

ZONING BOARD OF APPEALS
Town of Lewiston 1375 Ridge Road
Lewiston, New York 14092
Thursday – May 8, 2025

Agenda- Michael Reilly 1731 Saunders Settlement Road (A)

Present: Conti, Fontana, Heuck, Machelor, Warnick

Presiding: Norman Machelor, Chairman

Pledge of Allegiance

A motion to approve the minutes of April 10, 2025, was made by Conti, seconded by Heuck and carried.

Machelor: 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. With that I'd like to open the public meeting for Michael Reilly 1731 Saunders Settlement Road Niagara Falls SBL 117.17-1-21 request an area variance for the height of a pole barn from 18 inches to 20.6 inches. Is there someone here to speak to this? Come to the micro phone please.

Reilly: You knew I was short right.

Machelor: I'm not a giant myself.

Reilly: I had submitted the variance for a pole barn on our property. The actual section for the town is 18 foot if I put 18 inches then I typed it in incorrectly. But what I am asking for is 20 foot 6 inches recognizing that it's my understanding that the board is changing the variance...the height to 22 Foot.

Conti: Eventually. We've been looking.

Machelor: We don't know.

Heuck: You know how those lawyers are.

Reilly: We needed a certain height to get our camper in there and without having the additional height we will not be able to have doors high enough to put the camper in there.

Machelor: Is that enough?

Conti: 20.6 inches is enough.

Machelor: are you getting pretty close to where you have to be?

Reilly: Yeah so, the door itself will be 12 foot we need it be top of the camper is 11 6 so it gives me about 6 inches clearance unless my wife decides to get a bigger camper. That would be a whole different issue there. We did look at alternative means as far as going with a steel building steel building has less of a roof pitch on it but then if I was going to order a steel building outside of the area, I wouldn't be able to use these local trades to install the building and I wanted to keep the revenue and work in Niagara County so that was the reason why.

ZBA- 05-2024 (A)

Machelor: Ok. Alright. The Board any questions? You read the situation properly we've been asking the Board to revise this statute for sometime and they haven't said no yet or yes yet. I am going to ask for a motion on your petition. Who would like to make that motion? Is there anyone else that would like to speak to this issue? No. Thank you!

Heuck: Can I ask counsel a question?

Machelor: Yes.

Heuck: Do we have to go through the SEQRA the short form at all?

Seaman: No.

Heuck: I didn't think so.

Seaman: Well, it's an interesting question. On a height variance.

Heuck: This is just a height variance.

Seaman: In theory you should take a motion on a negative dec on that. It's very clear the area variances for side yard, rear yard setbacks are what's considered a type 2 for SEQRA which is automatically considered to be a neg dec and no significant environmental consequences but it isn't explicit that a height variance is true when it comes to that. And I think its just... you could imagine a height variance request being a substantial height that might have environmental impacts so there is actually a reason to just take a motion on a negative dec.

Heuck: Ok. I'll make a motion then, negative dec.

Fontana: Second.

Machelor: Ok Motions been made and seconded for to find negative findings on SEQRA, SEQRA review any discussion. I'll call the question. All in favor say AYE.

Members: AYE.

Machelor: Opposed passed. Ok. Now I'm looking for

Reilly: Thank you.

Conti: We're not done yet.

Machelor: I'm looking for a motion on the question.

Conti: I'll make a motion based on the Boards discussion that number 1 whether an undesirable change would be produced in the character of the neighborhood no it would not because it falls within the neighborhood. Whether benefits sought by applicant could be achieved by a feasible alternative to the variance yes just not using out of town help which they didn't want to do. Whether request of the variance is substantial no its not it's only 2 feet approximately. Would the variance have an adverse impact on physical environmental conditions of the neighborhood no. And whether the alleged difficulty was self-created it was self-created because you want that. But with all that said this Zoning Board determined that the benefit of the variance to the applicant out weights any detriment to health, safety and welfare of the community. That the variance request is the minimum necessary and the variance be granted.

ZBA- 05- 2025 (A)

Heuck: Second.

Machelor: Ok motions made and seconded. Any discussion by the board. Question? Hearing none I'll call the question all those in favor say AYE.

Members: AYE

Machelor: Opposed, none. Would you poll the Board Lisa.

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

Machelor: All in favor say yes. Its approved.

Reilly: Thank you! Take care.

Conti: Motion to adjourn.

Warnick: Motion to adjourn.

Fontana: Second.

Machelor: Motions been made to adjourn and seconded. All those in favor say AYE.

Members: AYE.

Machelor: Were out of here.

Respectfully submitted by



Lisa Wisnieski
Building Dept Clerk



Norman Machelor
Chairman

