

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

EXCUSED James Spanbauer

PUBLIC HEARING Mike Swanson opened the public hearing at 6:30pm on the following:

On the advisability of granting appeal to Sec. 8 – Zoning Schedule; to Kelly Gilbert who is requesting a 7 foot rear yard setback variance from the required 10 foot rear setback for placement of a shed to allow a 3 foot rear yard setback at 130 S. Third Street Lewiston, NY, SBL # 101.10-2-50. This property is zoned R-1A, Residential, Single Family Medium Density.

On the advisability of granting appeal to Sec. 8 – Zoning Schedule; to James Fittante, who is requesting a 7 foot rear yard setback variance from the required 10 foot rear setback, and a 2 foot side yard setback variance from the required 5 foot side yard setback for placement of an accessory building to allow a 3 foot rear yard setback and a 3 foot side yard setback. Fittante is also requesting a 2.44 ft side yard set back variance from the required 10 foot setback for an addition to the primary structure to allow a 7.56 ft side yard setback at 450 N. Third Street Lewiston, NY SBL #101.06-3-27. This property is zoned R-1A, Residential, Single Family Medium Density.

No public was present to speak. A motion was made by Mike Swanson seconded by Ken Bedore and passed unanimously to close the public hearings at 6:30pm.

CALL TO ORDER Mike Swanson called the meeting to order at 6:30pm.

MINUTES A motion was made by Ken Bedore seconded by Bart Klettke and passed unanimously to approve the October 24, 2023 minutes.

NEW BUSINESS **130 S. Third Street**
A motion was made by Bart Klettke and seconded by Ken Bedore to adopt the following resolution:

WHEREAS, the Village of Lewiston Zoning Board of Appeals has held a public hearing on November 28, 2023 at 6:30pm on the advisability of granting appeal to Sec. -8 Zoning Schedule; to Kelly Gilbert who is requesting a 7 foot rear yard setback variance from the required 10 foot rear setback for placement of a shed to allow a 3 foot rear yard setback at 130 S. Third Street Lewiston, NY, SBL # 101.10-2-50. This property is zoned R-1A, 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, the Village of Lewiston Zoning Board of Appeals grants the appeal to Kelly Gilbert for a 7-foot rear yard setback variance from the required 10 foot rear setback for placement of a shed to allow a 3 foot rear yard setback at 130 S. Third Street Lewiston, NY, SBL # 101.10-2-50.

THEREFORE BE IT FURTHER RESOLVED, the variance granted is only for the dimensions of the proposed construction as submitted in the Zoning Board of Appeals application.

The motion passed with the following results:

Stein – Yes Bedore – Yes Klettke – Yes Swanson – Yes

450 N. Third Street

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 November 28, 2023 at 6:30pm on the advisability of granting appeal to Sec. -8 Zoning Schedule; to James Fittante, who is requesting a 7 foot rear yard setback variance from the required 10 foot rear setback, and a 2 foot side yard setback variance from the required 5 foot side yard setback for placement of an accessory building to allow a 3 foot rear yard setback and a 3 foot side yard setback at 450 N. Third Street Lewiston, NY SBL #101.06-3-27. This property is zoned R-1A, 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, the Village of Lewiston Zoning Board of Appeals grants the appeal to Jim Fittante for a 7 foot rear yard setback variance from the required 10 foot rear setback, and a 2 foot side yard setback variance from the required 5 foot side yard setback for placement of an accessory building to allow a 3 foot rear yard setback and a 3 foot side yard setback at 450 N. Third Street Lewiston, NY SBL #101.06-3-27.

THEREFORE BE IT FURTHER RESOLVED, the variance granted is only for the dimensions of the proposed construction as submitted in the Zoning Board of Appeals application.

The motion passed with the following results:

Stein – Yes Bedore – Yes Klettke – Yes Swanson – Yes

A motion was made by Ken Bedore 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 November 28, 2023 at 6:30pm on the advisability of granting appeal to Sec. -8 Zoning Schedule; to James Fittante, who is requesting a 2.44 ft side yard set back variance from the required 10 foot setback for an addition to the primary structure to allow a 7.56 ft side yard setback at 450 N. Third Street Lewiston, NY SBL #101.06-3-27. This property is zoned R-1A, Residential, Single Family Medium Density.

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THEREFORE BE IT FURTHER RESOLVED, the variance granted is only for the dimensions of the proposed construction as submitted in the Zoning Board of Appeals application.

The motion passed with the following results:

Stein – Yes Bedore – Yes Klettke – Yes Swanson – Yes

OLD

475 Ridge Street

BUSINESS

Clerk Fundis gave an update on the off-premises sign request at 475 Ridge Street that was tabled at the prior ZBA meeting on October 24, 2023; I contacted Rebecca Ruscito from NYCOM who said this really isn't a special use permit situation, the ZBA doesn't really impact what occurs on Village property, but the village should be consistent and follow their zoning guidelines and regulations. She also said if the village were to allow this sign to be placed on village property, that would create a public forum, and the village would have to allow all businesses to place their signs there as well. She said 'if' the village were interested in allowing this business to place a sign on Center Street, the best option would be for her to ask another business if they would allow a sign placed in front of their storefront. This matter was addressed at the Village Board of Trustees meeting on November 20, 2023, and the applicant was informed of this information. Seeing that the ZBA doesn't govern what the village does with their own property, there is nothing for you to act on for this request.

No action was taken.

DISCUSSION Swanson said a variance is granted only for what is applied for, only the dimension of the new construction, not the entire property line. Fundis said she will add verbiage to the resolutions and approval letters for clarification.

ADJOURN A motion was made by Bart Klettke seconded by Abigail Stein and passed unanimously to adjourn the meeting at 6:50pm.

Shannon Fundis, Clerk