ZONING BOARD OF APPEALS
Town of Lewiston 1375 Ridge Road
Lewiston, New York 14092
Thursday – October 8, 2026
Agenda- Ryan/Mary Bimont 441 Dutton Drive Variance extension (A), Rachel Novelli Lewiston Dance 5235 Lewiston Road amend hours Use Variance (B)

Present: Conti, Fontana, Heuck, Machelor, Warnick

Presiding: Norman Machelor, Chairman

Pledge of Allegiance

A motion to approve the minutes of September 10, 2026, was made by Heuck, seconded by Warnick and carried.

Machelor: 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. With that, I'd like to open the public meeting for Ryan Mary Bimont, variance extension, 441 Dutton Drive. Yes, sir. State your name for the record.

Ryan Bimont

Machelor: Okay. So, what's going on?

Bimont: I was waiting for drawings from the architect, and then the deadlines for applying for extension of the variance.

Machelor: Any questions?

Conti: No. You are looking for 6-month Variance, right?

Bimont: Yeah, as long as I don't know what standard is or how long.

Machelor: Will six be enough?

Bimont: I hope so. I mean, we got our first set of drawings last week. We're gonna have to do three, three or four sets of revisions, and then did a quote through Paul Game, and then based on what we can afford, we might have to go back to the drawing board cut some things out. If we could do 12 months that would be great if not 6 months...

Machelor: Is there any issue if we hold it so he gets another six?

Conti: Can we do a year? In other words.

Heuck: No.

Bax: Yeah. If you were to grant six months, he can come back again.

Machelor: Okay. Okay. Yep. Let's have a motion.

ZBA- 10-2026 (A)

Conti: I'll make a motion to approve a six - month extension for the address 441 Dutton Drive.

Warnick: Second.

Machelor: Okay. Motion and second. Any further questions, discussions? I'll call the question. All in favor, say aye.

Members: Aye.

Machelor: Opposed? Hearing none. Poll the board, please Lisa.

Wisnieski: Joseph Conti: Aye, Lou Fontana: AYE, Gary Heuck: AYE, Norman Machelor: AYE David Warnick: AYE.

Machelor: Approved. Come back if you need it.

Bimont: Do I need anything from you guys do I need to sign anything.

Machelor: See the building department. Yeah.

Conti: Right.

ZBA- 10- 2026 (B)

Machelor: Rachel Novelli for Dennis Salemi, Lewiston dance, amended hours of operation on use variance, 5235 Lewiston Road, SBL 115.07-2-31. State your name and address for the record.

R. Novelli: My name is Rachel Novelli. I am at 146 Old Carriage House Road in Grand Island New York.

Machelor: Ok, so, you were granted a variance last time.

R. Novelli: Yes.

Machelor: And the reason that you're here is because the, the language of the variance you feel is too restrictive.

R. Novelli: Yes, I think there was just a misunderstanding. Originally, when I appeared before you, I had given you, in order for you to understand better, how a dance actually, works because I mean how would you know that unless you actually run one? It's a little different than a regular business in certain ways. So, I put in the work. I put in the hours that we actually have students, a representative, a representation of the hours we normally have students. So, you could understand how that works. But that wasn't when we only run the business. Like that was only when we have students in there. So, then if it says specifically limited to the hours, do so. It says like, for example, it says 4-8. Well, I mean, like, when are we supposed to have teacher meetings or clean the studio? You know, we obviously can't do our regular business while there are students with us. And then it was representative, so it's not always exactly like that. And depending on the time of year, or you know, every year it changes depending on the amount of students we have. We may have more little ones. We may have more, you know, middle schoolers. So, it does change. So, I do. I mean, I have a whole bunch of points here, and I don't know if you want me to read them all for you, so you can understand better why we're asking for the amendment.

Machelor: Well, I, I don't know that that's necessary. We have some things in here. For example, I'm reading this. The sentence I think that bothers me is that any modification of said operation schedule without prior ZBA approval. I, I mean, I, you can't come here and say what time you should, should do all this. So, and then it says without prior shall be a violation of the use variance and grounds for immediate revocation. Well, that's that. I understand. That kind of scares me.

Novelli: Right. We definitely don't want. We want to be in complete compliance with the variance that you have granted us.

Machelor: So, you don't. Did you turn in something?

Novelli: I have. I. I did. It came in with that. It was like the proposed wording.

Machelor: Brief description of the proposed action is what you asked for. Right.

Novelli: Yes. Um. I. I put. Um. Proposed wording for the hours: the permitted hours of operation for Lewiston Dance Center shall be determined by the seasonal class schedule of the business and may vary throughout the year. Classes and related studio activities may be conducted during reasonable daytime and evening hours, consistent with the use already approved by this variance. After 30 years of operating, we definitely understand how to run our business responsibly and respectfully, and. Again, we're there only for children. So, I mean, even the oldest of the children, 17, maybe 18 years old, just turned 18. We're never there past. We're never there very early or very late at night. It's not a social gathering place. It's a place of business. So once classes are over, you know, the kids get picked up.

Machelor: Well, here here's item two here: since hours of operation specifically limited to.

Novelli: That's what. That's what. As soon as I saw that, I got very because I don't want to be out of compliance for sure.

Machelor: Do you have wording that you would like to put in there.

Novelli: I do. I can here. I brought.

Bax: Mr. Machelor, can I can I ask a quick question?

Machelor: Absolutely.

Bax: So, if you if you took that specific hours of operation and replaced it with specific hours of instruction, would that satisfy the applicant.

Novelli: Those specific hours of, instruction will change every season. Do you know what I? Do you know what I mean?

Bax: I see.

Novelli: It's uh, it's on the last page in yellow.

Bax: The original intention was, was to address some of the concerns of the neighbors. That's what the board was trying to do

Novelli: Right

Bax: By limiting it to a snapshot of hours.

Machelor: Yes. Yes.

