties I'd say no he's only asking for 3 feet. The Benefits sought by the applicant can be achieved by feasible alternative to the variance I'd say no to that. Whether the request of the variance is substantial no its not, it's only 3 feet. Would the variance have an adverse impact on physical or environmental conditions of the neighborhood I'd say no. And whether the alleged difficulty was self-created yes you could make it 3 feet shorter but since its only 3 feet I would say we approve it.

Fontana: I'll second it.

Conti: All in favor say AYE.

Members: AYE

Conti: Opposed. Lisa, could you poll the board please again.

Wisnieski: Joseph Conti: AYE, Lou Fontana: AYE, Gary Heuck: AYE, David Warnick: AYE

Conti: Ok you have to check it out with Tim but yes you are approved.

Burke: Ok.

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Conti: Next on the docket is ASI Signage Innovations Bethany Bernatovicz for Mount Saint Mary's Hospital Area variance 5300 Military Road SBL 115.00-1-2.11. State your name and address and what you would like to do.

Bethany Bernatovicz with ASI Signage our location is 2957 Alt Blvd on Grand Island New York the property we are reviewing is 5300 Military Road in Lewiston. What we are asking for is we're going to be we've designed 2 signs for Mt St Mary's one is going to be an entrance sign and one is a main ID sign with directional and electronic message board. This variance tonight is for area 6 foot is the variance and entrance 2 sign actually 14 feet the second sign the main ID 6 foot is the height limit we are requesting 8 feet 8 inches. I can go into reason or you can ask questions.

Conti: Sure, go ahead the floors yours.

Bernatovicz: The main entrance ID sign that's only 6 inches really above.

Conti: No, its 2 foot 8 inches.

Bernatovicz: I'm sorry 2 foot 8 inches. So, what we are doing with that sign is were identifying Mount Saint Mary's and Catholic Health. So, you got a building and campus ID. We're also have directional for the public, visitors and staff that is the emergency entrance and then finally we have, there's 2 other parts we have electronic message board that will be a community touch point. It will help with safety, health and other types of pockets and the finally we have the address. The main entrance ID which is our second sign we're asking for at 14 feet that also has the branding. So that you know you are at Mount Saint Mary's it's a Catholic Health building we also have the main focus there is directionals. So, we are pointing people either to the main entrance or entrance into entrance 2. So, we had to select the height based on the really big areas the key destinations that, that entrance or the main entrance is for. The sign is 4 sided so there are layouts that you show you a side for each one which shows that even though we might have a blank one side there is a full every single insert is full on other sides that made us require the height. The other parts of it is just really the letter height that has been our standard for Catholic Health and several other properties. The sign design is also consistent with the other Catholic Health campuses. So, there's a lot of experience on what letter height is working. And if I didn't mention this both signs are internally illuminated so in the evening you will get the same visibility. I know in Buffalo that sometimes is can get dark at 4:00 in the winter time. So, they both are internally illuminated.

Conti: The main entrance sign.

Bernatovicz: Yeah.

Conti: When I saw we got all the drawings you sent. To me at least is not...You're only looking at like 2 ½ feet and it's an electronic sign so that will all be kept within the laws of the Town of Lewiston as far as how fast it goes and the changing and everything else. To me that's not a major issue. And it's probably going to be in the same spot where the sign is now.

Bernatovicz: Its very close.

Conti: Ok. The 14-foot sign is a huge sign. 6 foot by 6 foot by 14 foot tall. How far off the road is that sign then.

Bernatovicz: We have also have the architect and Catholic Health here. So, I am sorry I am referencing them to make some of those decisions.

Conti: No that's ok absolutely. Just have them come up to the mic. Just so that they can get on the recorder.

Bernatovicz: The setback for just the entrance 2 sign?

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Conti: The 14-foot sign. Because the other one is going to be about where the sign is now. I assume you are taking that down and putting the new sign up right there.

Bernatovicz: Yes.

Conti: I tried to look through it on the paperwork I really couldn't seem to find it.

Bernatovicz: It's small.

Frank Zilkowski Zaxis Architectural yeah required setback is its on 8 our setback from

Bernatovicz: This is the entrance one.

Zilkowski: The entrance one is 15.6 setback its 15.6

Conti: Off? Off the lot line or off the edge of the road? I am assuming lot line but I need to hear that.

Zilkowski: It looks to me from this it's the edge of the road.

