

ZONING BOARD OF APPEALS  
Town of Lewiston 1375 Ridge Road  
Lewiston, New York 14092  
Thursday – February 13, 2025

**Agenda- Citrine Power- Model City Road (A), Bosso- Ridge Road (B), Shaaban- Swann Road (C)**

Present: Conti, Miller and Fontana

Abstain: Heuck, Machelor and Warnick

Presiding: Joseph Conti, Chairman

Pledge of Allegiance

Conti: Before we start this meeting tonight, I would like to have a moment of silence for a member Marge Maggard who passed away this past Thursday, last Thursday February 6. Marge was a long-time member of this zoning board of appeals and a dedicated person of the Town of Lewiston and Niagara County historical societies along with many other originations within our area. She will be sadly missed but never forgotten Rest in peace Marge. Alright. This is the Zoning board of appeals for the Town of Lewiston. 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. And tonight, we are going to move around the agenda for a little bit. We are going to move up Citrine Power to number 1 just because it's really very simple thing. Is there anybody here to represent Citrine Power? Excuse me one second. I need to appoint Derek Miller as an alternate who's going to be on the Board tonight. And also, the minutes from last month since I am the only one here from that group, we can't approve them so we will pause that to next month. Ok come on up.

My name is Matt Vrajnes with Colliers Engineering and Design here to represent Citrine Power. Ultimately requesting an extension of the variance which was approved back in August we are requesting a 12-month extension on that as we work through the permitting process. Just received conditional Town Board approval this past Monday. Which allows us to move forward with the DEC permits and other things that are required for this development so we are requesting that extension here today.

Conti: Yeah. I mean when we approved this back in August, we should have looked at it a little bit closer. Six months would have never bought you enough time. So, with that said is there any questions from the Board on that? Can I get a motion from the Board to extend the application or the variance.

**Fontana: I'll make a motion.**

**Miller: I'll second.**

**Conti: All in favor**

**Members: Aye**

**Conti: Oppose? Lisa, call the Board.**

**Wisnieski: Joseph Conti: AYE, Derek Miller: AYE, Lou Fontana: AYE.**

**Conti: Ok you are all set.**

ZBA- 02-2025 (B)

Conti: Alright next on the agenda is Thomas J and Maryann Bosso SBL 89.03-1-51 is there anybody here to represent? Thomas

Bosso: Yes.

Conti: Come up to the microphone and say your name and address and what you would like to do.

Bosso: Thomas Bosso from 1754 Ridge Road up the street. I'm requesting an area variance from 125-foot frontage to 118. I would like to break off, my lot currently is about 5.6 acres and I would like to break off roughly an acre. To down the road, build a small ranch house. The house I have now and 6 acres its 2 story hard for me to maintain getting older. So, I don't have any solid plans but I know I want to stay here. I would like to break it off and build that small ranch down the road. I'm not doing it for any other reason like to sell or...I just want to live there.

Conti: Ok. Is the reason why you are doing it so early if you're not looking to build is there a reason why doing it so early before your even thinking about building.

Bosso: It might be like a year or 2.

Conti: Oh ok.

Bosso: You got to go through design and all the permitting and all that. I have to sell the house I'm in. I didn't mean 5 or 10 years I mean 2 to 5.

Conti: Ok.

Bosso: To be in it, is what I am hoping.

Conti: And you're looking to go down to 118.45. So, you are going to split it right down the middle.

Bosso: Yes. It seems like if you look at it, it was that way once before because it shows 3 and 4. Like it was split up at one time years ago. Probably before they made the 125-foot rule, but there is a line right up the middle of it right where I want to go. Sublot 3 and subplot 4.

Members could have been

Bosso: Could have been.

Conti: Any questions from the board?

Miller: Could you just come up here and looking at the drawing here. I just want to make sure that I have it right. Just come up here and make sure I have that right. So just kind of point out to where you are thinking I am disorienting myself.

Bosso: Ok the existing line ok. I'd just like to break off 350 feet by 118 I don't want all this.

Miller: Ok.