Bax: My understanding, and again, I'm not a voting member of the board, but my understanding was that that was what it always is and always will be and we could operate within those times.

Machelor: Yeah.

Novelli: Yeah.

Bax: So, I understand the confusion.

Machelor: Yeah, it's um.

Novelli: Yeah, it's...

Machelor: If you read these. If you read these, it's kind of.

Novelli: There's a lot of things that we need. I mean, like even just cleaning of the studio. Like, how are we supposed to clean while the children are taking classes?

Bax: I don't. I don't. That's why I think the intent. The intention was that operation would take place within the restricted hours, but that you could be there at any time.

Novelli: But that's not what it says. It says specifically.

Bax: That's why I was changing the language to say that the instruction would take place.

Novelli: Well.

Bax: During those hours.

Novelli: But sometimes they're not. Sometimes we're 830 sometimes we're 5 o'clock so.

Machelor: I think you are on the right track here. The two things are going on here that you, you rented that building.

Novelli: Right.

Machelor: For what its purposes is.

Novelli: To run a Dance studio.

Machelor: But that doesn't mean you can't be in the building having a meeting or as you say cleaning or whatever so as Al says if, if you said that the hours were instruction hours, we could modify those a little bit, and then any hours that you and your staff are there should be free.

Bax: So, basically unregulated.

Machelor: Unregulated.

Bax: You're not operating the business. I mean, you could do be with your accountant, those types of things, but you're not having children come.

Novelli: Well like. We also do have we do have like we have makeup classes. If a child misses class, we can't bring them in during regularly scheduled classes. We, have that one child or maybe two, depending, come in at 330. You know, as soon as they get out of school, they would come in at 330. They would have their makeup class, and then they would take their normally scheduled classes. So, it's, it's tough to give you exact hours, and then not be. I don't want to not be in compliance. Is what I'm afraid of.

Machelor: Right. I agree. We don't want you coming back here every time you change the school.

Novelli: No, and, and I definitely and, and. And we and we don't want to say, well, I'm sorry, your child missed class, but they can't come and do their makeup because the Town won't allow us. So, we just want to be able to have a little bit of freedom that we've had these past 30 years. We're always very respectful, and again, these are children. We're not keeping them until 10:30 at night. But say, like a teenage class, we've had a lot of excitement about the new building, so we had to add a class. So now we're getting out at 9 o'clock on one night a week. With like I don't know 8 or 10 teenagers, so either they drive or they get picked up. So, they get out at 9 o'clock. Well, parents aren't always on time. So, are we going to be out of compliance if a parent is 10 minutes late or if we're 15 minutes late shutting off the lights because we want to clean up? It's just I'm afraid of the exact time the wording. I'm just I'm just afraid to be out of compliance. We want to definitely.

Machelor: I agree. Al, what would you think if you and Rachel sat down and wrote up something, and we, we could pass it next month?

Bax: I can certainly assist with that. Obviously, it's, it's the board's decision.

Machelor: Yeah, we want to make sure that it's not too restrictive, but it captures what, what she wants without the other side.

Bax: And more importantly, what the board is trying to accomplish as far as the character of the neighborhood too. I certainly can do.

Novelli: I mean, can we do something like 8: 00 a. m. to 10: 00 p. m.?

Conti: No.

Novelli: No, can't do it like that. Just that way. That that'll. That'll fix everything, you know what I mean.

Warnick: That's a big ask.

Bax: If I could suggest something possibly different, though, if there is if there is a if what is the earliest class that you have during the week?

Novelli: Um, this this season for the next couple of months, the earliest classes we have are 3: 45

Bax: During the week.

Novelli: During the week, but again, if we have makeup classes and kids are missing for cheer and everything right now, so we have to do makeup classes. So sometimes those kids come at 315. You know, if a, if a child is homeschooled, the parent may say, " Can I come at 2, bring my child for a half an hour, and then she'll come back later for her classes?" You know, things like that.

Bax: If I could ask you a few more questions.

Novelli: Sure absolutely.

Bax: What is the latest time that have classes during the week?

Novelli: The latest time we're running classes this season, and I. Don't quote me, but I believe on Mondays we had class until 930, and that's a high school class, so till 930. But you know, I mean, we're not hanging around. We want we're tired. We're ready to go home too.

Bax: I think, I think the having you know having students there is probably the concern. So, if you were to say, and again, I'm just spit balling, if you were to say during the week 2-930, Monday through Friday, and then weekends.

Novelli: Well, depending. Like...

Bax: What would the earliest and the latest be during the weekends?

Novelli: So, the earliest is 8 a. m., and the latest is probably, probably 5 p. m. But again, there's always exceptions. like, we have winter parade coming up, the Lewiston parade, and we can't do rehearsals during regularly scheduled class times. So, we may have to have them come in on a Saturday evening. You know what I mean? Or you know, a Sunday afternoon or whatever, and have some kids come in during those times to do a quick rehearsal. But again, it's we're still we're still doing what we're doing. We're, we're just running our dance studio. We're not having social time and pumping music and kids playing and come in to work.

Machelor: Our original intention was just to make the rules adequate for the neighbors.

Novelli: Right.

Machelor: And so that you could operate the business in a reasonable way. That's what it is, and. You know, if I take these nine subsections to your approval, I'm just hoping that we... Most of them are fine the way they are.

Novelli: I don't. I don't. We have no problem with anything.

Machelor: The only one...The only thing we're talking about. You know, to me, when we when we approved this, we were allowing her to occupy that building under a use permit, and, and. As far as I was concerned at the time, the hours of the students was only to pacify the neighbors that we weren't going to be there all the time, and that's still happening.

Novelli: That is still happening.

Machelor: So, we just have to modify the language in some way that...

Bax: That's why I thought maybe putting parentheses around the times of operation during the week and maybe during the weekend it might be a simple fix. I may be thinking about it too simply, but, but then again it will allow her to operate. Maybe shift things around within those parameters.

