

ZONING BOARD OF APPEALS
Town of Lewiston 1375 Ridge Road
Lewiston, New York 14092
Thursday – June 11, 2026
Agenda- Dennis Salemi Use Variance 5235 Lewiston Road (A)

Present: Conti, Fontana, Lilly, Warnick

Absent: Machelor, Heuck

Presiding: Joseph Conti, Chairman

Pledge of Allegiance

Conti: 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. We have one thing on our docket tonight, Dennis Salemi. 5235 Lewiston Road SBL 115.07-2-31 it's a continuation from our last meeting so I am going to reopen the board meeting and go from there. I have to skip that for on second, I got to approve the minutes from last meeting. If everyone has had a chance to read the minutes. Can I get a motion to approve.

A motion to approve the minutes of May 14, 2026, was made by Warnick, seconded by Fontana and carried.

Conti: All in favor AYE

Members: AYE

Conti: Opposed? Ok. Now we will reopen the meeting from last time. As a reference to the Church building on Lewiston Road. As far as a use variance. Does anybody I know we had people last time talk we went through a long meeting we had a lot of pros and cons that came up last time is there anybody new that would like to speak at this meeting on this? Come up to the microphone state your name and address.

Maureen Phillips, I live at 508 Meadowbrook Drive.

Conti: Ok.

Phillips: I was out of town last month when you had the meeting.

Conti: I think we had a letter from you also.

Phillips: Yes Sir.

Conti: That was read into the record also.

Phillips: So, I want to thank you for the opportunity to speak today because this is my home we are talking about. By the way I am a retired military officer and a disabled veteran which is why my service dog Bear is here. So, I bought my home in July of 22 about 4 years ago and the pride of our neighborhood means a great deal to me because of what I deal with. And I bought my house knowing that there was an empty church there and that it would potentially become a church or school I asked about this specifically when I bought the house. And I was told that it would never be a commercial business of any sort small or large. Our neighborhood is full of very

ZBA- 06-2026 (A)

private people. We keep an eye on each other's pets, property for security reasons we keep an eye out on each other. If something comes up, we talk to one another. And it's been my experience that we try to help each other. But I've never met or seen the owners of the Church. To establish any sort of connection. In fact my only encounters with him have been disruptions. Which I would elaborate on but I don't really feel the need to. I am not against children; I have 3 grand kids. I know they need to play, create have fun all of that. I love kids. I also support all the businesses in Lewiston, on Center Street and elsewhere. I stay within Town for services because I believe in supporting our local business. Lewiston is a great place. But our residential neighborhood was not intended for any sort of commercial zone. My property value depends upon it staying that way. As does my personal peace. It's my position that if the owner began a new church or a school or created a home in our community, it would be just fine, something I knew was a possibility, but that's not what this property owner wants. It's my position that if Variance for a dance studio instruction was permitted, that it would be a foot in the door for this owner to do more. Because after all, he's a businessman. I don't believe he should be allowed to profit at the expense of my neighborhood's peace or of our neighborhood's valuation of our collective properties. A residential neighborhood that includes a school or a church is entirely different from one that has a business in it. And realtors know this to be true. Bringing young dancers here is visually impactful to see this evening, but those of us who live on Fairway Drive and Meadowbrook Drive have to live with this encroachment far longer than this evening. The next logical step would be something like recitals, loud music, concerts, and who knows what else. The owner has been told repeatedly what zone this structure is in, but now for his own sake he wants to change it. I reject that idea. I respectfully ask the zoning board not to approve the variance and to protect our neighborhood, just as much as members of the board would want their own neighborhoods to be protected. Thank you.

Conti: Were there any questions for her from the board?

Lilly: Maureen

Conti: Just come back. We've got a few questions.

Phillips: Okay, sorry.

Lilly: So, I know you weren't here last meeting, so there was a picture up here, and they were discussed how they would control the traffic or any traffic flow. So, you're on the corner of Fairway and Meadowbrook Road correct. Your front porch faces the church.

Phillips: Well, my second bedroom is right at the church.

Lilly: Okay, so their plan was to not have any traffic come through onto your property or your Fairway Drive exit. I know there's a that parking lot butts up and goes off and dumps off on a Fairway, but their plan is not to have any traffic there.

Phillips: It's impossible?

Lilly: Well, No, it. It is possible There's a traffic loop in the front, which dumps from A state road onto a state road, so that would be their plan. Drop off would be come in one side on the state road, which is heavily trafficked, and then those cars would then return back onto the state road, where it's heavily trafficked.

Phillips: And then they have a recital; they have a concert; they have a recital.

Lilly: There's no recitals; there's no recitals only classes.

Phillips: Yes.