Bosso: That's all

Miller: So, you are just looking here.

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Bosso: Maybe about an acre.

Miller: And that's one what did you say that was?

Bosso: 118

Miller: Ok

Talking

Miller: Thank you!

Bosso: Oh, your welcome.

Talking

Conti: On one part of your notes here on number 3 you had mentioned from 125 foot to 113 foot

Bosso: Then I came in here and talked to...

Conti: Tim.

Bosso: Timmy and he said no. He had told me at 118 I had to take 5 foot off for a swale for drainage. But then when he looked at the plan, he said no the swale can be within the 118.

Conti: Ok.

Bosso: I thought you had to subtract it. It was a mistake.

Conti: Ok. Alright I just saw that I just wanted to make sure there wasn't something else on that.

Bosso: Yeah

Conti: Ok. Any other question from the board?

Fontana/ Miller: NO

Conti: I will close the public meeting oh I am sorry you can have a seat. Is there anybody else here that would like to speak for or against this proposal? I will close the public meeting. Any other questions from the Board? Looking for a motion to...either for or against this project.

**Miller: I will call a motion for.**

**Fontana: I'll second it.**

**Conti: Ok just so we cover everything when we do the motions sometime, we have to cover all the different points. So, if you just want to go through the different. On this sheet here that we write up.**

**Miller: Yep.**

**Conti: We can just go here and read the different ones.**

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**Miller: Alright call the motion. That the undesirable change would not be produces in character of neighborhood or detriment to nearby properties. Secondly the benefit sought by the applicant could be achieved by a feasible alternative it's a no there. And then whether the requested variance is substantial that's a negative as well. And it would not have an adverse impact on physical or environmental conditions of the neighborhood. I'll call that motion.**

**Conti: And then Lou, you said you second it.**

**Fontana: I'll second it yep.**

**Conti: All in favor say AYE.**

**Members: AYE**

**Conti: Opposed? Lisa.**

**Wisnieski: Joseph Conti: AYE, Derek Miller: AYE, Lou Fontana: AYE.**

**Conti: Ok it's been approved. Thank you! So, what basically you have to...this got approved so now you will come down to the Town and talk to Tim and actually get it written up officially so that everything gets split. Get your deeds done and everything else.**

**Bosso: Get a surveyor.**

**Conti: I would do it all because with what we just did with Citrine Power the variance is only good for so long and with this here being a couple years down the road or whatever you want to go through the legal part of it to split it. This way you get everything all split off.**

**Miller: You got to get to planning.**

**Conti: Right.**

**Seaman: You'll want to talk to Tim because you need to go to the Planning Board still for a subdivision of your lot and you're going to want a lawyer for the deed and file it. It's a process. Talk to Tim tomorrow to put you on the Planning Board.**

**Conti: Perfect.**

**Bosso: Thanks. Am I done?**

**Conti: Yep, you're done.**

**Bosso: Have a good night.**

**Members: You too.**

ZBA- 02-2025 (C)

Conti: Next Nameer Shaaban 1527 Swann Road SBL 89.01-1-1. Please state your name and address and what you would like to do.

Nameer Shaaban 1527 Swann Road. Requesting an area variance from 125 to 108 to be able to subdivide my 225-acre lot because it has 2 dwelling in it. And I am unable to get insurance for the dwelling in the back. They have proper spacing between them so when we split them there's enough backing, I don't know the technical term but there's enough space from the property lines to the 2 dwellings.

Conti: How long have you owned the property?

Shaaban: Since 2021.

Conti: Since 2021.

Seaman: Has it been insured since then? Uninsured since April of 21?

Shaaban: So, I did have coverage flooding in the back I put in an insurance claim and they said they wouldn't cover it. I attached the notifications the rejection and they said because they only cover the main dwelling and that any existing structures but not any dwellings on the property. I reached out to a couple other insurance companies and they denied getting me covered for insurance. Geico came in after they insured me and took any pictures and then they rescinded their insurance. So now I am only insurance on the front ranch property. Where the duplex in the back doesn't have any insurance.