Novelli: The only thing I worry about, though, like say the 930 thing. So, you say 930, boom, that's your cutoff. Well, again, I mean, if, if it's 10, that's fine.

Fontana: Can just take a half an hour to close the doors.

Novelli: Half an hour, close up, and everything that would work. That would work for us.

Bax: But I don't. I don't believe. I think if you said that instruction hours would take place between those times, I don't think that this board can restrict from being in the place that you rent.

Novelli: Ok

Bax: During non-instructional hours.

Novelli: Okay.

Bax: Okay.

Novelli: Yes, I understand that. That I did not know.

Bax: I don't think that that would. I don't think you're like limited going there in the middle of the night or at seven in the morning to start the coffee machine. Those are the types of things that, as an operator, you're able to do. If you're accountant or have a disciplining problem with one of the students that you wanted to speak to a parent privately, I think those are the types of things that can happen. The concern I heard from the public was that there was the worry that it was going to be overflowing parking, there was going to be noise, and you know things happening outside, possible outside music. If those things again are restricted to the pickup and drop offs, effectively, they're going to be after. We understand that people will be dropping their children off ten minutes early. Hopefully, be there by ten minutes afterwards.

Novelli: Hope so.

Bax: I don't think if a parent came and picked up a child even an hour after the lesson, the instruction, that that would necessarily be a violation of this permit. But I think we need to specify within the restrictions that operating in instruction hours are between certain, certain times.

Machelor: Yes.

Bax: And I think the board initially asked you what hours you were working. To accommodate for that, and I think maybe as we wrote up the final resolution...

Novelli: And I didn't, I didn't get what I don't think I got exactly what you were asking. I said like representative of, or here's an example, but we took it, we took it, yeah, as yeah, and they're different now. Again, we've had a lot of excitement at the new Studio, so.

Machelor: Okay all right, thank you.

Novelli: Any other questions for me?

Machelor: Well, just sit down for a minute. This is a, public meeting. Is there anyone else would like to speak to this issue? Address. Come and address the board, please.

Phillips: If you wouldn't mind, I'd like to sit here I have an injury.

Machelor: We can't get you on the record.

Conti: On the record without the microphone.

Fontana: Take the microphone back to her.

Phillips: Could someone read the list that you were given? Because I have no idea what it says. Anybody mind sharing what was on that list? The sheet. Like what does it say?

Machelor: Start back. Let's start from the beginning. Why are you here?

Conti: Just state your name and address so we know for the record.

Phillips: Maureen Phillips, 508 Meadowbrook Drive. I'm here because I would like. I have some concerns.

Machelor: You wish.

Conti: She has some concerns.

Phillips: I have some concerns.

Machelor: Okay and What are they?

Phillips: A couple things. One, you're going to take these under consideration and other neighbors that have not even had a change to look at this.

Machelor: They Were notified to come.

Phillips: Not of this.

Machelor: Yes, they were.

Phillips: Not about these facts. You didn't have these facts.

Conti: No, no, no.

Novelli: Those are my facts.

Conti: Those are hers. Not. Not that.

Machelor: Those are hers.

Conti: Are you? Are you referring?

Phillips: She is giving them to you now.

Conti: One second. Are you referring to the nine points that we did in the initial variance?

Machelor: She doesn't know anything about that.

Conti: What are you? I mean, I'm confused on what you're asking. You said, " Can you read? Can you read what?

Phillips: I'm here because I'm concerned about this business in the middle of our neighborhood.

Conti: Right, and that's already...

Machelor: Excuse me. We have already given that business a variance.

Phillips: Okay, hold up.

Machelor: Excuse me, that's the only thing that's open tonight is the hours of operation for that business.

Phillips: That's why I'm here.

Machelor: Okay, speak to that then.

Phillips: That's why I'm here.

Machelor: Okay.

Phillips: Do you understand?

Machelor: I do.

Phillips: This business has not even opened, and now they want more hours. We do not know the impact on the neighborhood yet.

Machelor: Okay. Anything further?

Phillips: I would like to request a 90 day wait after they move in to see what kind of noise impact there is, because three sides of this structure have residents there and you know that.

Machelor: We considered all that when we approved the variance. The neighbors were given an opportunity to state their opinion. They were notified of tonight's meeting. They're not here.

Phillips: A letter in the mailbox is insufficient.

Conti: That's how...

Warnick: That's how it's done.

Machelor: That's how that's how it's done.

Fontana: That's how the Laws are.

Phillips: I'm here to request 90 days for us as neighbors to experience what it's like for you guys to have approved a business in the middle of our neighborhood.

Machelor: Well, I'll have to defer to my attorney. We don't grant 90 - day variances for anything.

Phillips: I'm not asking for a variance.

Machelor: What are you asking for?

Phillips: I'm asking for a delay in your decision about improving increased hours on the business you gave these people in the middle of our neighborhoods, so we can know if it's going to disrupt our neighborhood.

Machelor: Are there any hours that would be acceptable to you?

Phillips: We originally heard that they were going to be done with their business at 8 p. m.

Machelor: And would that do? Will that end your problem?

Phillips: When they say business is closed at 8 p. m., lights are out, nobody's there.

Conti: Yeah, but if you got, but you got to understand what she's saying too is that if the class ends, let's just use 8 o'clock. If class ends at 8 o'clock, the parents got to come back, and they're not staying for the most part. The parents got to come back and pick up their kids and leave.

Phillips: That's not the same thing. Classes end at 8 o'clock. People leave.

Conti: So, you kick the kids out and shut the door and say go fend for yourself?

Phillips: I'm saying let's not be silly.

Conti: Well, but you're being silly, so I want to be silly.

Phillips: I'm not being silly.

Conti: Yeah, you are.

Phillips: No, I'm saying that from the beginning, what was pitched to the zoning board was a couple of dance classes for kids in that building. Have you been over there?

