

PRESENT Mike Swanson, Ken Bedore, Bart Klettke, Abigail Stein, James Spanbauer, Shannon Fundis

PUBLIC HEARING Mike Swanson opened the public hearing at 6:31pm on the advisability of granting appeal to Sec. 8 – Zoning Schedule; to Paula Burko who is requesting a 2-foot side yard setback variance from the required 5-foot side yard setback for a proposed shed to allow a 3-foot side yard setback at 145 Smith Street, Lewiston, NY 14092, SBL #101.11-2-59. This property is zoned R2-A, Residential, Two-Family, Townhouse. No public was present to speak. The public hearing was closed at 6:31pm.

Mike Swanson opened the public hearing at 6:31pm on the advisability of granting appeal to Sec. 8 – Zoning Schedule; to Michael Hibbard who is requesting a 1.4% area coverage variance from the 50% requirement to allow a total of 51.4% area coverage for a proposed covered outdoor bar at 402 Center Street, Lewiston, NY 14092, SBL #101.10-2-42. This property is zoned R-B-2, Retail Business.

Ronald Craft of 105 N. 4<sup>th</sup> Street stated that he is not in favor of this project. I have a petition with 30 names on it. (see attached) I believe this will add to the unreasonable noise, draw more people and parking issues. Craft added that he has complained about the noise in the past and that you can't sit outside at the Village Bake Shoppe and have a conversation. The police have said this is unreasonable, and have asked Hibbard to turn the lights so they are not facing traffic and nothing has been done. There needs to be curtains added to absorb the noise like The Stone House; they do not have the same noise issues. I have a business and I want him to do well. We all want to make a living but we have to be considerate of our neighbors.

James Spanbauer said that is not true sir, neighbors complain about The Stone House noise frequently. I understand your concerns.

Craft asked the Zoning Board of Appeals to sign a document agreeing not to share the petitioner's names. Spanbauer said I would prefer not to sign that; if you submit this document, it will be available to the public. The Zoning Board Members all agreed not to sign the document. Craft asked Clerk Fundis to submit the said document into public records.

The public hearing was closed at 6:38pm.

Mike Swanson opened the public hearing at 6:38pm on the advisability of granting appeal to Sec. 8 – Zoning Schedule; to Meaghan Mehary who is requesting an 8.5-foot side yard setback variance from the permitted 10-foot side yard setback requirement, to allow a 1.5-foot side yard setback, for a proposed addition, connecting the primary structure to the pre-existing nonconforming garage at 455 N. 4th Street, Lewiston, NY 14092, SBL# 101.06-3-7. This property is zoned R1-A, Residential, Single Family, Medium Density. No public was present to speak. The public hearing was closed at 6:38pm.

Mike Swanson opened the public hearing at 6:39pm on the advisability of granting appeal to Sec. 8 – Zoning Schedule; to Ralph Grizanti who is requesting a 5.63-foot side yard setback variance from the 10-foot requirement, for a proposed addition, to allow a 4.37-foot side yard setback at 435 East Lane, Lewiston, NY 14092, SBL #101.07-3-46. This property is zoned R1-A, Residential, Single Family, Medium Density. No public was present to speak. The public hearing was closed at 6:39pm.

CALL TO ORDER Mike Swanson called the meeting to order at 6:39 pm.

MINUTES A motion was made by Ken Bedore seconded by Abigail Stein and passed unanimously to approve the February 28, 2023 minutes.

**NEW 145 Smith Street**

**BUSINESS** A motion was made by Bart Klettke and seconded by James Spanbauer to adopt the following resolution:

**WHEREAS**, the Village of Lewiston Zoning Board of Appeals has held a public hearing on March 28, 2023 at 6:30 PM on the advisability of granting a variance to Paula Burko who is requesting a 2-foot side yard setback variance from the required 5-foot side yard setback for a proposed shed to allow a 3-foot side yard setback at 145 Smith Street, Lewiston, NY 14092, SBL #101.11-2-59. This property is zoned R2-A, Residential, Two-Family, Townhouse.

**WHEREAS**, the Zoning Board of Appeals has found upon careful consideration that the following circumstances or conditions exist:

That no undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance. That the benefit sought by the applicant cannot be achieved by some method, feasible for the applicant to pursue, other than the requested permit.

**NOW THEREFORE BE IT RESOLVED**, that the Village of Lewiston Zoning Board of Appeals grants the appeal to Paula Burko for a 2-foot side yard setback variance from the required 5-foot for a proposed shed to allow a 3-foot side yard setback at 145 Smith Street, Lewiston, NY 14092, SBL #101.11-2-59.