Conti: So, they wouldn't insure the back property for the reasoning of

Shaaban: Because it's in the same plot. So, they have an address and a lot for the insurance.

Conti: Right. So, what's the address on the back house?

Shaaban: 1525 and 1529 it doesn't come up with them as a separate address because it's on one lot. So, the lot address is 1527. I have letters from all the insurance agents that they...

Conti: Because I know...

Shaaban: What they actually stated.

Conti: Because I know like in a city setting and I know Lou can comment on this here also you've got 125 foot of front house and 125 ½ for the back house on the same piece of land and they both get insured. Everybody owns the same piece of property. That's why I am kind of confused of saying it why they are saying that especially you got to separate addresses and the post office recognizes that why they won't insure it.

Shaaban: I wish I knew. I wish I knew. I didn't have a claim that was rejected from my homeowner's insurance it was accepted by my mortgage company.

Conti: Because some of the issues that you know it's a really odd split. Its not a side by side split your talking about a front house and a rear house you're talking about splitting it and is there a septic system out there, correct?

Shaaban: 2 different septic's that are connected together.

Conti: 2 separate septic systems

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Shaaban: The front house was built in the 60's the duplex in the back was built in 87.

Conti: Ok. So, but with the duplex in the back built as a duplex or was it built as a garage?

Shaaban: It was built as a duplex it was a barn and it was converted so the paperwork with the Town has everything for when they built it.

Conti: Ok. So, where's the septic system for the front house then?

Shaaban: May I approach. The front house has a septic tank right here in front of those stairs.

Conti: Ok.

Shaaban: Then it has a leech field going down this way. And the proposed split it right here so the leech field is still within it.

Conti: Ok.

Shaaban: And there's a driveway that comes already to the back house right here. Maintain that driveway and the variance we are requesting is for this lot. So, this entire lot is 10 ½ acres.

Conti: So, you are going to break this off as one lot and then everything else in the back is...

Shaaban: So, this would be fully conforming from a backing perspective with the septic with it with its leech field in it. We would just rake the back piece and keep access for the new plans.

Conti: So, where's the septic system for the rear house?

Shaaban: So, the septic for the rear house is down here. So, this manhole here its coming down there's a sand filter it comes to this manhole then after it's filtered its pumped out to this ditch down here.

Conti: Oh ok. Theres a septic system that pumps out into the ditch?

Shaaban: It's the sand filter.

Conti: Oh, ok alright.

Shaaban: So, the septic tank is here right by the house and then there's a central after the central it comes here and this is where the manhole cover is.

Conti: Ok.

Shaaban: It bumps out.

Conti: This is metal shed?

Shaaban: It's a pole barn. Yeah.

Conti: And that part it will all be part of this here.

Shaaban: Yeah, we will just keep it all as one.

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Conti: And then this here is another shed?

Shaaban: The same shed.

Conti: And you got a deck off the shed?

Shaaban: Yeah, there was a deck there was a pool here so this deck is now kept I just made it shorter cut it off its still a deck it's just stand-alone deck.

Conti: Ok. Well, we got you electric all your utilities and stuff are coming off of where?

Shaaban: So, the good question. I think the water is coming all the way down here. So, we have 2 water meters inside here that feeds these 2. We have 3 electric meters here one is commercial that comes here and 2 for each apartment. The gas meters I think we may even have to move they are here for this property. So, there's 2 gas meters over here but the pipe running so it's coming from the street to the gas meters then it's going under ground under the street coming here.

Conti: So, you're going to have to take another gas line all the way down this way away from this house that property right.

Fontana: It has to be on that parcel.

Conti: It's got to be on that parcel. But now does the electric. But now your electric is coming off of this side?

Shaaban: The electric is these poles here see this...

Conti: You got pole lines straight back.

Shaaban: All the way down here.

Fontana: Overhead power?

Shaaban: Its overhead power, correct. It's all the way from there's an existing pole here over there see this pole then there's another service pole over here. So electric should be no problem. The water we need to get easement for it because I think it's going underground.

Talking

Shaaban: I wonder if we get an easement or if we have to actually move the meters.