Fontana: No, that was not the case.

Conti: That was never that was never pitched before.

Machelor: That is absolutely not relevant. No, it's not relevant at all.

Phillips: Have you been inside there now?

Conti: Have you?

Machelor: That's not your business.

Phillips: The zoning board is overseeing our community, have you been inside what you have granted a variance to?

Fontana: Yeah.

Phillips: No, no, none of you have been over.

Fontana: I've been by it.

Phillips: Here's the other question I have for you: How do you enforce the variance?

Conti: That's not our job. That's the building department. That's not the zoning board.

Fontana: You've got concerns. You have to...

Phillips: You know what? That's funny because Tim Masters and the people in the building department said that that's on you.

Conti: No.

Machelor: Well, he wouldn't say that if he was sitting there. Let's put it that way.

Fontana: No, that's not true.

Phillips: All right. So, how does that work? How do we let you know that this now foot in the door for this commercial enterprise in the middle of our neighborhood that you gave?

Machelor: It's not in the middle of your neighborhood. It's on state highway.

Phillips: Three sides of the structure are houses owned by taxpayer homeowners.

Machelor: You don't think the person that owns that property is a taxpayer?

Phillips: Oh, come on.

Machelor: You don't think he pays taxes?

Phillips: Do you think that he's affected in any way by what he's doing as a homeowner? No.

Machelor: I couldn't say. That's not our purview. So, I'm going to just have to say, you have to tell us what you want right now, or I'm just going to close the hearing.

Phillips: Third time.

Machelor: Go ahead.

Phillips: Third time. I'm asking you. The neighborhood would like to see the impact, the noise impact, and the traffic impact. Before you give them any more hours than what they've already been given, that's reasonable. That's not silly. That's reasonable.

Machelor: It's not your money.

Phillips: It's my home and the value of my home.

Machelor: Okay. All right. So that's it.

Phillips: I'm going to quote you. I'm going to quote you on that.

Machelor: That's it, right? You can quote me all the time you want. Okay.

Phillips: Not your money. It's not your money. This is my home.

Machelor: So, somebody impacting your home, your money.

Phillips: Yes, the value of my home. Yes.

Machelor: Would you show? Go find the evidence and bring that in.

Conti: I think before this gets out of line, let's settle down for one second. Well, I agree but...

Heuck: Deep breath.

Conti: What she's looking for tonight is some clarification so that she has some. During that instructional time, like our attorney said...

Fontana: Leeway.

Conti: There's a little bit of leeway. That if the kid doesn't get picked, the parents don't show up till 10 after 8. That somebody's not running to Tim and the building department and say they're out of they're out of code. I filmed them doing this.

Phillips: If you gave a variance to a 7-11, when they said we're done with business at 8 p. m. But they don't go out and leave.

Conti: But, but you're not but you're not instructing children and, and a parent. If a parent doesn't show up, what do you do with this child?

Phillips: Everybody leaves at 8 p. m. right.

Conti: But, but what do you do with the child if the parent doesn't show? That's all I'm asking.

Machelor: Yeah

Conti: I'm asking that question.

Phillips: You're asking me that question.

Conti: Yes, if a parent does not show, what do you tell? What do you do with this kid?

Phillips: I mean, that's an absurd question to ask a neighbor.

Conti: No, no, no, no, no, no. I'm asking you. What she's looking for is the fact that if somebody doesn't show up at 8 o'clock, she's concerned that she does not follow these rules.

Phillips: Then you stand outside and you wait for that kid? Your business is closed.

Conti: But you're still there out there in the public, in the middle of winter during a snowstorm. Your wet outside where you can you can stand inside a building.

Phillips: But what they're asking for is an additional day for a class. Now they're saying that on Mondays they're going to go until 9 p. m. That is not what the variance said at all. They want free reign to do whatever they want. They want any...Mr. Machelor I really appreciate your open - mindedness to the neighbors that surround.

Machelor: The Neighbors have been asked to come twice. They didn't come. The only person that came was you.

Phillips: No, that's not true.

Machelor: It is almost true.

Phillips: Three people were here.

Machelor: Okay, let's say there was three people.

Phillips: What do you want?

Machelor: Well, there's a whole roomful of people that were in favor of this. There's a whole city, a whole village of people that use this service. Hundreds, hundreds of people, hundreds of taxpayers. Use her service to educate their children.

Phillips: Hundreds of people are going to be in and out of that business in our neighborhood.

Machelor: She has hundreds of clients. There not all in the building. The only people in the building are the kids.

Phillips: Does the business close at 8 pm or doesn't it? No, she just said no. She shook her head and said no.

Bax: I think that's what you guys are debating as to the hours of operations.

Phillips: What's this Monday night until 9 pm thing?

Bax: So operational hours would be instructional hours. Operational hours, and again, 7-11 may close at 8 o'clock to people getting gas or buying groceries or whatnot, but it doesn't mean that the manager can't be there after-hours doing inventory, et cetera. So, you're closed to outside sales in that respect. My opinion would be that if instruction took place to whatever time class ended at 9 o'clock, if that's what we're. The doors could remain open for the children to stay inside there without it being a violation of the variance, so long as the variance indicates that operational hours are between this hour and that hour. It doesn't mean presence in the building or keeping the lights on, et cetera. The concern is not that our people are in the building; it's the anticipated. Concerns and nuanced — what's the word I'm looking for? Nuisance, okay. That would arise out of people coming and going for another class after 9 o'clock or before whatever time you establish our operational hours.

Phillips: My understanding was that business ended at 8 pm.

Machelor: Okay. Would you collect the microphone? I'm going to close the public hearing. I've heard enough.

Phillips: Well, you will be hearing form my lawyer Mr. Machelor.

Machelor: For what?

