

ZONING BOARD OF APPEALS
Town of Lewiston 1375 Ridge Road
Lewiston, New York 14092
Thursday – March 13, 2025
Agenda-Susice- 4436 Dickersonville Road (A)

Present: Conti, Fontana, Heuck, Machelor, Miller

Abstain: Warnick

Presiding: Norman Machelor, Chairman

Pledge of Allegiance

Machelor: I'd like the board to read the minutes of February 13, 2025 for an approval for those who were here at the time.

Conti: I'll make motion to approve the minutes as written.

Miller: And I'll second that.

Machelor: Ok motion made and seconded. All those in favor say AYE.

Members: AYE.

Conti: Abstained

Machelor: I'm abstaining.

Conti: And then back to January's minutes now.

Machelor: I'd like approval for January 9, 2025.

Heuck: Yes.

Conti: Second.

Machelor: All in favor say AYE

Members: AYE.

Machelor: Ok thank you! Ok, 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 would like to open the public hearing. The applicant is John Susice 3148 Dickersonville Road Ransomville would you come up to microphone and tell us what you'd would like to do.

John Susice: I'd just like to build a 40 x60 pole barn to replace the one that is falling down at 4436 Dickersonville.

Machelor: so, the barn that you are taking down right.

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Susice: Eventually it's not going to happen until we put this one up.

Machelor: So, you understand the regulation about number of... right. So, why is it that you can't build the building that you want transfer whatever what you want from the current building and then move it into the new building?

Conti: And then tear it down the old building immediately after.

Susice: Yes.

Heuck: You said 2 years.

Conti: Because your talking 2 plus years you mentioned.

Susice: Yeah approximately 2 years.

Machelor: We're really going to be reluctant to grant you 2 years to leave those 3 buildings on there. Because what's the reason why you need 2 years?

Susice: Just to give myself time.

Machelor: Oh.

Susice: I would be doing it myself, to tear it down.

Machelor: Without getting too deep into your business what are you going to put into the new pole barn?

Susice: I have a collection of antique cars, I am going to put in there I can't store them in the old one because of insurance reasons they won't put it under insurance.

Machelor: Yeah, I don't blame you I wouldn't want to put a nice car in there.

Conti: Where are they now?

Susice: My home address.

Conti: This is not your home address?

Susice: No.

Conti: Whose address is this?

Susice: It's a lot I own.

Conti: Oh you own.

Susice: There's a duplex there.

Machelor: But let's go back to where we were. Why don't you ask us to give you the temporary ability to take that old barn down.

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Susice: Ok.

Machelor: While you are building your new barn. Then we have some real thing. You say I'm going to do this by July, I'm going to do this by whatever. Can you do that?

Susice: Umm yes.

Conti: Can you just bring that mic up. Ok.

Susice: Was it on?

Conti: Yeah, it's on because it's going to the recorder.

Machelor: So that's basically it. The Boards going to ask you other questions, but the point is your not allowed to have 3 structures so ones gotta go we don't know what the reason why you wanted 2 year is but. That's not a good plan for the board to do and say ok you can do that in 2 years from now. We'll get on to something else and nobody will pay any attention and you know.

Susice: Now would I be better off subbing that again?

Conti: Subbing?

Susice: Splitting the property?

Machelor: In other words, just to build you can't build that pole barn without a home.

Conti: A main house on the property.

Susice: Ok

Machelor: You can't do that.

Susice: Because when I purchased it was 2 properties. Then we just combined.

Conti: If you want to put a pole barn on a piece of property you have to have a primary house.

Susice: Ok.

Machelor: So, you got the house and properties on one the only issue is with you

Heuck: Time frame.

Machelor: When you will take down the old barn for us to give you permission to do the new one which is going to be part of the deal.

Conti: I guess part of the question that we had when we were first looking at this is the fact that we understanding that you had to have somewhere else to store the stuff so you were going to build the new barn take the stuff out of the old barn store it in there and then tear the old barn down. But now you're saying your taking cars from your property where you live after you build the new pole barn and moving those in there.

Susice: Well, there's some in that barn now stored in there.

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Conti: There's some cars in there now?

Susice: Yes. I just put a roof on that last year.

Machelor: Ok so, board questions?

Fontana: You have to commit to some time frame. Where your committed to have that building removed, I would say or otherwise it may just drag on forever.

Susice: Right, right I understand. A year from the time the other one is up? Is that fine?

Machelor: How long will it take you to build the new one?

Conti: That could be 5 years then. You could take 3 years to build a new.

Susice: I got quotes now I plan on doing it right away.

Conti: So, someone is building that for you.

Susice: Yes.

Conti: Ok.

Fontana: So, by the end of this year is that possibility to have that new one up everything out and the old one down.

