

ZONING BOARD OF APPEALS

Town of Lewiston 1375 Ridge Road Lewiston New York
Thursday – March 14, 2019
ZB 2019-3

Present: Conti, Heuck, Machelor, Maggard, Muzzi

Absent: DeCastro

Presiding: Norm Machelor, Chairman

Machelor: I would like to call the meeting to order. Would everyone please stand for the Pledge of Allegiance.

A motion to approve the minutes of January 2019 was made by Conti, seconded by Maggard and carried. 2 abstentions

Heuck abstain, Conti Aye, Machelor Aye, Muzzi abstain, Maggard Aye

Machelor: If you have not attended a Zoning Board of Appeals meeting before, the task of the Board is to grant or deny 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 a denial to prohibit a project as presented. I would like to open the public hearing.

The first item on the agenda was a request from Allen Wagner, 4688 Creek Road, SBL# 87.20-1-35, for a variance from Section 360-185 D, Accessory uses and structures to allow for three accessory buildings on the property. The property is presently zoned R-1, one family residential.

Machelor: Would anyone like to speak to this? Please state your name and address.

Allen Wagner: 4688 Creek Road.

Machelor: Do you want to explain what you are up to.

Wagner: I would like to put up a 40'x40' pole barn. A steel structure on a concrete slab foundation in the back corner of my property. Currently I already have 2 accessory structures. I would like to put up a third without having to take down any of the structures.

ZB 2019-3A

Machelor: One of your accessory uses is your garage?

Wagner: My primary garage.

Machelor: The other one is?

Wagner: A large storage shed. 24'x16' for outdoor equipment.

Machelor: You're here because you're only permitted to have 2 accessory structures and you need a variance for your third one.

Wagner: I'm zoned residential.

Machelor: Questions from the Board?

Muzzi: What is the structure going to be used for?

Wagner: Storage of collector cars.

Muzzi: You're not running a business out of there? Storage only? Would you be working on the cars in there?

Wagner: Minor things, nothing major.

Muzzi: Any other vehicles that will be in there other than your own?

Wagner: No.

Muzzi: How many acres do you have?

Wagner: Just shy of 2 acres, 1.87.

Machelor: Is the building going to be electrified?

Wagner: Not at first. I do plan on putting electricity back there for lights and things of that nature.

Machelor: Lavatory facilities?

Wagner: No.

ZB 2019-3B

Conti: In the picture I'm looking at it looks like 26' from the one lot line and 16' from the other lot line.

Wagner: That's just an approximation but yes.

Machelor: Is there a reason you tipped it sideways like that?

Wagner: I don't have any finalized plans or anything yet. This is just preliminary to make sure that I'm able to do it. I have put a deposit on a building but as it states if I have to take down the storage shed, I'm going to have to go bigger so I haven't finalized anything yet. I may have to move that if I'm not able to do it the way I like which would cause other issues as well.

Machelor: On your drawing it says you're parcel C & D. Is parcel D also your property?

Wagner: Parcel D is mine. Lot 7 is my neighbor.

Conti: If I'm on Creek Road looking at your property the person on the left....

Wagner: That is the special needs house. Lot 7 is behind me and to my right. That is all woods behind me there.

Machelor: Is this your property line back here where it says lot 7 or do you continue on further?

Wagner: It goes back a little further.

Conti: How far from the barn approximately is it?

Wagner: 245' to where I want to put the structure. Probably between 100'-115'. I don't have an exact measurement.

Machelor: Is there any access by road to the building you are going to put up?

Wagner: No.

Machelor: You're not going to have one?

Wagner: No, not at this time.

Conti: How will you get the cars, just drive on the ground?

ZB 2019-3C

Wagner: Yes. I've run out of storage in the front garage. We're parking in the driveway. We had an incident 2 springs ago with a burglar. I would like to get my car in the garage and park the rest of them in the back.

Machelor: What kind of cars are they?

Wagner: I have a '68 mustang, '70 C ten and....

Machelor: They are vintage automobiles?

Wagner: Correct.

Machelor: Have you asked your neighbors about this?

Wagner: I have spoken to the neighbor to the right, he is here tonight.

Machelor: How about the other side?

Wagner: That is the special needs house. I'm not sure how to contact their higher ups.

Conti: They were notified. Height wise and stuff you're not looking for anything crazy obviously?

Wagner: 40'x40', I'm going steel and keeping it at 18' because I can put 13' walls up and get everything the way I want it for.....to do other things with it. Right now I just want a storage structure.

Machelor: The only negative in the list of things we look at is the substantiality of it. You're going from 2 to 3 which is a 50% increase. I'm not sure that's relevant in this case.

Wagner: That is what I thought. It's 50% it could go either way.

Maggard: Allen, we talked a little bit in Tim's office the other day. Have you considered the connection between your garage and your house?

Wagner: It's fairly unfeasible because it has to be frost protected. Currently the primary garage is on slab. To be able to connect it to the house I would have to frost protect everything which means I would have to have foundations poured and things of that nature. Financially I just can't afford it.

Maggard: You couldn't do it any other way?

ZB 2019-3D

Wagner: According to Tim you have to frost protect everything at that point.