Phillips: You're about as disrespectful as the public service can get. I'm a taxpayer homeowner, and you completely ignored my concerns and mocked me for having them. Now they want to extend this so that there's classes there on Monday nights until 9 p.m., and you're going to let it happen because you could give a damn about me or any of my neighbors. And by the way, there are several more who agree with me.

Machelor: Ok. So, should we write these hours right now?

Bax: If you feel comfortable doing it, you can. You don't need an attorney to give you hours.

Machelor: Ok so.

Bax: So, I think the language that's important is that the hours that you designate are going to be for instruction. And that she's allowed to provide instruction during these hours.

Conti: So, we're only looking on their initial use variance we are only looking at number 2 hours of operation.

Bax: That's correct.

Fontana: So, the business, if the classes end at 8 o'clock, you can lock the door at 8 o'clock. The children can be in there, and if the parents late, then you just unlock the door, let the child out, or parent in, and then you can go on your way.

Novelli: And I am not going to be out of compliance.

Fontana: No.

Conti: That's what we want to write up in that section. Is that this isn't like Al said this is instructional time.

Fontana: You're in there for a half an hour to clean up turn the coffee pot on or turn the lights on.

Conti: Or if you go there during a weekday morning to clean.

Bax: I think it's easier if you define what a violation is. If you had a class before the opening of operation or a class outside of the after instructional operations

Fontana: Then your out of compliance and violation.

Novelli: Yes.

Fontana: Everything else is not a violation

Novelli: I'll discuss hours.

Machelor: All we have to do is change this word " operation " to " instruction.

Bax: I would suggest you do that, and then define what the what the hours of instruction will be.

Fontana: Now the class on Monday ends at 9, right?

Novelli: It ends at 930 on Monday. Um. But like. In in another five months, when we do our spring semester, we may have...

Machelor: Rachel, so...

Novelli: Never ever going to go after 930 we know this.

Machelor: Ok alright. Getting back to the... here it says Monday and Tuesday, 3 to... Why don't you just say Monday through Friday, of 3-8.

Novelli: Um. What if we have to do at 2 o'clock? Can we say like 2-930?

Warnick: Now you're getting. Now you're. To me, that's a big ask considering what was approved.

Machelor: Well, that's a big.

Novelli: We have. I mean, like I said, those, those hours that we gave you that you put into this.

Machelor: When's the earliest reasonable time?

Conti: 2's not a problem I think it's the 930. That's the, That's the big issue.

Novelli: We don't have class every night till 930. What if next semester we have to do it on Thursday night?

Machelor: Well, I think what you're going to have to find, whatever we do, you're going to have to work within that, so not have things at 930 anymore.

Novelli: Right. Well, I mean, if we're if we're closing up and leaving, I mean, okay. So, here's the way it works. It's, it's hard to explain. So normally the babies come in first. These are two three-year-olds, right? They come in starting 345 or so, 4 o'clock, depending, and they dance, and then and then Grade school kids come, and then middle schoolers, and then high schoolers, because high schoolers are allowed to come later and stay later, you know. So, I if, if we can't have till like say Mondays, if we can't go till 930 on Mondays, I would have to actually cancel some kids' classes because we have little ones coming right after school. We can't have them come any

earlier because they're still in school or they're getting off the bus, etc. So, we're operating. You know, we don't have like a bunch of half an hour break. We have no breaks. Class, class, class, class. Class, go home.

Fontana: Can I ask you about the 930 evening? If classes end at 930.

Novelli: Not always Then always. Just right now, it's just Monday, but it may be different.

Fontana: Is there a chance on those evening nights that at 930, within 10/15 minutes, you can lock and leave the premises?

Novelli: Absolutely.

Fontana: I mean, shut the lights off as. At 9, well, you know, within 5 minutes, and then come back. You can come back in the morning, but after cleanup, I mean, if you know, so then at 930, I don't want to say the lights are on, but you know, kids can wait there.

Novelli: Yeah, when we when we close at 930, they're tired. They've been dancing for 3 hours. They're ready to go home. Nobody's hanging around.

Machelor: We don't want this to be a hill that you die on either. But the whole thing's all held up by one class till 930.

Novelli: Right, but I.

Machelor: I mean, there's Saturdays and Sundays too I suppose.

Novelli: Yeah. Yeah, Saturdays. I mean, we don't normally hold classes on Sundays, but sometimes, sometimes there are. But I worry, I worry that it's hamstringing us in a way. Like, if we say Monday 930, then like forevermore, like how would we grow the business if we can't? Do you know what I'm saying? Never want to go till 10. But maybe on a Thursday I want to go till 930, or maybe when I go to go till 9 o'clock on a Thursday, like.

Conti: Well, any, any.

Novelli: I don't want to hamstring myself for future.

Machelor: No, but it is a residential neighborhood.

Novelli: No, no, I mean so. I mean, we have people living in apartments above us and the studio now.

Machelor: Well, that's not that's not the issue. You know, the issue is that up there

Novelli: I get it

Machelor: And so. You know, asking for 930 one day a week, I suppose, is okay. But you can't come back and say, you know, we'd like to do that on Tuesday night instead of Monday night, which wouldn't make any difference anybody but.

Novelli: So, it's, it's, it's, it's I don't I don't know how to um yeah, I mean like these classes are already scheduled.

Machelor: I'm trying to get a time frame. Monday through Friday, that is open enough that you can put whatever you want in there. And if it's 3 to 9, even that would be — you could. Struggle with that one.

Conti: Would you ever have classes before 3 in the afternoon?

Novelli: Only like only makeup classes and things like that. Only like one two kids, you know, like if they have to do makeup class and they're homeschooled because most kids are in school.

Machelor: And you're down the street from the school.

Novelli: I'm right next door to a school.

Conti: Yeah, next door to school. And normal and normal evenings, it's 8 o'clock. Normal times.

Novelli: Sometimes. It depends.

Talking

Mike Novelli: Can I say something

Conti: Yeah.

