

CALL TO ORDER

Chairman John Ritter opened the Zoning Board meeting at 6:30 PM.

PRESENT

Chairman, John Ritter, George VanHoose, Michael Swanson, Peter MacLaren, Zoning Officer Ed DeVantier, and Clerk Treasurer Salada as secretary.

PUBLIC HEARING

Chairman Ritter opened the public hearing for Benjamin Homes Inc., lot #210 on S third St. Lewiston, NY requesting a dimensional variance appealing the front set back.

Architect Jim Fittante of Fittante Architects presented schematics of the lot, explaining that if the variance was granted it would allow a new build to be the same aesthetics that currently exist in that neighborhood.

Chairman Ritter stated that a survey of the property was not included with the variance application given to them before the meeting.

Architect Fittante continued with the Carriage House and the Fairbanks Mansion are less than five feet from the lot line.

Peter MacLaren said you have to take into consideration the age of those buildings.

Architect Fittante said this change would be consistent with the street.

Chairman Ritter asked about the utilities on the street.

Larry Wills Deputy Supt. of the Village Dept. of Public Works said the sewer line is under the black top roadway.

Architect Fittante said throughout the village a lot of houses are right on the property line. He repeated that the requested setback matches the ascetics of the street and would help out the residences below on South Second Street if it was granted.

Michael Swanson asked if Architect Fittante had a plan for erosion.

Architect Fittante answered if the building is moved forward the trees can be left on the hill to control erosion.

Architect Fittante answered this property has been on the tax rolls as a buildable lot for forty years.

Scott MacFarlane of 215 S. Third Street said since 1958 to 1960 the other homes were built in that area and because of the cliff a building has not been put on that property.

Ross Eckert of 175 S Fourth Street said there was another proposal to build on this lot but after it was surveyed it was determined that the slop was too steep, making it unsafe to build on. There is no parking, the road is narrow there is undermining on the hill and it would encroach on the home below and the current homes on the road.

Heather Sloma of 120 Cayuga Street said she has issues with the concept and the information given to us was unclear. As neighbors we can't realistically come to a conclusion with the information given to us. We need to see more we need to see what you're planning on building. Whether the property is a buildable lot should be open to discussion. I encourage the Zoning Board to look at the history, that this property is a part of the waterfront district a target area.

Heather DeCastro said to Architect Fittante; you need to come back with more of a design for this property.

James DiCamillio of 150 S. Second Street said I just had to pay Thirty Thousand dollars for water damage to my property with the heavy rain we received earlier this year. The drainage on our street is already a problem. Erosion is another problem when you start removing trees and digging on the property.

Brian Mitchell of 225 S. Third Street said a notice went out to the residence in the area and I went door to door to get a conclusion. There was no environmental impact study included, no drainage plan; I see safety issues and what about privacy for those directly below this new build, and the neighborhood.

Chairman Ritter closed the public hearing for Benjamin Homes at 6:47 PM.

PUBLIC HEARING – DeGiulio’s Pharmacy 220 Portage Rd. Lewiston NY a variance to appeal the sign law for a second wall sign opened at 6:47 PM.

Chairman Ritter opened by saying you are requesting a banner type sign which is a second wall sign.

No public came forward to speak, the public hearing closed at 6:50 PM.

PUBLIC HEARING - Bonny Amsdill 525 Oneida Street Lewiston, NY a dimensional variance appealing the front set back opened at 6:50 PM.

Larry Wills, Bonny Amsdill’s son came forward to represent 525 Oneida Street. Larry Wills stated that the variance request lines up with the neighbors on the road, it does not interfere with the sight line.

Chairman Ritter questioned if the variance was eight feet four inches total.

Larry Wills said yes the neighbor Joe Rawleigh is eight feet.

No public came forward and the public hearing closed at 6:52 PM

CALL TO ORDER

APPROVAL OF MINUTES FROM - July 26, 2017

Michael Swanson changes a few details in the minutes and asked for them to be corrected and for the minutes to be brought back to the next meeting for approval.

OLD BUSINESS

There was no old business for the Zoning Board of Appeals.

NEW BUSINESS

A motion to adopt the following resolution:

WHEREAS, the Village of Lewiston Zoning Board of Appeals has held a public hearing on November 14, 2017 at 6:30 PM on the advisability of granting appeal to Benjamin Homes for the property (lot # 210) located on South Third Street Lewiston NY who is appealing appendix B for R 1 A Sec. 8 zoning schedule of the Village Code. This appeal is asking to change the required front setback of twenty feet to fourteen feet, a five foot side yard setback is also requested for a new build on that property.

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

- a. Whether an 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.
- b. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance.
- c. Whether the requested area variance is substantial.
- d. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
- e. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.

Said circumstances or conditions are such that strict application hereof would deprive the applicant of the reasonable use of such land or building, and

WHEREAS, the granting of the variance is necessary for the reasonable use of the land or building and the variance is the minimum that will accomplish the purpose, and

NOW THEREFORE BE IT RESOLVED, that the Village of Lewiston Zoning Board of Appeals **tabled** the appeal request for a front set back variance of fourteen feet, and for a five foot side setback variance, requesting the Architect, James Fittante come back with more information and a property survey.

2. A motion to adopt the following resolution:

WHEREAS, the Village of Lewiston Zoning Board of Appeals has held a public hearing on November 14, 2017 at 6:30 PM on the advisability of granting appeal to DeGiulio's Pharmacy 220 Portage Rd. Lewiston NY a variance to allow a second wall sign. The Village Code Sign Regulations, Appendix B, section 13 D 3 is referenced. The property at 220 Portage Rd. is zoned B-1 General Business, Multiple Family, and Town house.

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

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 variance.

That the benefit sought by the applicant cannot be achieved by some method feasible for the applicant to pursue, other than a variance.

That the proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

Said circumstances or conditions are such that strict application hereof would deprive the applicant of the reasonable use of such land or building, and

WHEREAS, the granting of the variance is necessary for the reasonable use of the land or building and the variance is the minimum that will accomplish the purpose, and

NOW THEREFORE BE IT RESOLVED that the Village of Lewiston Zoning Board of Appeals grants the appeal request for a second wall sign on the property known as 220 Portage Rd. Lewiston NY.

3. A motion to adopt the following resolution:

WHEREAS, the Village of Lewiston Zoning Board of appeals has held a public hearing on November 14, 2017 at 6:30 PM on the advisability of an application to appeal the front set back requirements for 525 Oneida St., Lewiston, NY. This property is zoned R-1-A Medium Density Residential Single Family. A dimensional variance changing the front set back from twenty feet to thirteen feet two inches for a front porch replacement is requested. The Village Code Appendix B, section 8 zoning schedule is referenced.

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

An undesirable change will not be produced in the character of the neighborhood or a detriment to nearby properties will be created by granting of the area variance.

The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; it will match the other properties in the area.

Said circumstances or conditions are such that strict application hereof would deprive the applicant of the reasonable use of such land or building, and

WHEREAS, the granting of the variance is necessary for the reasonable use of the land or building and the variance is the minimum that will accomplish the purpose, and

NOW THEREFORE BE IT RESOLVED, that the Village of Lewiston Zoning Board of Appeals grants the appeal request for a front setback variance of Thirteen feet Two inches.

ADJOURN

Michael Swanson made a motion to adjourn the Zoning Board of Appeals meeting at 7:13 PM. Peter McLaren seconded the motion and it passed unanimously