Conti: So, 15 ½ feet off the edge of the road.

Zilkowski: Correct. And the other entrance 17.4.

Conti: Surprised they don't have it marked off the lot line off the actual property line.

Zilkowski: Yeah, our setback or minimum is off the... You have the site plan

Conti: we have some papers I don't know if we have the whole site plan we have this here.

Bernatovicz: Yeah

Zilkowski: Let me take a look I am surprised they didn't use the lot line.

Conti: I see 17 4 here I see the 15 6 but I can't tell

Talking

Zilkowski: This was more for approval for this is maintaining the 10 ft setback we would maintain it regardless.

Fontana: That's the most important thing is the 10 ft minimal setback and that's normally off the property line.

Zilkowski: That's correct. If that's a condition for approval we will make sure that that's revised for the record.

Conti: Well, that's what I kind a like to see cause I know that sometimes things go by and all of a sudden...

Zilkowski: Of course, as a condition of approval and then we just resubmit and then we put... Resubmit this.

Talking

Conti: Is there any other way I know they like to be consistent from place to place but this isn't in the city that they can make the sign longer and not as high? Like I said that's a huge sign and that's a 6 ft by 6 ft by 14 ft sign which is probably the largest sign we will have in the Town. Is there any way that they can make it little bit longer and keep the same information on it and keep the height down?

Bernatovicz: It would read more than what your suggesting is 2 columns instead of one tall column you would have 2 columns side by side.

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Talking

Warnick: As tall as the ceiling you think.

Conti: It's gotta be close to the ceiling. Probably from the ceiling would be about 14 at least maybe a little bit higher from the ceiling. Right and that 6ft by 6 ft.

Warnick: That's 12-foot-long sign.

Conti: It wouldn't stick out as much. That's my opinion.

Carolyn Barrett Pagliano: With Catholic Health how are you?

Conti: Good how are you doing.

Barrett Pagliano: So, my concern is 2 things 1 I understand that it is taller than most of your signs but my concern is if we separate it in to 2 separate towers that it might cause some confusion. So, when Bethany and I walked the site, you know Military Road people are going pretty fast. You know 45...

Conti: Ish.

Barrett Pagliano: Right. So specifically coming from the actual Village of Lewiston going south there are a lot of trees there. So, my concern was one trying to keep it within our setbacks but as close as we could so they weren't missing the sign. 2 trying to maintain the Catholic Health standard size for the lettering and just the overall look of the sign. And also, not having it covered by any trees or foliage or anything or you know 5 feet of snow. That was really my concern mainly because the other sign I'll call it entrance 1 sign which is the monument sign doesn't have any way finding on it. It's main to address emergency that the Catholic Health property and the address along with any like I said a flu shot available something at the moment. So that's in turn equal to similar to what's there now.

Conti: Right.

Barrett Pagliano: The entrance 2 sign from how I am looking at it is more of a way finding tool. And I know just with elder population when we were designing the original signs for other campus's those letter the size of those letters came into play because people were having hard time while they were driving reading the signs whether illuminated or not. So, I guess that's where I am saying is what's on the signs currently are the main entry points. Which is the main entrance, medical arts building which is the separate building to the north, there's the laboratory services and physical therapy and rehab those are all entrances that are to the back side of the building. So, were trying to acknowledge all the entry points that are to the back side of the building. We're trying to acknowledge all the entry points so that when people are coming to the building almost daily you know people are coming to the front lobby then they have to walk through the entire hospital to get to the back side for rehab and we are trying to address that as best as we can. I just don't want them to miss the sign and be driving around and not going to right entrance. That's my main goal. In terms of the height, we did look at several options but once it became smaller in terms of lettering it was not very visible. So that was where our struggle was. Where I am at, I don't want to say that it should be shorter because then we are maxed out in terms of the B side if you are looking at the main... there's 4 sides each side is fully filled up in terms of the panels. I can't really subtract lettering from that side and that's where I am stuck making it shorter. If I make 2 towers then I am concerned that one might be further back and they might miss they're only counting enough time while they are driving to read one tower and not seeing the second tower. So logistically that's where I'm concerned.

Conti: I wasn't mentioning doing 2 towers just one...

Barrett Pagliano: Wider

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Conti: Wider Tower.

Barrett Pagliano: Maybe separating it. How would we separate that?

Bernatovicz: Maybe by arrows.