M. Novelli: I just have to say, looking at it from I live with her right? So, I'm watching this. The intention was never to tell you these are the hours that we're going to do it, and you tell her this is when you can do business. We got two hundred thousand dollars wrapped up in that building right now, and now we're finding out we can only operate during times that we can never grow, and it's, it's terrifying us.

Machelor: I agree.

M. Novelli: I to understand that like that was not the attention she had no idea until the owner said here's the variance and said here's what.

Conti: Well, we read that that night.

M. Novelli: That was an example of when her class.

Conti: But the night that we approved the variance, that we, we read those hours and you said OKAY.

R. Novelli: Yeah. Because I thought you saw the representative above that, or an example. I mean, this is like when we generally have classes. Yeah, generally, it changes every semester.

Machelor: Her intension is that she put the word representative hours in there, and we, we ignored that. Right, we did.

Bax: I think the difficult thing is that the board has the obligation to look over the neighborhood in the granting of the variance. Was a bending of the rules for this particular business. So, I think there's got to be a little bit of a give and take in the sense that.

Machelor: Again, I'll ask this question once, just once more. Give me a time, one day through Friday. You know, a. m. and p.m.'s.

Novelli: We say Monday through Friday, 3-930. Okay, we're not going to always be there till 930, but we'll never be there past. And when we say 930, this is. One class of like our comp kids say is a team of eight girls right now. It may go up to twelve. It may go down to five. We never know. These are these are elite dancers. We don't ask

our regular recreational dancers to come and dance till 930. Do you know what I mean? Like you just don't do that.

Machelor: Okay. Okay.

Novelli: This would be like one class.

Machelor: We're convinced. We're convinced. We just. We needed something to put down on a piece of paper. Once it's on there, it'll be it. Won't be any...

Fontana: You leave it up to you that at 9: 30, you know, you'll take on those evenings or whatever that you'll lock the door and you know maybe turn down some of the lights so that at least people that are watching, which are going to watch, they'll know that.

Novelli: That's what I'm very worried about. I'm very worried about a lot of animosity.

Conti: Is there a lot or is there one?

Novelli: I heard there's a couple. Yeah, or maybe. Yeah, I heard there's a couple.

Fontana: But I figured, personally, that once they see that it's, it's happening that way, I think over time those lights might just go away. But if you've got the lights on till 10, and then yet. You're going to have problems.

Warnick: Could we put something in there? Because you said these are elite dancers, so everybody else generally signs there at 8 o'clock, right? All the recreational dancers that you said.

Novelli: I can't.

Warnick: Is 9 o'clock?

Novelli: Yeah.

Warnick: Ok.

Novelli: I mean, so...But...

Bax: If you'd like, and again, I'm, I'm super on. Also, is possible? Is it possible to, to define no classes greater than so many students after certain periods?

Novelli: Can we? Can we? We can't just say we're gonna.

Conti: We're trying to make it so that you're not getting beat up every day you walk into that place.

Novelli: You can't just say what I wanted to say. It's not gonna work.

Machelor: It's well. Subject to that'll be subject to interpretation, and you know what happens then. Somebody comes in and interprets it different than you.

Novelli: Yeah, very responsible though.

Conti: Because what you feel is reasonable, like you wrote here. What you feel is reasonable daytime, evening hours. Is going to be different than what she feels.

Novelli: We've been doing for thirty years. No one's ever said anything.

Conti: I know.

Novelli: Although we're not in the middle of a, but we are there's houses behind. There's houses next door.

Machelor: Rachel there's a library behind you.

Novelli: I know.

Machelor: A restaurant in front of you so...

Conti: We can't look at what you're at now. We're looking strictly where you're at, where you're going.

Novelli: So, I'll definitely, I definitely want to let's, let's try and figure this out. Yes, but also, I don't want a hamstring business for the future because again we put tons of money into this place. We want to stay forever.

Machelor: So, so what does the board think? Does the board think, based on what we heard from the neighbors, that a 9 o'clock hour is going to not be what we decided originally? Did we? We didn't restrict at that time. We didn't say anything about that. So, is 9 o'clock a reasonable time?

Warnick: But it doesn't meet her needs though. So, we would be. It doesn't meet her needs.

Talking

Fontana: 930 they tone it down and all the lights off and leave one on.

Warnick: But one of the issues I have is if we go Monday through Friday to 930, now you're going to have 5 classes till 930. I know that's not your intent right now, but if all these kids come, and I think that would torque off the neighbors. So there needs to be something in there because if you let's say that it grows as much as you would like it to, and you need Tuesday to be to 930, that's where you come back in and we go okay. We're you know the the 930 on Mondays works fine. 930 on Tuesdays should be fine as well.

Conti: Could it be that something like this here? Could it be 2 p. m. Monday to Monday to Friday 2 p. m. to 9 or wait Monday to Friday. 2 p. m. to 8 with one day variable till 9: 30.

Novelli: We can't. Some, some days we're there till 8: 15.

Conti: Well

Novelli: You know...

Conti: Well, I know this. This is this is this is instructional hours. This is instructional hours, not operational hours.

Novelli: Only classes. Ok.

Conti: I am just talking about classes now. So, if, if we did so that you, you'd have one day that you can move from Monday. Look, you said next semester might be a Friday instead of a Monday night. You're not saying you can do Monday and Friday night, right?

Warnick: At this time, no, but

Novelli: But I don't know. I don't even okay. So, I'm right now. I'm only teaching in Lewiston on Mondays and Fridays. So, I haven't even looked at the schedule for the other days. So, I don't even know what the schedule looks like. I can look it up right now and see.

Fontana: Can't you say? Can we do something like no more than 2 days a week, 930, no more than 2 days a week.

Conti: And the rest of the rest week would be 2to 8. Well, I'm talking about instructional hours.

Fontana: Yeah.

Conti: And we, we need to really emphasize that this is instructional hours.

