

ZONING BOARD OF APPEALS
Town of Lewiston 1375 Ridge Road
Lewiston, New York 14092
Thursday – September 10, 2026

Agenda- Kermit Kelsch Area Variance SBL 104.04-1-52 Bridgeman Road (A), Amy Witryol Informal discussion (B)

Present: Conti, Fontana, Heuck, Machelor, Warnick

Presiding: Norman Machelor, Chairman

Machelor: I'd like to call the meeting to order, and ask that anyone who is able stand for the pledge of allegiance. Thank you. Would like the Board to read the minutes of a prior meeting. Ask for approval of revision.

Heuck: I'll make a motion to approve.

Conti: I'll Second.

Machelor: Okay. Motion to approve and second it. All those in favor, say aye.

Members: Aye.

Machelor: Thank you. 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 details of the request, the board will grant a variance to continue the project or a denial to prohibit a project as presented. And with that, I'd like to open the public hearing for Kermit Kelsch 5140 Townline Road, Sanborn. Are you here, sir?

Shiah: Yes.

Machelor: Address and name into microphone for the record.

Shiah: Good evening. Is that working, okay?

Conti: Yeah, it's working.

Shiah: My name is Aaron Shiah I'm the son - in - law of Mr. and Mrs. Kelsch. I'm here this evening to represent them. They're in attendance as well. We are seeking an area variance for a plot of land that they own that fronts on Bridgman Road. That land is accessible only through a 66 - foot corridor that connects their 4 - acre lot to Bridgeman Road. They are seeking the ability to build a single - family home on this lot, and the current zoning is restrictive in the sense that it requires 125 feet of frontage.

Machelor: So, you're trying to use the 66 feet that you have as the frontage. In order to access the building in the back.

Shiah: Correct. So, the 66 feet is the only frontage on a public roadway, and we would like to use that corridor to build a permit a private driveway to be built that would run through that corridor and into the main part of the land. The main part of the land is 323 feet wide and over 750 feet deep. So, it's a rather large lot. Correct. Yeah. Thank you!

Machelor: And the 66 feet goes right through the center of this property.

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Shiah: That's correct. And it's all one part... It's all one parcel. It's a, it's a flag lot. So, it's not two separate sections.

Machelor: I wonder how that was ever done. So, do you have neighbors on each side of you on this 66 foot on each side on Bridgeman?

Shiah: That's correct.

Machelor: Ok.

Conti: How far back is the driveway? How far back is the house? But the driveway.

Shiah: So, the, the house is showing the plan. There is approximately 250 to 300 foot back on from Bridgeman Road, so about a football field distance. The, the corridor section is about 185 feet long, so it will be set back even further than what is in the corridor itself. And you were asking about that lot, why was, Set up that way. This is decades ago that lot was created far beyond the time of Mr. and Mrs. Kelsch owned the land, and a lot like that can be used to, to subdivide and create multiple lots within it. And a 66-foot corridor would allow for a public road to be built. And it may be that's why a previous owner had established it in that manner, but that's not what is before the, the planning board today. What we're really to Build one single - family home, and we think that surely, if it's permissible to build a public road across a 66 - foot corridor and 4 or more subdivided lots and homes, that it's reasonable to have a private driveway and just a single – family home.

Machelor: Ok alright.

Conti: How long have they owned the property?

Shiah: They bought the property in 1983.

Machelor: Now it was configured that way then.

Shiah: It was configured that way at the time that they purchased the land. The land had been used for farming. Really, for most of that time, Mr. Kelsch rented it out. It's very minimal return. He's basically able to capture about 80 dollars a year in rental for the property. Which I don't know if that even covers the property taxes. And it's, it's just farming a small lot like that. These days, it's not very economical. It's very restricted and difficult to make that work. So, there is no real viable economic use of that lot Anymore.

Conti: No. The house that they're looking to build would be in the center, like it'd be about two hundred feet to three hundred feet back, would be in the center of that lot. Because the width of the lot at that point is like three hundred eighteen feet.

Shiah: That's, that's the intention is shown on the on the agenda there. They would that would go through the normal Permitting process for proper setbacks and location. There's also drainage concerns. We need to work around engineering requirements for drainage on the lot. So, you know, decision about where the home locate may be impacted by some of those other things. But that's intent though.