Talking

Barrett Pagliano: So instead of it being 6 by 6 square your thinking 12 by 6.

Conti: Something in that line like that there and then the height would be you could do maybe 8. Like you are doing the other sign. Which is 8.8 so you would still get your height and just not have a monster sign at the end there. Its jus thought. I am just kind of throwing it out there.

Warnick: Its not necessarily a bunch of tall buildings either.

Conti: I mean coming up from the Village no matter what you do you got woods right there.

Barrett Pagliano: I know.

Conti: So tall sign long sign whatever I think they're going to be missing that sign because they are not going to come across it, the woods almost end there at your driveway.

Barrett Pagliano: To the...right there yeah.

Conti: That's a concern no matter what kind of sign you end up with. Because by the time you come up on it, it's there.

Barrett Pagliano: That's why we want this closest we could get it without staying within our setbacks.

Conti: Well right but then you have to worry about people coming out and not being able to see traffic because all of a sudden you got a sign that's close.

Barrett Pagliano: Right.

Conti: That's important to keep it back somewhat for that safety part of it.

Barrett Pagliano: Which we will definitely comply with that.

Bernatovicz: So, you're thinking that...what was your suggestion...I am sorry what was the max height you were suggesting.

Conti: Again, I am not an architect so but what I am just saying if the other sign is 8 ft 8 inches tall to keep consistent with that sign and to stretch it out a little bit again that's something you have to try and figure out on your own.

Talking

Bernatovicz: Is there another alternative we could suggest?

Conti: Sure absolutely.

Barrett Pagliano: So, looking at the signage there might be a possibility of eliminating or combining two of those services in to 1 label. So that means I would be able to subtract 36 inches off the sign and go down to 11 feet. Would that be reasonable?

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Conti: It's better. Absolutely I mean right you're bringing it down somewhat to make it more.

Heuck: Because I have utilized the facility when you go in and you have the doctor's offices here to the left the signage is not good on the building. So, if you make a good signage on that building that would help them if you had to reduce down that outer signage that you want to put in plus the laboratory went straight down that side doesn't have terrific signage on it.

Barrett Pagliano: That's the one I was going to subtract off the sign. I agree with you. I do agree with you. We are working on items that weren't suggested in the variance that aren't required to be in the variance.

Conti: Right.

Heuck: That way you could shrink down.

Barrett Pagliano: Right.

Heuck: You know that signage.

Barrett Pagliano: Which I could shrink down. I would take off two each panel is 18 inches so I'd be able to take off panels. You know obviously my biggest importance is Emergency it's a requirement now by Catholic Health to have the smoke free and weapon free signage on every single tower it's an absolute one.

Conti: Is it on the front one too?

Barrett Pagliano: It's not on the main its not on that monument sign but it will be on every additional sign on the campus. It is also at all entry points.

Conti: Ok.

Barrett Pagliano: Ok. But the physical therapy and rehab if we could figure out a way to combine that into one, we have been talking about that and I believe the laboratory services would be feasible to remove that from the signage in order to decrease the height. The main entry the medical arts building those are honestly a must have because you know those buildings tend to look separate and also are working separately right now. So, I do not want to subtract from those two. So, like I said I would be able to remove the laboratory services and possibly combine the physical therapy and rehab into one sign and get to 11 feet. I do think that would be reasonable if you would be willing.

Conti: You might even well even mix the main entrance and laboratory services some way.

Barrett Pagliano: Because they are in different directions I could not.

Conti: I see the arrow going both ways. That's why...

Barrett Pagliano: It just depends on which side you are looking at but...

Conti: Will there be anything on the front part of the sign.

Barrett Pagliano: Yes.

Bernatovicz: From Military the front side is if you want to look at it is C.

Conti: Oh ok.

Bernatovicz: Side C there is kind of a T up in the top right where Military Road is drawn and then you can see

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Conti: Ok alright yep.

Bernatovicz: As you kind of drive by.

Barrett Pagliano: And the whole point having 4 sides is for as much observation as possible while you're driving the site depending which side you are coming from.

Heuck: So, the sight lines are always obscured by the trees anyway they really could be raised up a little bit. That would be another factor in helping you shrink the sign down a little bit. The trees in that lot before.

Conti: The trees in the lot before the hospital?

Heuck: Its right here.

Conti: Oh...

Heuck: From the drive going into the laboratory entrance or the doctors over to the main there's the trees and they are always hanging down. I mean...