Machelor: Yeah. I'd like to flex the instructional hours too. Well, I'd like to make those 830, not 8. Yeah. If she finishes at 8 or 810 or 815, so much the better.

Fontana: 2-830, 930 classes, no more than 2 days a week.

Machelor: That sounds.

Fontana: Could you limit that 930 class to 1 group, or is that?

Novelli: It's right now it's one group. Yeah, and we absolutely. I mean, like when I say they run out.

Talking

Conti: I would just. I would just. I would just take the two days a week, because as you go along and you are the responsible neighbors, like you say you're going to be, and they can see that.

Fontana: Yes.

Conti: Then I think if you need...

Fontana: They'll go away.

Conti: They'll go away, and if you need to add a little bit here or there, that's not going to be a big deal.

Fontana: For the first while, you got to make sure that.

Conti: And like she was saying,

Novelli: I yeah.

Conti: As much I hate to agree with you.

Mike Novelli: I feel like she's coming back either way.

Conti: Oh, she's coming back

M. Novelli: I never met her.

Conti: Oh yeah, oh guarantee. We have three times now.

Bax: If I could just make one suggestion and not throw a fly in the ointment, that scenario has for the building department to enforce. So, if he shows up on a Wednesday to say there's a complaint. Class for Thursday, let's say, but you had classes on Tuesday at 930, Wednesday 930, and Monday at 930. How does he enforce that? How does he How does he have evidence other than here's the class happening after a certain hour?

Fontana: I'm sure she's going to somebody's going to record it on a video.

Novelli: I wouldn't go. I wouldn't go against the variance anyway. I get what you're saying.

Fontana: I would say they're going to record it. Probably going to be out there with something seeing if the lights are off.

Machelor: Well, you know, it depends on what the Neighbors do.

Warnick: But would it be like you said every semester of school, basically, right? It changes. So, would that be something she could change with the building department? Say, hey, we're going to be Monday, Wednesday this semester, or is that out of out of reach?

Novelli: That would be with Mr. Masters?

Warnick: And that it's that it'd be your responsibility to keep.

Novelli: I can do that for sure. I mean, we, we could every time that we change, we could.

Warnick: So, when somebody comes in on Tuesday, they were late. Yeah, those are one of their two days, and the other day is Wednesday.

Novelli: Yeah, we're going to have to decide if we can defend this.

Warnick: That's what I mean. But it puts the obligation on her to notify the building department of what her compliance is going to be for the week.

Machelor: That would work.

Novelli: Yeah, I can do that.

Fontana: 2 days 930. And as you change it, you'll have to notify which days they're going to be when you make a change.

Novelli: Absolutely.

Fontana: And then we will see.

Novelli: That's not a problem.

Fontana: Has to be done. Does that sound alright?

Machelor: Yeah, I liked it.

Talking

Conti: So, well, I think what we're gonna do is say okay, from 2-830 are the hours, and two days a week they can go till 930, and that those two days a week they'll notify Tim as they change.

Fontana: Which two days are gonna be?

Conti: Right.

Fontana: One semester might be Monday, Wednesday.

Novelli: No, we have a problem. This schedule already—it goes till 9. Some of it goes till 9. It's already happening. It's already been going on since September, waiting for us to get into our new spot. Yeah, and we can—we may be able to put some of these classes into our third room, so that you know, a class that went from 8, you know, like 815 to 9, we can put over there. And then can we do 9 because that's, that's the only I know. It's like it's like.

Conti: If it wasn't for a couple neighbors, it would not be an issue.

Fontana: Let's do 9 and see where it falls.

Machelor: Let's do 9 and 930 2 day a week.

Novelli: We could work with that.

Talking

Novelli: No. The earliest class that we have this semester starts at 345. Except on Saturday's.

Warnick: Saturday is different animal. But if you went 3 to 9, would that be?

Novelli: 3 to 9 and then two days a week till 930 that's a lovely compromise.

Machelor: And you never do anything on Saturday.

Talking

Novelli: No, Saturday are here all day.

Warnick: Sunday

Novelli: No, not never. Every once in a while, we have picture day or special rehearsal for you know parade. Nothing regularly scheduled.

Machelor: Okay, they're not instruction hours.

Novelli: They're not instruction hours.

Machelor: Ok there you go.

Conti: Saturday is 9-2 you have down.

Novelli: I would go till 4 or 5 be safe. Well, because you don't want us to be there late at night.

Machelor: You can be there any time as long as it's not instructions.

Novelli: No, Saturdays we have instruction all day.

Machelor: All day.

Conti: Well, well, then we have 9 to 2 is in the variance.

Novelli: 9to 2 because those were represented.

Machelor: 9 to 2 Monday through Saturday.

Novelli: No, Saturday.

Conti: No, no, no.

Novelli: Right now, our class end on Saturday's right now at 345.

Conti: So, you want 9 to 4 on Saturday.

Novelli: We will take it.

Conti: So, 2 to 9 Monday through Friday. Two days till 930

Novelli: Perfect

Conti: And 9 to 4 Saturday.

Novelli: No isn't it 830 its babies so you know they get up so early. I don't have to teach on Saturday morning thank goodness anymore 830 is the first class start. So, instruction will start at 830.

Machelor: Instruction at 830 ok.

Conti: 830 to 4

Machelor: As the attorney pointed out, you have the ability to be in the building anytime you want for doing other things.

Conti: We need to write that in that line too.

Warnick: For administrative purposes or something like that

Conti: So, so, so do 2 or 3 during the week. Two. Two or three during the week. This is instructional. Okay. So, so, so 2 to 9.

Talking

Conti: 3 to 9 two days until 930.

Wisnieski: 3-9 two days until 930.

Conti: Saturday's 830 to 4. Simple. And I can't stress enough. Cannot stress enough to be that responsible neighbor, so that. They have nothing to complain about. I mean, because and after that, she'll calm down. If you need to go a little bit more here or there, it's not be a big deal. But I mean, just I mean,

Novelli: We've already we've already blocked off the back, so no one's pulling through the neighborhood anymore. Like that's one of the things we needed to do. People are mad about it. I go; they're going to snap that chain. People go flying through there.