Machelor: That's a separate thing.

Shiah: Separate issue.

Machelor: So, I'll close this. Anybody else want to speak, to this issue, anybody here wants to talk about this? Okay. All right. Then I'll close the public meeting and ask for a motion.

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Conti: I'd like to make a motion based on the board's discussion and the following considerations: whether undesirable change would be produced in the character of the neighborhood or detrimental to nearby properties. No, wouldn't, because it's the house is going to sit so far back, you're not going to be able to see it from the road. Number two, whether the benefits sought by the applicant can be achieved by a feasible alternative to the variance. No, it can't, because of the situation of how the lot was, was zoned out and it was made Ways years before they even purchase it. Whether the request of the variance is substantial, it is substantial because it's one 125 feet going down to 66. Would the variance have an adverse impact on the physical and environmental condition of the neighborhood? No, because again, it would sit back; would still be within a residential area. And whether the alleged difficult costs were self-created, no, it was not. The way the land was produced. So, with those, with those determination the ZBA determines that the benefit of the variance to the applicant outweighs any detriment to health and to welfare of the community. That the variance request is as minimum necessary, and the variance be granted.

Warnick: I'll Second it.

Machelor: We have a second. Further discussion from the board. Okay, I'll call the question. All in favor, say aye.

Members: Aye. Opposed. Briggett, please call the board.

Cogland: Joe Conti: Aye. Lou Fontana: Aye. Gary Heuck: Aye. Chairman Machelor: Aye. Dave Warnick: Aye.

Machelor: It's approved. Yes Sir. Thank you.

Shiah: Thank you.

Conti: Oh, you know what? Hold on one second. Do we have to do accept the SEQRA?

Bax: Yes. Yeah. Sorry.

Conti: Okay. We have to do the SEQRA.

Machelor: We do?

Conti: Yeah. I Totally forgot. We just have to accept the SEQRA.

Machelor: Okay.

Heuck: Yeah, a non - dec. Okay for the SEQRA motion.

Machelor: Okay, second.

Warnick: I'll second

Machelor: Okay, we have a motion and second that it's not a not a. Ok all in favor of that.

Members: AYE.

Machelor: Yeah. Do the normal thing by going to Tim.

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Talking

Machelor: We were... We have something on our agenda here that someone would like to speak to us. Are you Amy?

Witryol: Yes, sir.

Machelor: Amy, if you'd like to go to the microphone and tell us what you have to say.

Witryol: I am just going to hand you a survey to look at, which might help eliminate the questions or the feedback. I would encourage you to give me, but I'm here to talk about an increase in the livable space on my property. Amy Witryol, 4726 Lower River Road. That actually, this is a situation in my view where a variance would have to actually do more to maintain the character of the neighborhood than taking my garage, making it into a master bedroom suite, and then building another garage closer to the river. If certainly, Mr. Morreale, who lives around the corner, is familiar with the structures along Lower River Road, most of which were grandfathered, where there's a residence by the road and then a residence by the river, I would like to construct a small residence by the road, with or without a subdivision. I would like to have family in this residence or in one of the two residences. Depending on my health, I'd like to stay in my home as long as I could. But may since I'm aging quickly in this town, as Mr. Bax knows, and I've had some serious health issues, may need to move into a more old person friendly.

Machelor: Why, why don't we start at the beginning.

Witryol: Sure.

Machelor: So, you have a piece of property there.

Witryol: Right.

Machelor: And you would like to put another building on it.

Witryol: Right.

Machelor: And your problem with that is you can't put two buildings on the same property, right?

Witryol: Well, I have a...the plan A is correct. I can't put two residential buildings. I could put two non - residential buildings. So if I converted my garage, which is attached to the house, to a residence, I could build a detached garage, but that detached garage would be, in order to conform and avoid coming to this board for variance, would be much closer to the river than it would be to the road, and that would kind of disrupt, in my view, not disrupt, but it wouldn't enhance the character of the neighborhood, such that the carriage house on one side of me does.

Conti: So, what do you want to do then?