Susice: Umm, I guess. Yeah, it's a possibility.

Machelor: Anybody else want to dig into the time frame part?

Talking

Fontana: Sure gottcha.

Machelor: What kind of time frame our attorney what kind of time frame can we ask him for?

Heuck: 6 months.

Seaman: Whatever restriction you want.

Talking

Seaman: It's a condition you would be putting on your approval if you are approving it. An approval condition on him taking down the existing barn by either a set date you know the end of 2025 or the end of 2026.

Machelor: We could balance it with when you put up the other one.

Conti: Well but this is going to be basically a temporary variance because we're only allowing this 3rd structure to be put on until they rip the old one down. Because we can't give a variance to say ok you can have a 3rd structure so is there a thing as a temporary variance?

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Seaman: You can phrase however you want Joe, but it would be a variance to allow for a 3rd structure conditioned on the removal of the 2nd structure by a certain period of time at which time there would no longer be a 3rd structure you phrase it that way or you could phrase it as a temporary area variance there's not really a temporary area variance. Its better to give a date variance.

Conti: Well right there's going to be a time frame on it but I guess that question comes out once you put a variance for a 3rd structure

Seaman: It's got a condition on it.

Fontana: Yeah.

Conti: Ok.

Seaman: It's a variance for a 3rd structure but conditioned on that being limited in time.

Heuck: Within 6 months.

Conti: Alright.

Fontana: And it converts it back to the 2 structures.

Machelor: When does he have to get a permit to put up the new pole barn?

Seaman: Before he starts building.

Machelor: Before he starts building right. So, the condition of the...putting up the new pole barns going to be... See we got a problem of saying to you if we give you a permit to put up the new pole barn and we got to put a time on it we have to get you to promise a time that you are going to do that. So that we can have an end time too.

Susice: Ok.

Machelor: So, you can tell us right now what you think those times are.

Conti: How long did they tell you that it would take them to build the pole barn?

Susice: They wanted to start right away.

Conti: Ok so they start tomorrow just throwing out how long 2 months 3 months 6 months?

Susice: A few months.

Conti: Ok so a couple months.

Machelor: Ok 90 days.

Fontana: End of June something.

Conti: So, I think like Lou mentioned.

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Talking

Conti: So, like Lou mentioned could you have it done by say November 30th have your old barn emptied and torn down.

Susice: Yes.

Machelor: Does that sound good people?

Heuck: Yeah.

Conti: Of 2025.

Fontana: Sounds reasonable.

Machelor: Ok somebody make a motion.

Conti: Well, wait you can't do it that fast.

Machelor: Ok this is an open public hearing I see by the audience there isn't anybody here. Does anybody else want to deal with this? Anybody else want to talk about this? Ok I'll close the public hearing and ask the board to consider what to do.

Conti: Oh, ok I'm sorry.

Heuck: Support right.

Machelor: Emotional support.

Talking

Conti: I'd like to make a motion then. Based on this board's discussion and over the following considerations whether an undesirable change would be produced in the neighborhood it wont because its going to be replacing a barn that's there. Whether the benefit sought by the applicant could be achieved by a feasible alternative to the variance yeah because he's tearing down one and just replacing it. Whether the variance is substantial no. Would the variance have adverse impact on the physical environmental condition of the neighborhood no. And whether the alleged difficulty was self-created yes it was self-created. So based on those discussions the Zoning Board determines that benefit of the variance of the applicant outweighs any detriment to health safety and welfare of community that the variance requested is the minimal necessary and the variance is granted with the following conditions that the old barn be torn down by November 30th, 2025 and that its your only allowed to have 2 accessory structures on the property.

Heuck: Second it.

Machelor: Motions been made in the seconded. Board do you have any more questions about this? Ok hearing none I'll call the question all those in favor say AYE.

Members: AYE

Machelor: Opposed? Would you poll the Board

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Cogland: Joseph Conti: AYE, Lou Fontana: AYE, Gary Heuck: AYE, Norm Machelor: AYE, Derek Miller: AYE.

Machelor: Thank you! Its approved and you heard the words so when you go to Tim you know get your permit you know.

Talking

Seaman: Typically, your builder would take care of that for you. That's usually up to you and your builder.

Conti: But then Tim would have the conditions on what's going on.

Machelor: Alright good. Thank you for coming in. Dave what's your contact information?

Miller: Derek. D E R E K.

Talking

Miller: I'd like to make a motion to adjourn

Fontana: Second

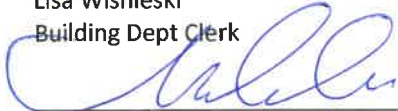
Machelor: All in favor

Members: AYE

Respectfully submitted by



Lisa Wisnieski
Building Dept Clerk



Norman Machelor
Chairman