Bax: Are you making accommodations too, or is it possible noise that may transmit though the walls?

Novelli: We All we already have special batting. We have in the dance rooms themselves.

Bax: I think that would be one of the concerns.

Novelli: We all have we have sound dampening everything.

Bax: 7 to 930 keep the volumes down, etc.

Machelor: They're far enough away from people that.

Bax: Right. My concern is that people are going to go to people are going to walk to, to experience the, the issue that they can hear it outside.

Fontana: Area is blocked off in the. Parking in the back. I seen it. Is there any chance whoever they put some of those concrete jersey barriers where...

Novelli: Where the cone is?

Fontana: Well, Theres a cone

Novelli: There's a cone and a chain right now.

Warnick: Could be easily missed.

Fontana: Is there any way? I mean, I don't know whose responsibility.

Novelli: It's ours. It's ours. So right now, we can't afford it, but we will. I will say that that will be the next thing we should think about doing. Yeah, we can do that. Or yeah, yeah, because we had to, we were out of money.

Conti: Because she's complained about that, too.

Fontana: Something that's a little bit more on a permanent basis.

Novelli: Absolutely. Yeah.

Fontana: If there's snowplow and things

Talking

Fontana: I make one suggestion when people are pulled in to pick up their kids. Is there any way they can come in at the far driveway where the headlights are not shining in those people's houses?

Novelli: We have okay. There's, there's, There's fences there

Fontana: I know

Novelli: And they're pretty high, but we have the arrows going, and they go out over there, so they come in here, so it wouldn't. It goes straight back.

Conti: So, they go in the left driveway.

Novelli: They're not going in the front.

Conti: If I'm coming off of Lewiston Road

Novelli: They're going in on the left and coming out on the right.

Conti: That's what you want.

Fontana: Yeah, so that the headlights when you.

Novelli: They're not going to be shooting right at their houses. No, there's only other way.

Fontana: That'll probably help a lot, if possible. I know maybe once in a while, but if they show that pattern, go that way

Novelli: For sure

Fontana: For a little while anyway.

Novelli: Well, no, we're going to do that pattern forever because it's safer for the kids. Like, and all the parents know what it is.

Fontana: Yeah, maybe you can inform the parents.

Novelli: Oh, absolutely, and they won't be allowed to go the wrong way. We've had signs done, you know, do not enter, exit only.

Warnick: I do have a question you touched on this earlier. So, you're using two rooms right now, for, for the most part. So, you have three.

Novelli: So, we booked 3 rooms because we thought we would be in there on time. And right now, we're teaching two classes in one room at our old studio. So, when we get there, we'll be able to separate them out. But we do have that third room not being used on certain days where we can push maybe later kids into there.

Warnick: Well, that's what I was getting at.

Novelli: We will try and we'll try and work out whatever we can when it's ready.

Warnick: That gives her a little growth with the hours that we're going to talk about.

Machelor: Yeah, I'm looking at the other nine items here to make sure there's not any. Those are all adjustments that we were asked for.

Conti: No.

Machelor: This word in here, operating schedule, is in several times, and it should say instruction schedule. And then the hours. Other than that, we're good. The landlord is supposed to close off those back things for you.

Novelli: We made a deal in our lease that certain things are my responsibility, certain things are his.

Machelor: Okay, can you get something permanent in there?

Novelli: Well, there is something permanent now, but I will put a concrete. But right now, there's two poles in the concrete with a chain. I will.

Machelor: Are those poles in the concrete, or they just sitting on the?

Novelli: No, we had no. We had them put in like professionally, stuck in the ground.

Machelor: Why don't we just leave them?

M. Novelli: Yeah. Why don't we?

Fontana: Can you put more cones?

Novelli: We put a couple more cones in.

Machelor: That's adequate.

Warnick: Do you have anything hanging on the chain like reflective?

Novelli: There's stuff hanging on the chain.

Warnick: Reflective stuff. Okay.

Machelor: Okay. All right, board. What are we going to do? We're going to turn this over to our attorney to redo this.

Conti: Yes.

Bax: Why don't you take a roll call vote approving it, and then I can just redraft it with your vote.

Machelor: Okay, so make a motion, someone.

Talking

Warnick: I make a motion that we approve the hours adjust the hours rather from 3:00 to 9 pm during the week day, Monday through Friday and we change the hours on Saturday from 8am to 4pm.

Conti: With 2 days

Warnick: With 2 day she will have to inform the building department that she can be open until 930 for instruction.

Bax: Instruction until 930.

Fontana: Monday through Friday.

Machelor: And on here where it says operation it will be instruction stuff instead. And the rest of this stuff good. Alright there's a motion and second?

Fontana: I second it.

Machelor: Okay. All in favor?

Members: Aye.

Machelor: Any discussion? Any discussion? None. All in favor say aye.

Members: Aye.

Machelor: Opposed? Hearing none. Lisa.

Wisnieski: Joseph Conti: AYE. Lou Fontana: Aye, Gary Heuck: AYE, Norman Machelor: AYE, David Warnick: AYE.

Machelor: Okay. Thank you.

Novelli: Thank you.

Machelor: We don't want to see your face in here anymore. And don't bring your buddy.

M. Novelli: Thanks, guys.

Novelli: Thank you. Appreciate you working with me on this. We're gonna we're gonna do a good job. We're gonna be very respectful of our neighbors.

Talking

Machelor: Lou and I wanted to know if you could give dance classes to old guys.

Novelli: No, I can't.

Warnick: We have to close the meeting too.

Conti: Motion to adjourn

Heuck: Second

Machelor: All right. We got a second. All right.

Respectfully submitted by

Lisa Wisnieski
Building Dept Clerk

Norman Machelor
Chairman