Witryol: Well, if you look at the, the asterisk with the circle around it, that's where the road is. I apologize, I couldn't get a my architect to get a drawing done in time. It's kind of on short notice, but that's where I would like to put, you know, a twelve hundred, fourteen hundred square foot home. The other two asterisks are. Existing buildings. If I could not get a variance to build that second residential structure, if you will, by the road, then my conforming option—if you see the word garage, kind of stuck in the middle there—if you can read my handwriting—is to take that garage on the first floor and convert that into a bedroom, and then put build a new garage where the shed is, which is directly to the right. But it's a small shed, and obviously we need to be much

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larger for the garage. As you can see, that although it would be conforming, would be much closer to an existing residence next door. Whereas by the road, it would be more similar to what you see driving up and down.

Conti: So, so you want to split the property? Basically, is what you're looking to do. I mean, that's what you would have to do, correct? I mean, you want to put a separate house on another piece of property, so you're going to split the 100 - foot frontage for what I'm looking at here, and make it a 50/50, 25/75.

Witryol: 75/75, or leave it at it as is.

Conti: Yeah, that you're putting another house. And for what you want to do, you have to separate. So, you're looking to put a, you want 25-foot frontage for the one house.

Witryol: Well, when I talked to Tim about it, he seemed to like the idea more of 75-foot frontage.

Conti: Okay, but...

Witryol: Then that would create a variance for my house in back.

Conti: I was just going to say, but then your house would only have 25-foot frontage.

Witryol: Right. Well, that's all I need. My driveway runs right down that left side of the paper.

Conti: Yeah.

Witryol: And the houses in back, so it wouldn't affect me other than you know there is already an additional parking area that I'd like to keep. If I did 75 by 75, I could put in a deed restriction so that you know when I'm gone and that property is sold, whether it's legally subdivided or not, nobody ends up you know expanding it into a.

Conti: But we're still looking at one point of giving a 25-foot frontage.

Witryol: But one or the, the other, or it could be 50/50. I am open to anything.

Conti: Do you know what the frontage? What the zoning is in her area there.

Bax: On River Road, I don't, I don't know that offhand.

Witryol: It's, it's R one, and there are already a lot of houses on River Road where there's a house in the back and a house in the front. But Tim gave me the impression that all of those are grandfathered, except for the ones that have built these other structures.

Machelor: The problem is, most of the time, when citizens come here and ask us for something, they have it all figured out because they've already talked to a builder and, and Tim and all that. And you're using us as kind of a sounding board to go through various plans.

Witryol: Yeah, yeah.

Machelor: But, but you know, we can't give you our opinion on those things except to say that that's pretty hard to do.

Witryol: Okay.

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Machelor: To give you a 25-foot frontage. That's, that's way out of line.

Witryol: Right.

Machelor: That that won't happen.

Witryol: Okay.

Machelor: So, the other parts of it, you know, about how you treat your garage and what you use your garage for and all that stuff, as long as you're within, you know, you can you can do that stuff.

Witryol: Right.

Machelor: But you're looking to build a separate house on one residential lot, and that's just not going to work.

Witryol: Yeah. Um. Well, that that's something to keep in mind. If um uh if I go the non - conforming route, I mean if I go the conforming route, it's not going to be as attractive as and that that's the only reason why I'm here.

Machelor: Okay, what's the what is the route that you say is conforming?

Witryol: Um just turn my garage into a bedroom.

Conti: A basically basically make... put an In - law setup.

Heuck: It would be an extension of that regular dwelling that you have, taking that garage that's already connected to it, making that into actually an apartment. Okay, an extended apartment, like an in - law setup.

Witryol: Yeah, I'm a senior citizen that would be for me.

Talking

Heuck: I can see what you are saying.

Witryol: And then I would have to, because I'm losing a garage, and obviously it's so close to the river. There's no basement, so I would have to build a garage, probably a detached garage to build an egress egress so that trucks can get, you know, to the back of the house on on either side of the house. But I'd have to build a detached garage and b a two-story garage because I'm losing all, Storage, what what storage space I have it in the garage. Now that's all conforming, and you know I would just need to go to the building department with plans. As far as financial impacts are easily over a 30-year period. If I had a second house there, whether it was my architect mentioned that there was an alternative to a subdivision like an out something. Because the property next to me is taxed as one property. There are two dwellings that have always been separate. One has always been a a rental, but it's got a dotted line and a parcel that.