Bax: National fuel probably want you to move the meter. But the line you could probably maintain.

Shaaban: Keep and get an easement.

Bax: An do an easement on your other lot. That's just my thought up.

Seaman: Maybe it depends on if the line is screwed up to the house or not.

Talking

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Shaaban: So, the 3 meters are here for this house too. So, I am guessing the main line is coming here and going from here.

Fontana: Which makes sense on only one parcel.

Talking

Fontana: Send a plan around to take a look to see how they want to do it.

Seaman: So just so you guys know this would have to go to the Planning Board too. The Planning Board does all subdivision approvals it's a minor subdivision but they would probably look at those topics you are considering and I am imaging they would condition. If you guys did an approval and they did approval they would make their approval conditioned I would think on legally sorting that stuff out.

Miller: What the stance on kind of tabling it and just allowing before we know if there... right now, drawing in the dark so...

Seaman: I would recommend you guys make a decision frankly.

Miller: Ok.

Seaman: Don't...What I don't want you to do is, is take up the topics that the Planning Board would typically hold to themselves.

Miller: Gotcha.

Seaman: So, you guys are really considering the area of the frontage and whether or not it can deviate from 125 foot of frontage to 100.

Fontana: 25-foot variance.

Seaman: And you kind of gotta let the Planning Board play with the rest of it.

Talking

Seaman: Trust and know that they will.

Bax: Can they make their approval with those points of concern.

Seaman: Yeah, I mean if you wanted to do an approval, I wouldn't make it conditioned on that you don't want to condition another board on making...but you could notify them that these are topics to consider.

Fontana: Because we are just looking at the 25-foot variance.

Conti: Right.

Fontana: That's all we are concerned about.

Seaman: I can guarantee you that the Planning Board already has already been told to think about that stuff.

Miller: Thank you!



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Fontana: Give me my pen back.

Shaaban: Sorry.

Fontana: That's an antique. Old pen like an old guy.

Members talking

Conti: You can just go to the microphone that's fine. The one thing on the Geico it says there are 2 dwellings this property which can't be adequately insured on one policy. So, were they saying you can get a policy for your front house and a policy for the rear house?

Shaaban: I could not because they wouldn't give me a policy just my house because its not in the same address of the lot that I have.

Conti: The lot address is different than the...

Shaaban: The lot is 1527 its all 1527.

Conti: And because that address 1529 they wouldn't...

Shaaban: When they look at it, they don't have any address of 1525 or 1529.

Conti: Interesting. You're looking at a half house. Questions from the board?

Fontana: No.

Conti: Any questions from the board at all right now, no?

Miller: I have one more. Just that the drive that goes to the back that's just exclusively for the back right the other house isn't using it correct?

Shaaban: It's a U driveway.

Miller: Ok.

Shaaban: A big U driveway.

Miller: Just making sure he says it's a U here but I'm wondering how that's going to look with the variance of the driveway.

Conti: So right now, are you going to cut off the rest of the driveway to the other piece of property then.

Shaaban: Not today not in the near future no. My parents live in the back one side and then we have a tenant on the other side and we let them use both of them nothing is going to change to the property.

Conti: Ok. You can have a seat. Anybody else here that wants to speak for or against this proposal? Let's close the open meeting and other questions from the Board at all comments.

Fontana: No.

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Miller: No

Conti: Get a motion?

Fontana: I'll make a motion. Test 1 whether an undesirable change would be produced in the character of the neighborhood or detriment to near by properties I would say no. Whether the benefit sought by the applicant can be achieved by a feasible alternative to the variance no. Whether the required variance is substantial no. That the variance have any adverse impact on the physical or environmental conditions of the neighborhood no and the 5<sup>th</sup> one whether the alleged difficulty was self-created I have no.

Conti: So, you make that motion

Fontana: Make a motion to approve

Conti: I'll second it on what the obvious with the condition that you're going to the Planning board next.

Fontana: To separate them

Shaaban: I wouldn't be able to subdivide with out the Planning Board anyway.

Fontana: And you separate the utilities.