Shannon Fundis polled the board and the motion passed with the following results: Stein – Yes Bedore – Yes Spanbauer – Yes Klettke – Yes Swanson – Yes

**402 Center Street**

A motion was made by Abigail Stein and seconded by James Spanbauer to adopt the following resolution:

**WHEREAS**, the Village of Lewiston Zoning Board of Appeals has held a public hearing on March 28, 2023 at 6:30 PM on the advisability of granting a variance to Michael Hibbard who is requesting a 1.4% area coverage variance from the 50% requirement to allow a total of 51.4% area coverage for a proposed covered outdoor bar at 402 Center Street, Lewiston, NY 14092, SBL #101.10-2-42. This property is zoned R-B-2, Retail Business.

**WHEREAS**, the Zoning Board of Appeals has found upon careful consideration that the following circumstances or conditions exist:

That no undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance. That the benefit sought by the applicant cannot be achieved by some method, feasible for the applicant to pursue, other than the requested permit.

**NOW THEREFORE BE IT RESOLVED**, that the Village of Lewiston Zoning Board of Appeals grants the appeal to Michael Hibbard for a 1.4% area coverage variance from the 50% requirement to allow a total of 51.4% area coverage for a proposed covered outdoor bar at 402 Center Street, Lewiston, NY 14092, SBL #101.10-2-42.

Shannon Fundis polled the board and the motion passed with the following results: Stein – Yes Bedore – Yes Spanbauer – Yes Klettke – Yes Swanson – Yes

**455 N. 4th Street**

A motion was made by James Spanbauer and seconded by Abigail Stein to adopt the following resolution:

**WHEREAS**, the Village of Lewiston Zoning Board of Appeals has held a public hearing on March 28, 2023 at 6:30 PM on the advisability of granting a variance to Meaghan Mehary who is requesting an 8.5-foot side yard setback

variance from the permitted 10-foot side yard setback requirement, to allow a 1.5-foot side yard setback, for a proposed addition, connecting the primary structure to the pre-existing nonconforming garage at 455 N. 4th Street, Lewiston, NY 14092, SBL# 101.06-3-7. This property is zoned R1-A, Residential, Single Family, Medium Density.

**WHEREAS**, the Zoning Board of Appeals has found upon careful consideration that the following circumstances or conditions exist:

That no undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance. That the benefit sought by the applicant cannot be achieved by some method, feasible for the applicant to pursue, other than the requested permit.

**NOW THEREFORE BE IT RESOLVED**, that the Village of Lewiston Zoning Board of Appeals grants the appeal to Meaghan Mehary for an 8.5-foot side yard setback variance from the permitted 10-foot side yard setback requirement, to allow a 1.5-foot side yard setback, for a proposed addition, connecting the primary structure to the pre-existing nonconforming garage at 455 N. 4th Street, Lewiston, NY 14092, SBL# 101.06-3-7.

Shannon Fundis polled the board and the motion passed with the following results: Stein – Yes Bedore – Yes Spanbauer – Yes Klettke – Yes Swanson – Yes

#### **435 East Lane**

A motion was made by Bart Klettke and seconded by Abigail Stein to adopt the following resolution:

**WHEREAS**, the Village of Lewiston Zoning Board of Appeals has held a public hearing on March 28, 2023 at 6:30 PM on the advisability of granting a variance to Ralph Grizanti who is requesting a 5.63-foot side yard setback variance from the 10-foot requirement, for a proposed addition, to allow a 4.37-foot side yard setback at 435 East Lane, Lewiston, NY 14092, SBL #101.07-3-46. This property is zoned R1-A, Residential, Single Family, Medium Density.

**WHEREAS**, the Zoning Board of Appeals has found upon careful consideration that the following circumstances or conditions exist:

That no undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance. That the benefit sought by the applicant cannot be achieved by some method, feasible for the applicant to pursue, other than the requested permit.

**NOW THEREFORE BE IT RESOLVED**, that the Village of Lewiston Zoning Board of Appeals grants appeal to Ralph Grizanti for a 5.63-foot side yard setback variance from the 10-foot requirement, for a proposed addition, to allow a 4.37-foot side yard setback at 435 East Lane, Lewiston, NY 14092, SBL #101.07-3-46.

Shannon Fundis polled the board and the motion passed with the following results: Stein – Yes Bedore – Yes Spanbauer – Yes Klettke – Yes Swanson – Yes

OLD

#### **130 South Third**

BUSINESS

A discussion ensued on the proposed development at 130 South Third Street. No action was taken.

ADJOURN

A motion was made by Bart Klettke seconded by Mike Swanson and passed unanimously to adjourn the meeting at 7:18pm.