Conti: Again, we don't have we don't have the paperwork to really make any kind of comment on that.

Witryol: Okay,

Conti: So that that that that just doesn't mean anything.

Witryol: Yeah

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Machelor: I think Tim already put you in here that. There's a lot of grandfathering there, where the rules were finally put in after many years of development. So, but you know, there's a reason they call it grandfathering because you can't become grandfathered in the future.

Witryol: Right. And the exactly, and again, the only reason why my plan A is to come to zoning board for variance is because, in my estimation, that does way more. Maintain the character of the neighborhood, and to build a detached garage near the river, just that's kind of a heartbreaker for me.

Machelor: People do things that we wouldn't agree with here, that we wouldn't do. But as long as you're within the rules, it's their money and their property they get to do them, and. We can't take that into consideration. We can't say, gee whiz, this is going to be a lot prettier than that. So we'll bend the rules for this one, but not for that one. So we, we can't do that.

Witryol: Okay. Well, the, the other consideration, just you know, because the financial aspects are part of the SEQRA, is if it were a separate dwelling, it would you know over 30 years easily, you know, back of the envelope provide. Half million dollars in revenue to the school district in the county. There certainly would be an increase in my assessment if I added a bedroom, but not to the extent, obviously, that there would be there was another home on the property.

Conti: But we don't look at that. We we we don't look at that kind of stuff. We're we have zoning rules we have to follow.

Witryol: Yeah.

Conti: And we we have some leeway. We we can you know. But without having everything in front of us.

Witryol: Okay. Well, maybe I'll I'll try and get the get better drawing for you next time. But one thing that I would add, and I defer to Mr. Bax as to whether or not it's conflict. The existing town comprehensive plan, the 2011 document, calls for increasing density in the river area town. So it's you know a, It's not maybe really conflicting, but from my view, the concept isn't you know incompatible with the town goals and Objectives.

Machelor: Well, it's another thing we don't take into consideration.

Witryol: Is the town's comprehensive plan.

Machelor: Yeah, We do the Zoning regulations and we're required to follow them except what we have certain latitude here.

Witryol: Yeah.

Machelor: But normally, what happens is people get their act together. They pay the fee. They talk to Tim. They get somebody else that's has experience in this and presents us with a plan.

Witryol: Okay.

Machelor: And we only have to make decisions on a couple things: is it the right place for this? Is it right there?

Witryol: Okay.

Machelor: And then we say yes or no. And then you know.

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Witryol: Okay.

Bax: Certainly, That piece that piece of information that you just brought up as far as the comprehensive plan can be included at the back end of that application.

Witryol: Yeah, and, Because I am certainly not an architect, probably you would prefer if I have my architect go back to the next meeting instead of me.

Machelor: Well, many times they do.

Witryol: Yeah.

Conti: A lot of times they do, but that's after the point of having filed for a variance.

Witryol: Oh yeah. Okay. Yeah.

Conti: This is very unusual because without having all the details, we usually don't comment on on this kind of stuff.

Witryol: Right. Well, that that's okay. The questions are helpful. The you know the Reference to town code, understanding that is helpful. So I really appreciated you.

Conti: Thank you.

Machelor: Thank you for coming in. Good luck with your plans And maybe we'll see you again.

Witryol: Thank you. And I think I'm older than Mr. Heuck. That's just my guess.

Conti: She Says she's older than you.

Witryol: I think I probably am.

Machelor: He's as old as Methuselah.

Witryol: What?

Machelor: He's as old as Methuselah.

Conti: I'd like to make a motion to close the meeting.

Warnick: Second.

Conti: All in favor.

Members: Aye.

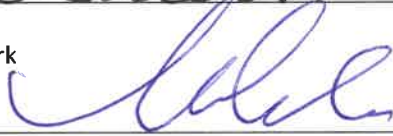
Conti: Okay.

Machelor: Thank you.

Respectfully submitted by

A handwritten signature in black ink, appearing to read "Lisa Wisniewski", written over a horizontal line.

Lisa Wisniewski
Building Dept Clerk

A handwritten signature in blue ink, appearing to read "Norman Machelor", written over a horizontal line.

Norman Machelor
Chairman