Shaaban: Separate utilities today and we will see what the Planning Board says about what we are going to do about the Gas.

Conti: So, I will second that motion then.

Conti: All in favor say AYE. Opposed?

Miller: No.

Conti: Lisa

Wisnieski: Joseph Conti: AYE, Derek Miller: No, Lou Fontana: Yes

Conti: It's been approved so you can take the next steps to go to the Planning Board.

Seaman: It hasn't been approved guys. You need a Quorum the majority of the board not just your board that's sitting tonight you've only got 2 yeses'.

Conti: Oh ok. Alright.

Seaman: I would...

Fontana: Table it.

Seaman: Well, no you just voted it. You can take a motion to reconsider your vote if you want but if you're not going to reconsider your vote and discuss it further amongst your board you have voted.

Conti: Ok

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Seaman: I would say.

Conti: So...

Seaman: With the No vote if you want that to stand you should go through the list of the 5 characteristics and discuss why you feel differently about those.

Miller: Yep ok.

Seaman: Because right now you got a record made that shows every single one of the 5 characteristics in favor of approving that's...

Miller: Certainly.

Seaman: If you wanted to reconsider the vote, take a motion to reopen the vote and then you guys can discuss it or if you don't want to do that don't do that but that would be the way to proceed forward tonight.

Conti: So, let's make a motion to reopen this. The Vote for this.

Miller: I will second that.

Conti: Ok. All in favor.

Members: AYE

Miller: Just really for me what I am held up on is the requested variance is substantial. That's where I'm at and I understand that the Planning Board has to do their work. You know the drive there that concerns me, access to the back there concerns me, these 2 lots they're not side by side it would be different if it was side by side like the last individual. These are forward and back so that's my concern front and back. Access to the back there I'm just thinking about future property what's consideration I guess my question to the board really, I'm relatively new at this I'll be honest but is there precedence for that forward and back?

Conti: Here around here not that I know of.

Miller: And I think that's where its substantial to me because I don't see that within the community.

Conti: that's fine. Go ahead.

Shaaban: If we open the zoning map and look at all the plots you find a lot of plots that divided where ... and other properties are behind that. Whether there's a house behind it or not. I bought it with house not like you can move the house.

Miller: Sure, I do understand that. Are those houses though directly behind the house that's Infront of it I guess is my question.

Shaaban: Examples you mean

Miller: Yes.

Shaaban: I don't know.

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Conti: And that was a whole big thing right now. I think what Derek was saying too is that the fact its an odd situation with it front and back and I know that there's insurances that will cover and was there any thought of saying that your front house is 1527 the rear house is 1527 ½? That's how they do a lot of the stuff in other areas. Is that the front house is the address and the rear house is a half address. That's the half house the back house. I don't know I am assuming the insurance the other houses that I know a lot of them get insurance.

Fontana: I don't know why the insurance companies look at it that way but I am not an insurance agent.

Conti: Right. Because for what you're saying their saying that can't insure 1529 on 1527 lots. Is that what you are saying. 1525 and 1529

Shaaban: They cannot find anything with them when I called them 1525 and 1529 do not legally

Conti: What's the address of the back house?

Shaaban: 1525 and 1529 its 2 addresses

Conti: You have 2 addresses in the back. That's really weird.

Shaaban: It's a duplex side by side. Its only post office addresses they are not actual addresses.

Fontana: How many tax bills you get for this property?

Shaaban: One tax bill.

Conti: So that's why its only one piece of property. And that's probably where the insurance is hung up. The fact that you have different addresses for that. Where it could actually be...

Miller: It's the same address

Conti: Same address 1527 for the front 1527 for the back apartments 1 and 2. I mean that's...

Shaaban: May I ask Mr. Miller what is the concern with the front and back what town code prohibits the front and back house? Or is that a personal opinion

Miller: Where I'm looking at as your variance doesn't to me it's substantial in the fact that its self-created right. So, this original house and the associated buildings that were built behind it were all built on that original lot this has been a self-created problem right. That's where I kind of get caught up in it and if you look at what we look at today is the variance substantial to me yes why is it and if we look beyond that is it was created. Correct me if I'm wrong.