ZBA- 06-2026 (A)

Conti: No

Lilly: That would be part of the stipulation. So, I Just want to let you know that, that was the traffic was discussed. So, there shouldn't be anybody coming on your property now There might be some employees that pull in back there and park back there. But, the parent drop- off loop was discussed as coming in from 104, and then back off on 104.

Phillips: I did not see that.

Lilly: I just wanted to— I figured as much, so I saw your emails. I just wanted to let you know.

Conti: that was brought up at our last meeting.

Salemi: I have the poster in my car if you want to take a look at it, I can go get it for you.

Phillips: No, thank you. You know, it's been my experience that this owner of this property does not think that he's in a residential neighborhood. And I can elaborate if you'd like.

Conti: Um, has got anything to do with this particular variance?

Phillips: I think it does.

Conti: Go ahead.

Conti: Come to the microphone so it's on the record.

Phillips: Word in the neighborhood is that he's already running a business in there.

Conti: The owners here.

Salemi: I'll take you through the building.

Phillips: That's what my neighbors have said. I also had to call the police one night because when they were gutting the building, for what purpose were they gutting it? I don't know. But all of the excuse me, I am speaking. I am speaking right now. Yeah, So at 10 o'clock at night, sound sleep. The trucks that emptied the I don't know 20-foot-long dumpsters were running back and forth. And, why, because the trucks were late. But they didn't stop on a weeknight after hours. It went on so long that I finally called the police. And what owner does that to their neighbors? I don't think he thinks of us as neighbors. That's my impression. So, you asked, okay,

Conti: No, it's fine. It's you opinion.

Phillips: I don't know him as a neighbor. Period. And it's a neighborhood. Okay.

Conti: Okay. Thank you. Is there anybody else who would like to speak for or against? Sure, come up to a microphone, state your name. Yeah, no, it's got to be on the record.

Francine Bax: I just.

Conti: Just come up here and give us your name and address please.

ZBA- 06-2026 (A)

My name is Francine Bax. I live on Meadowbrook so my backyard faces the parking lot of the church. So being that I wasn't here last meeting explain to me the people will enter from 104, and they'll exit to 104.

Conti: Yep, they'll come in that loop there; they'll pull in, drop the kids off, and pull right back out

Bax: in the front.

Conti: In the front, not in the back at all.

Bax: So then, the back parking lot is not really going to be used.

Conti: No. And, there was talk at one point and they'll be part of what we discussed. There was talk at one point about closing off the back driveway onto Fairway. Um, before that

Bax: That Street is his that little road back there?

Conti: Yeah, yes, that's all part of his property.

Bax: Okay, I understand.

Conti: So, the thought and that would have to be something, if wherever this goes, that has to be something that goes to the fire officials to make sure that's not breaking codes. As far as that goes. But his thought was strictly in the front coming the loop, drop your kids up already back out on Lewiston Road and could close off that back entrance onto the Fairway.

Bax: Okay. And there is just a portion of the building for dance, right?

Conti: Yes, yes.

Bax: Okay, then I am good.

Conti: Okay, thank you. Anyone else like to speak?

Phillips: I would just like to add this is a foot in the door for more business in Lewiston. What else would a business do?

Conti: Well, that's something. We can decide; that's up to us to figure out. So, anybody, else I make motion to close the meeting.

Bax: So, what happens now?

Conti: We're gonna, you'll see now that's we're going to discuss now. Um, so we're going to close the meeting.

Warnick: Close the ...

Bax: Close the public comment

Conti: Motion be closed the public comment. Okay,

Warnick: Second.

ZBA- 06-2026 (A)

Conti: All in favor

Members: Aye.

Conti: Discussion on the board at all. I'd like to have a motion to either for or against this use variance. I'd like to make a motion then. Based on the board's discussion and the following considerations. The applicant cannot realize a reasonable return, as shown by competent financial evidence. The lack of return must be substantial. We have letters; I am going to read into the records. It is from Philip Tantillo, who is the CPA for Mr. Salemi. Ladies and gentlemen, we are the accountants for RD 5235 LLC title holds for property located at 5235 Lewiston Road, New York 14092, since inception in June, 2021, the members of RD 5235 LLC are Mr. Dennis Salemi 50% Mrs. Rani Salemi 50%. The property consists of approximately 2.8 acres improved with a 7000 square foot building construction constructed in 1972, currently resides within the town of Lewiston R-1 zoning district. In August of 2021. The property was acquired by R D 5235 LLC and was previously owned by a church organization. To date, R B 5235 LLC has been unsuccessful in securing a tenant. The company's invested more than 500,000 dollars, and additionally has incurred operating deficits in excess of 50,000 dollars annually. We believe that the substantial investment in this property, in addition to the annual operating deficits, clearly demonstrates substantial economic burden and warrant the zoning request. If you have any questions, please call me very truly Philip Tantillo CPA P C.

