

ZONING BOARD OF APPEALS
Town of Lewiston 1375 Ridge Road
Lewiston, New York 14092
Thursday – January 9, 2025
Agenda- Dorgan 5314 Elm Drive (A), Tolfa 5322 Elm Drive (B)

Present: Conti, Heuck, Machelor, Warnick

Absent: Collister

Presiding: Norman Machelor, Chairman

Pledge of Allegiance

A motion to approve the minutes of November 14, 2024, 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. I'd like to open the public hearing for Thomas/ Rose Dorgan area variance for 5314 Elm Drive SBL 115.12-1-40 is anyone here? Sir would you come up to the microphone and address...give us your name and address.

Sure. My name is Richard Boos I'm the son of Thomas and Rose.

Machelor: Ok.

Boos: I live in the Town at 4745 North 5th.

Machelor: Ok. Good. Thank you!

Conti: This is your parents' house you said.

Boos: Correct.

Conti: Ok.

Machelor: So, what do you want to do?

Boos: We want to install a generator a back up generator on the side of the house. The house is build is with a driveway that faces sideways vs the road so the house has to be offset so that the neighboring driveway had proper pull-in as a result the house has to build with, I think it's only 17 feet from the neighbor's property line.

Machelor: Oh boy.

Boos: To install that generator, we need a couple extra feet that's going to call for the variance.

Members talking

Conti: You need 4 feet from the 15-side yard setback.

ZBA- 01-2025 (A)

Boos: 18 inches it's 17 feet now we need 18 inches for space and clearance for the generator and then I think 4 feet from there so...

Conti: Ok

Boos: That's 5 1/2 feet it's about 3 1/2 feet

Machelor: Is it impractical to put it somewhere else?

Boos: It could be. All the way to the back of the property but its not practical because literally that wall has got no windows no doors its perfect and all the utilities are right there so it makes sense.

Machelor: Ok

Serianni: May I verify something. You said 5 1/2 feet the application appears to request 11 feet from 15 1/2 so that's 4 1/2 feet.

Boos: Yeah, that's right its 18 inches for clearance and then its actually a 3 feet the width of the device. So, it's actually 4 1/2 feet.

Conti: But you were saying its 17 feet from the property line to the side of the house there.

Boos: I believe that's what the print says.

Conti: I have a copy here but its hard to read because then you really only need 2 1/2 feet if its 17 15 if what you need 15 feet from the side yard.

Boos: Correct.

Conti: that way you really only need 2 1/2 feet by right if its 17 I'm just trying I am trying to read it here its blurry so I really can't tell.

Boos: The installer explained to me that we need 18 inches clearance from the wall that's where it starts and then 3 feet beyond that 4 1/2 feet.

Conti: Ok.

Machelor: 4 1/2 feet of the 17

Talking

Conti: Ok its 15

Heuck: 15.49

Conti: It's actually 15 1/2 from that spot.

Talking

Conti: 15 1/2 so you need the 11.

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Machelor: So, what would the variance be?

Conti: To 11 feet.

Warnick: 11 15 ½ to 11.

Conti: Well, it's 15 ½ now so basically to 11 ft

Warnick: So, 4 ½

Machelor: Ok

Talking

Conti: We got the actual over here we got...

Talking

Serianni: The minimal is 15

Conti: He 's got 15.49

Serianni: 15 so he's asking for 11 so 4-foot variance.

Conti: Right. On the actual deed that we got we can actually read it shows 15.49 so it's 15 ½ feet now

Serianni: To the side yard. We measuring from the setback.

Conti: Right. Actually, so he needs 4 extra feet.

Machelor: Any further questions? Its an open public hearing I don't see anyone here. Would you like to speak to this issue? Ok I am going to close the public hearing and ask the board if they have any more questions. I'll call for a motion.

Conti: I'd like to make a motion. Based on the boards discussion and the following considerations that number 1 whether an undesirable change would be produced in the character of the neighborhood or detriment to nearby properties it would not due to it's just a generator and it's within enough feet of the property line is minimal. If the benefit can be achieved by a feasible alternative to the variance no because the only other spot you can put it far away from everything else. Whether the requested variance is substantial its not. Would the variance have an adverse impact physical and environmental condition of the neighborhood no. And whether the alleged difficulty was self- created and it is because you want the generator so. So, the Zoning Board on those considerations determines that the benefit of the variance to the applicant outweighs and detriment to health safety and welfare of the community that the variance request is the minimal necessary and that the variance be granted.

Heuck: Second.

Machelor: We have a motion made and seconded. Any further discussion? I'll call the question. All those in favor say AYE.

Members: AYE

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Machelor: Opposed say NAY hearing none. Motion passed.

Boos: Thank you, gentleman, I appreciate you protecting the interest of all those the rest of us.

Members: Thank you!

Heuck: Thank you Mr. Boos.

ZB- 01-2025 (B)

Machelor: Ok. I'd like to open the public hearing for William Tolfa area variance for 5322 Elm Drive SBL 115.12-1-42.

I'm Bill Tolfa I live at 5322 Elm Drive.

Machelor: So, your neighbors.

Tolfa: Yes, we didn't realize it until tonight. In fact, its his parent's house.

Machelor: There ya go. Ok so tell us what you would like to do.

Tolfa: I'd like to put a back garage up to my existing garage and I wanted to go 16 feet right now I got an off set of 29 feet but if I go 16 it would take it down to 13 and you suppose to have 15 so I am looking for a 2-foot variance.

Machelor: Ok.

Conti: are you keeping the garage that you have now and just adding a 3rd bay basically?

Tolfa: 3rd bay yes.

Machelor: And its not considered an attached building.

Conti: Not an accessory building

Machelor: not an accessory right.

Conti: Right. You're attaching it right to the house.

Talking

Machelor: Questions from the board? Well, it seems like an easy one. I'll close the public hearing and ask the board if they have any questions or I'll entertain a motion.

Heuck: I'd like to make a motion. In regards to the variance that he is requesting side yard set back from 15 feet to 13 feet. We should be considering all the factors whether it's undesirable change would be produced in the character of the neighborhood or a detriment to near by properties no its very minimal its only 2 feet. Neighborhood and other homes within that area have similar features. Would the benefit sought by the applicant could be achieved by a feasible alternative to the variance no because of the extent of the expansion of the garage because its going to be located and incorporated into the house. The existing structure already there. Whether the variance is substantial no it's only 2 feet only 13 percent of the what he is looking for. Would the variance have an adverse impact on the physical or environmental conditions of the neighborhood no. No adverse impact to the physical or environmental conditions no increase in run off or impaction on ditches or any sewers that are located nearby. And whether the alleged difficulty was self-created yes but due to the existence of the older homes that are situated in that area that is not unusual. So there for we could approve the zoning variance.

Machelor: A second.

Warnick: I'll second it.

ZBA- 1-2025 (B)

Machelor: Ok. Motions been made in the seconded any further discussion from the board? Hearing none I'll call the question. All those in favor say AYE

Members: AYE

Machelor: Opposed hearing none motion passed.

Tolfa: Thank you!

Machelor: Lisa poll the board

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

Talking

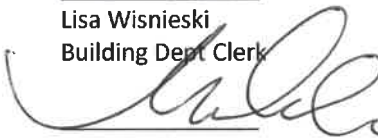
Warnick: Motion to Adjourn

Conti: Second

Respectfully submitted by



Lisa Wisnieski
Building Dept Clerk



Norman Machelor
Chairman