Conti: It was self-created yeah.

Miller: Maybe not by you necessarily.

Conti: Because obviously you bought it the way it is.

Miller: You bought it the way it is.

Conti: When did the addresses change for the back houses?

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Shaaban: I bought it this way.

Conti: You bought it with the 3 addresses on that property

Shaaban: With 3 postal addresses yes. I haven't changed anything with house as it is.

Conti: What you're saying here is that there's never been insurance on those rear houses basically.

Shaaban: Probably.

Fontana: Did you ever see the actual building permit for that when they built the duplex in the back.

Shaaban: Yeah, it's in the Town. 1987.

Fontana: What address is on that building permit do you know?

Shaaban: I do not recall.

Miller: It is complicated because what you're asking for is 360.53 section D lot width from 125 to 100 feet, I get that but to make that. That's the problem to make that.

Shaaban: So, what the issue with access you mentioned that.

Conti: But you're still going to have a problem with insurance what you're saying here. Just thinking about this as he's explaining this, you're still going to have problem with insurance because if we split those lots that new lot would be 1527 or 1529. What would the new lot be? Which way do the numbers go on that street?

Shaaban: 1527 is the ranch 1525.

Conti: 1525 how are you going to get insurance on that building because you got 2 different addresses on that building.

Shaaban: But its one dwelling.

Seaman: it would be the primary building on that lot.

Shaaban: Its only 1 dwelling.

Seaman: Rather than an accessory building on that lot where he's running into that problem.

Fontana: The Town would have to give it a new SBL and however to get it all switched.

Seaman: Anytime that you split a piece of property the Town gives it a new SLB.

Fontana: You'll get 2 tax bills 2 utility bills everything will be split into 2.

Seaman: That's what he wants.

Miller: You basically you're essentially doing it the right way. If I'm getting that correct. He is trying to make this right.

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Seaman: I would agree with you.

Shaaban: I am trying to be conforming to the laws

Miller: Yep. I get it. I think just that it was poorly done before and I think that's where my head wrapped around.

Seaman: I agree with you.

Miller: I can't blame you for that I guess the 2 reasons that I held up that would change my vote so. I will if you want to continue.

Conti: Ok. Well, I guess is there anyone else here to speak to for or against this property on Swann Road? Alright I would like to close the meeting again.

Miller: Sorry.

Conti: It's ok your fine absolutely fine. **Ok I will have a motion now.**

**Fontana: I'll make the motion again with the same items. Want me to read them again.**

**Conti: You have it all from the first time Lisa?**

**Seaman: You probably don't need too just reference for the same reason you already discussed and your conversations will be in the minutes.**

**Conti: Ok. Lou's made a motion to approve the variance. I'll second it. All in favor say AYE**

**Members: AYE. Opposed? Lisa call the Board.**

**Wisnieski: Joseph Conti: AYE, David Miller: AYE, Lou Fontana: AYE**

Conti: Ok. See it just needs a little more talking out sometimes. Alright.

Seaman: There was one other item that we wanted some clarity I know the applicant from Citrine Power was going to ask for some clarity on the length of the extension when it's up.

Conti: Its one year.

Seaman: One year from what?

Conti: From today?

Vrajnes: The original extension I think was February 6 I think when the 6 months was up and just confirming it is 12 months from that point in time.

Conti: I would say 12 months from the 6<sup>th</sup> then. Right. Because that was the date of the original so I would say 12 months from the 6<sup>th</sup>.

Vrajnes: So next February is when that...

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Conti: Yes.

Vrajnes: Just wanted to confirm that.

Conti: Not a problem. Anything else? Any other questions from the Board? Can I have a motion to adjourn

Fontana: Motion to adjourn

Miller: Second it.

Conti: All in Favor

Members: AYE

Conti: Thank you, guys.

Respectfully submitted by



Lisa Wisnieski  
Building Dept Clerk



~~Norman Machelor~~  
Chairman

Joseph Conti  
Vice chair