Machelor: The only alternative from your stand point as far as size of storage is that if you made it a bigger building you wouldn't need 3 accessory buildings. You made a comment in here you could have included the amount of space you needed in a larger building.

Wagner: Yes. However, the financial aspect of it increases quite substantially. That \$5,000. figure is just for the addition part I'm building. That is not including concrete or tree removal. At that point I would have to take some trees down.

Machelor: You won't take trees down in this case?

Wagner: I shouldn't have to. It's in a spot where there are no trees that would make it easy for me to build on. The other structure is in perfect condition. I would prefer not to take it down.

Machelor: I get it. Any further questions from the Board?

Maggard: How many more are you going to put up?

Wagner: This is it. I've always wanted it my entire life.

Maggard: There is no way you can discard one of the other ones?

Wagner: Not without having to go bigger and thus causing other issues. The financial aspect and taking down trees, disturbing more of the land. Where it sits right now is actually on a high spot. If I put on the addition it will actually dip down in to a low spot which would cause water issues and drainage issues.

Machelor: Would anyone else like to speak to this issue?

Angelo Farbo, their neighbor to the north. I would be in favor of him going through with this project. Esthetically it shouldn't have any effect on my property. It's actually going in a good spot. Like he said that's the highest spot in the yard. I have no reason to say no.

Machelor: Thank you.

Heuck: If you could come up and approach the Board here. On this picture right here, what is that? (survey)

Wagner: I'm just trying to show where it is. This the shed/barn. That was there prior to me buying the house.

Discussion

Wagner: Not without having to increase.....I've explored it. Marge and I talked about it at length in the office.

Public hearing closed.

Maggard: I have a question. When we talked the last time, is there anyway you could connect the shed by a small pathway in to the pole barn?

Wagner: Anything I do is going to cause it to have a foundation under it because of the square footage.

Maggard: Aren't you going to have to have somewhat of a foundation to drive your cars back to that spot?

Wagner: No. These are summer cars. I'm not going to be moving them when it's wet. It's only going to be moved in the summertime. I will be able to drive around my lawn. Where I'm putting the barn on that side of the yard is all hard ground already.

Muzzi: You're putting a concrete pad under it. What is the cost difference to actually put a foundation under it?

Wagner: I have to put a foundation under the building that I'm putting up presently. I would have to enlarge that foundation and the building to be able to do anything else. So it would be in the neighborhood of \$15,000., including the addition to the building and the concrete and everything probably in the neighborhood of \$15,000.

Muzzi: Can you give us an example of another neighbor or someone in your neighborhood that has a similar circumstance?

Wagner: I looked at a couple of places. 2 that I have driven by, one up here on Ridge that has 2.5 on his property also zoned residential, about the same acreage, I think 2.73 acres. I can't tell for certain that the structure is on their property or not. It sure looks like it is from the maps that I can view but I can't say for certain.

Muzzi: I'm assuming you would need 5 acres in order to have 3? You have half the amount of property that you would need?

Wagner: If I was zoned rural, I'm zoned residential. That is why I'm asking for a variance.

Heuck: When you bought the house it was R-1?

Wagner: Correct it has been.

Muzzi: What was your plan when you bought the house knowing you had the vehicles?

Wagner: I honestly did not know about the code. I found out the code when I came to the Zoning Board office.

Muzzi: The vehicles are where now, at your house?

Wagner: 2 are yes. 2 I have off site in storage.

Machelor: Any further questions? Thank you.

A motion where the Zoning Board of Appeals finds that pursuant to the prior discussions that we had tonight that the benefits of the applicant outweighs the detriment to the health and safety and welfare of the community to approve the requested variance for a 3 accessory structure on the property with the condition that the pole barn is built within the specs of the zoning laws of 18' to the peak , and the side setbacks, residential storage only was made by Conti, seconded by Muzzi and carried.

Heuck Nay, Conti Aye, Machelor Aye, Muzzi Aye, Maggard Aye

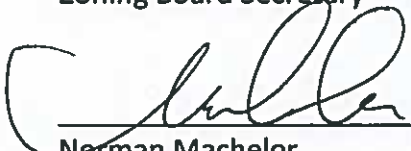
The next meeting will be April 11, 2019, at 6:30 P.M.

A motion to adjourn was made by Heuck, seconded by Conti and carried.

Respectfully submitted,



Sandra L. VanUden
Zoning Board Secretary



Norman Machelor
Zoning Board Chairman

NOTICE OF PUBLIC HEARING

Notice is hereby given that a Public Hearing will be held by the Zoning Board of Appeals of the Town of Lewiston on March 14, 2019, at 6:30 P.M. in the Town Hall, 1375 Ridge Road, Lewiston, New York to act on the following application:

Allen Wagner, 4688 Creek Road, SBL# 87.20-1-35, requests a variance from Section 360-185 D, Accessory uses and structures to allow for three accessory buildings on the property. The property is presently zoned R-1, one family residential.

Information concerning this request is on file and available for inspection during normal business hours at the above named office. All citizens and persons of interest will be given an opportunity to be heard.

Norman Machelor
Zoning Chairman
#N244058

3/7/2019