Barrett Pagliano: A lot of them are pine trees not all of them.

Heuck: Well, you could trim them up so they wouldn't be in sight line view of the building.

Barrett Pagliano: We are actually planning on putting a second sign inward past the main entry to continue the arrows so that people can you know there is obviously several places you can turn.

Conti: Right.

Barrett Pagliano: So anytime there's another entry point to turn that's where a sign would be located in order to continue that flow of arrows it's necessary. Just to maintain flow and make sure that everybody's going the proper direction.

Conti: Lou, Dave, Gary any other questions?

Members: No

Heuck: I'd like to see newer drawings.

Talking

Conti: Any other comments, any other questions?

Warnick: Nope she answered my question how we got into the gun and smoking thing but you guys' cant.

Bernatovicz: Resubmitting at 3 feet shorter is possible. We can get you those drawings.

Barrett Pagliano: I just don't want too we are trying to make a deadline to install these.

Conti: We have made changes in the past on different stuff. If this decides to go through, we'll make the changes on the approval to say that it will be 11 feet instead of 14 feet.

Barrett Pagliano: Correct.

Conti: As far as I am concerned unless someone else wants to see. We need to know what's actually on the signs as long as the height is going to be 11-foot vs 14 feet.

Barrett Pagliano: It will look very similar to what you are seeing now.

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Conti: So, we have a motion for approval of the main entrance sign going from 6 feet to 8.8 and condition on the second sign going from 6 feet to 11 feet not 14. And I think Lou second that.

Fontana: I'll second it.

Conti: All in favor say AYE

Members: AYE

Conti: Opposed. Lisa you could poll the Board Please.

Wisnieski: Joseph Conti: AYE, Lou Fontana: AYE, Gary Heuck: AYE, David Warnick: AYE

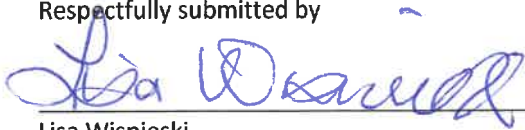
Conti: Ok all set.

Heuck: Motion to Ajouan

Fontana: Second

Conti: OK

Respectfully submitted by



Lisa Wisnieski
Building Dept Clerk



Joseph Conti
Vice Chairman

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Conti: Just a little shorter.

Seaman: They have an application in front of the Planning Board as well.

Barrett Pagliano: Yes, we will be visiting them

Seaman: If Gary was concerned maybe that they wouldn't carry it though maybe the revision would show up in front of the Planning Board and Mr. Maters and the Planning Board would just make sure...

Conti: I trust them they have honest faces I trust them.

Barrett Pagliano: I've been talking to Ed regularly so I know that the Site plan Review meeting was moved to the 26th so we have a little time. So, if that is something that you wanted, I'm sure we could take care of that before that meeting.

Conti: Any other questions? Alright you can have a seat. I'd like to close the open meeting.

Seaman: This is a height variance as well so you need determination on SEQRA as well.

Conti: Right. I know. I know originally some reason you had checked off on height on both area and use variance which it's not a use variance.

Seaman: Not at all.

Conti: Because that was originally checked off somebody checked off both. Use variance is almost impossible to get.

Barrett Pagliano: That's not required with this one.

Conti: Its not required at all. Alright any other questions from the board? May I have a motion on the SEQRA.

Heuck: Make a motion to declare a negative dec on the SEQRA.

Conti: Can I get a second.

Warnick: Second

Conti: Dave second. All in favor AYE

Members: AYE

Conti: Opposed. OK. Now can I get a motion for the 2 height variances.

Warnick: I propose that we approve the variances for 2 signs one from 6 to 8.8 and the other one from 6 to 11 feet. No area variance will be generated without a consideration by the board of the following factors. Whether an undesirable change in the character of the neighborhood or detriment to near by properties I am going to say no on that. Whether the benefit sought by the applicant can be achieved by feasible alternative and we actually started to do the alternative at 11 feet so. Whether the requested variance is substantial 11 feet is still pretty substantial but due to the information they have to put on the sign they can't make it shorter than that. Would the variance have adverse impact on the environmental conditions of the neighborhood I am going to say no it's a hospital they are trying to get signs so people can read it going 45ish initially. Whether the alleged difficulty was self-created it was self-created but again you have requirements by Catholic Health that has certain fonts on the letters. I would for approval for both variances.