

ZONING BOARD OF APPEALS
Town of Lewiston 1375 Ridge Road
Lewiston, New York 14092
Thursday – April 11, 2024
Agenda- 490 Riverwalk Drive Phillips (A)

Present: Conti, Gallo, Heuck, Machelor, Warnick

Presiding: Norman Machelor, Chairman

Pledge of Allegiance

A motion to approve the minutes of March 14, 2024, was made by Conti, seconded by Gallo.

Machelor: Lets see was anyone absent that day

Gallo: I was absent

Machelor: And Dave was absent so you can't vote. All those in favor say AYE

Members: AYE

Machelor: Opposed? None thank you!

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. And with that we open the public meeting. So, Mr. Phillips tell us what you want to do.

Scott Phillips: I'd like to have a home generator installed next to my house and towards the front of the house that's the closest location to the gas.

Machelor: Ok. You're asking for 3 feet a 3-foot variance.

Phillips: I will say yes because as I read this information this makes more sense to you than it does me.

Machelor: Ok.

Conti: The side yard set back on that side is suppose to be 11 foot. Here it says 12 here but you want to go to 8. Correct.

Phillips: Again, I did not know it would be as complicated as this language that the set back these terms I am just not familiar with.

Conti: Ok. Basically, the zoning laws specify where you can put things around your house.

Phillips: Ok.

Conti: How many feet from the side yard rear yard from the front. It protects you and your neighbors from somebody coming in and all of sudden building additional... threw a lot line so you have something almost accroaching on your own land. So, the zoning laws that cover all of that. It protects everybody in the Town.

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Machelor: And then there are regulations about the generator itself how far it can be from a window your house and all those so it kind of find a place... But in your case, they found a place to put it but you still need a variance because you are too close to the side yard.

Phillips: That's understood he had already looked into all the specification.

Machelor: In your place it's only 12 feet because it's 15% of the lot side

Conti: Right, right.

Machelor: Sometime we have 15-foot side

Conti: But I guess according to this here 11.2 side yard required so he might be 12 foot off the lot line but the requirements 11.2 so and you want to go to 8. So, it would be 8 foot from the lot line.

Phillips: Sounds about right

Conti: Has to be so far from the house so far from the window and so forth

Gallo: Is it inside you fence?

Phillips: Outside

Gallo: Outside because I couldn't tell where your fence started. Outside. There's no other buried lines on that side like water sewage anything else on that side of the property?

Phillips: Not that I would know of. The electric is on the other side I am assuming that the water comes straight in because of where it comes into the basement

Gallo: Ok

Conti: Whatever's in the basement just comes straight in. Your electric is probably buried.

Phillips: Yeah

Machelor: Dave questions

Warnick: No

Machelor: I don't have any questions. And there is not audience so we don't have to ask. Do your neighbors know about this?

Conti: They do because they probably got sent

Phillips: I haven't talked to them about. It never came up.

Conti: They all got notices and it was in the paper so.

Members talking

Conti: Do we have to reopen the meeting.

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Serianni: No, the public meeting was left open.

Conti: Ok

Machelor: So, I will close the public hearing and now I will accept a motion.

Conti: I would like make a motion based on the board's discussion the following considerations for the generator. The zoning board determines that benefit of the variance to the applicant outweighs any detriment to health, safety and welfare of the community. The variance requested is the minimum necessary and the variance be granted.

Machelor: Second to that motion.

Gallo: I second

Machelor: Ok any further discussion? Ok then I will call the question all those in favor say AYE

Members: AYE

Machelor: Opposed hearing none. Ok it's approved

Phillips: Thank you very much. I apologize for missing last month.

Talking

Machelor: Any further business?

Conti: No

Machelor: Motion to adjourn

Conti: I will make a motion to adjourn

Machelor: Second it

Gallo: Second

Machelor: All in favor say Aye

Members: Aye

Machelor: Ok we are done.

Respectfully submitted by



Lisa Wisnieski
Building Dept Clerk



Norman Machelor Chairman