Bax: I don't mean to interrupt you. Are you asking that becomes part of the public comment?

Conti: Yes.

Bax: Just make a motion just to clarify that, that be a part of the open public discussion.

Conti: Okay, so let that be part of the open public discussion.

Warnick: I'll Second

Conti: Okay, Dave second all in favor?

Members: Aye.

Conti: Opposed? Okay. So that and he's provided numbers. They'll be on the record that he has uh has had a lack of return. Substantial. The alleged hardship relates to a property unique. The layout of the building, it's a unique building that way it's laid out and that it only could be used for certain things, church obviously being one of them, which he has not been able to get a fit tenant for that. And then the uniqueness. Lends to this particular business. The requested use variance is granted, will alter the essential character of the neighborhood. It will not because it's going to stay, the building's not going to change and traffic and I'll have some other things put on it. That will be very, will not such a change. A church could be used every day of the week. It could be used on Sundays obviously, nighttime, outdoor, outdoor activities. Request use of grant will not alter the essential character of the neighborhood. Which I just went through, the alleged hardship has been self-created. It was, but what he done the updating, and he's tried to rent it out as a church or a school, he's been unable to. And the hardship of the financial hardship has been substantial. So, with that said, and these also this variance is for only the, Use of the Lewiston Dance Studio under the hours and stipulations stated, and they state them in the records. The last time, what the hours were, I have them here. One second. And the hours of operation, which would be proposed, Are Monday 345 to 8 p m Tuesday 345 to 8, p m Wednesday 4 to 8 Thursday 4 to 8 Friday 4 to 8 Saturday, 9 to 2 and closed on Sundays. Is that correct?

Salemi: Correct

ZBA- 06-2026 (A)

Conti: And, this is strictly the use variance that we're referring to right now is strictly for Lewiston Dance studio to be able to be used in this property, Nothing else. If anything changes, the use variance goes away. The dance studio is to be used inside the building and not outside where it could disrupt the neighborhood. That any outside noise kept to a minimum. That, you consult with local fire officials before any changes are made to entrance or access to the parking area as we referred to before, that it's okay then you would close the back access exits. That, you and your clients are going to be considerate, respectful of the neighbors in the area. That, you had told us in the last meeting that you would add any brush, trees, or fencing to the outer areas as requested for neighbors. With those statements, the ZBA determine that the benefit of this variance to the applicant outweighs any detriment to health, safety, welfare of the community, that the variance request is a minimum necessary with these stipulations and that variance be granted.

Bax: Before you go forward, I'd like you to just clarify the statement about the brush and or barriers for the neighbors.

Conti: Sure

Bax: I know that there have been some comments in the public comment period, which indicated that there were issues about possibly lights shining into the backyards. There are certain neighbors that already had solid fences up and others that may not have. Is it the decision of this board to direct that it ensures that that full stretch is Somehow shaded, whether there's a solid fence or a or a

Conti: Arborvitae type sort of trees or something.

Bax: Are you making any specific directions to them or is it at their disposal?

Conti: Well, I guess what I'm trying to say is the fact that whatever the neighbors, if, if the neighbor wants a fence, you're willing to put a fence up. If, the neighbor would rather have our arborvitae trees to block that first make it more natural than a fence, you're willing to do that. The last meeting.

Salemi: As far as I am able to visualize, there is really only one house that doesn't have most of this.

Conti: Right, there is three houses. I think there

Salemi: Theres one that has

Conti: The center one, right? Doesn't the other two have what Yes. So, do I have a second on that motion?

Warnick: I'll second it.

Conti: All in favor?

Members: Aye.

Conti: Opposed? Lisa, can you Poll the board to please.

Wisnieski: David Warnick: AYE, Aaron Lilly: AYE, Lou Fontana: AYE, Joseph Conti: AYE

Conti: Okay, so the variance has been granted. Yes, yeah, Dennis You'll follow up with Tim with any other or actually ED because Tim is off for vacation, right? So probably we'll deal with Ed in the building department.

ZBA- 06-2026 (A)

Salemi: And if there's is any need for transparency for any neighbors there are welcome to tour the facilities just so they cannot think there's a mystery.

Conti: Right, absolutely.

Salemi: Certainly, there's things that happen without telling people about it.

Conti: Yep, okay,

Salemi: Very happy.

Conti: Thank you. Any other business? I'm going to make a motion to close

Warnick: Second

Conti: All in favor

Members: Aye

Conti: Opposed.

Respectfully submitted by ~



Lisa Wisniewski
Building Dept Clerk



Joseph Conti
Chairman

