

Regular Meeting
Town/Village of Lowville
Zoning Board of Appeals
Wednesday, April 24, 2019
6:30 P.M.

RECEIVED
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BY:

The meeting was called to order by Brian Bush, Chairperson at 6:30 p.m.

1. The Town/Village of Lowville Zoning Board of Appeals met on this date and a roll call showed the following members present:

Linda Lawton	Rachel Hillegas	Brian Bush
Carla Hellinger	Tom Widrick	

Absent: Joe Zehr, Lori Wallack

Others present: Lauren Monahan, Applicant Representative; Roberta Houppert, Applicant; Kathy Manning, Zoning Officer; Henry Avallone, Planning Board Member; Ed McMahon, Planning Board Applicant

2. Reading and Approval of Minutes:

March 27, 2019 –A MOTION was made by Linda to approve the minutes as written. The motion was seconded by Rachel. Tom abstained from voting as he was absent from the meeting. All other members present in favor. Motion carried.

3. Communications and reports.

a. I have copies of updates to the Village Code Book. The combined pages weigh several ounces so I will not be mailing them. Please stop by the office to pick them up or I will supply them at the meeting. The ecode360 website will always be the most up-to-date.

b. A MOTION was made by Carla to appoint Tom Vice Chair of the board. The motion was seconded by Linda. All members present in favor. Motion carried.

4. Unfinished business:

a. The public hearing is for **Application ZV2019-1**, submitted by **McDonald's Corporation**, requesting an area variance to install 5 signs totaling 127 square feet of signage (requesting a variance for 4 signs and 83 square feet of additional signage) on the structure which does not comply with Village of Lowville Zoning Law §201, Article VII, 201-735. The property is owned by Mascoutah McDonald's LFY, Inc., located at 7397 Utica Boulevard, Village of Lowville, New York and is tax parcel number 212.16-03-03.200.

The public hearing was opened at 6:35 p.m.

The chairperson asked if anyone in the audience had any questions, comments or concerns. No one commented. The board discussed the application and determined they would use the rational listed by the applicant on the resolution. Rachel commented that she rational should reflect that there is little difference between the square footage proposed and what is exiting.

The public hearing was closed at 6:40 p.m.

A MOTION was made by Linda to approve Resolution ZB2017-1 as submitted. The motion was seconded by Tom. All members present in favor. Motion carried. A copy of the Resolution is attached to these minutes with the original included in the original record.

b. The public hearing is for **Application ZV2019-2**, submitted by **Roberta Houppert**, requesting an area variance to construct a single family dwelling 75 feet from the right of way which does not comply with Village of Lowville Zoning Law §201, Schedule B, Dimensional Requirements in a R Zone. The property is owned by Scott and Roberta Houppert, located at 7788 East State Street, Village of Lowville, New York and is tax parcel number 195.20-01-12.120.

The public hearing was opened at 6:42 p.m.

The chairperson asked if anyone in the audience had any questions, comments or concerns. Kathy commented that she had received a letter from Mr. Hanno who owns the neighboring property to the south. She commented that she had spoken to Mr. Hanno on the telephone to discuss the concerns he addressed in his letter. Mr. Hanno appeared satisfied with the explanations Kathy provided and had no further concerns. Kathy stated she had sent Mr. Hanno a letter inviting him to appear before the board tonight. Kathy supplied the letter to anyone who wished to read it.

The board determined they would use the rational supplied by the applicant on the resolution.

The public hearing was closed at 6:47 p.m.

A MOTION was made by Carla to approve Resolution ZV2019-2 as submitted. The motion was seconded by Linda. All members present in favor. Motion carried. A copy of the Resolution is attached to these minutes with the original included in the original record.

5. New Business:
Brian indicated he likely would not be available for any further meetings during the spring and summer months.
6. Adjournment
A MOTION was made by Tom to adjourn the meeting. The motion was seconded by Rachel. All members present in favor. Motion carried. The meeting was adjourned at 6:50 p.m.

Submitted by,



Katharine B. Manning
April 25, 2019

Note: These minutes have been transcribed from a recording. The minutes are not a verbatim, quoted version they are rather a documentation of the meeting with motions and resolutions included.

Town and Village of Lowville
Zoning Board of Appeals

5533 Bostwick Street
Lowville, New York 13367
(315) 376-8070 ext. 6

COPY

RESOLUTION
ZV2019-1
212.16-03-03.200

At a regular meeting of the Town/Village Zoning Board of Appeals of the Town/Village of Lowville, Lewis County, New York, held at the Town Offices, in said Town, on the 24 day of April, 2019. The meeting was called to order by CHM B. BUSH and upon roll being called, the following were:

PRESENT:

Brian Bush

Thomas Widrick

Rachel Hilligas

Carla Hellinger, Alt

Linda Lawton

Lori Wallack, Alt

Joseph Zehr

ABSENT:

JOSEPH ZEHR

LORI WALLACK, ALT.

The following resolution was offered by Board Member LINDA LAWTON, who moved its adoption, seconded by Board Member TOM WIDRICK, to wit:

WHEREAS, the Zoning Board of Appeals of the Town of Lowville has received an application from McDonalds Corporation for approval of an area variance to permit installation of 5 signs totaling 127 square feet of signage on an existing building (requesting a variance for 4 signs and 83 square feet of additional signage) and

WHEREAS, in connection with such application, the Zoning Board of Appeals has received and reviewed an application (and Environmental Assessment Form, if required), held a public hearing and received comments thereat, and

WHEREAS, after review the Zoning Board of Appeals has weighed the affects the requested application on health, safety and welfare of the neighborhood and community, and made the following findings:

A. The requested variance (will/will not) create an undesirable change in the character of the neighborhood or detriment to nearby properties in that: THE PROPOSED BUILDING SIGNS

ARE CONSISTENT WITH THE CHARACTER OF THE AREA AND WILL NOT BE A DETRIMENT TO NEARBY PROPERTY OWNERS OR CAUSE UNWARRANTED PROBLEMS FOR ADJOINING PROPERTY OWNERS. THE SITE IS LOCATED IN AN AREA OF OTHER SHOPPING CENTER USES WITH SIMILAR SIGNS TO THE PROPOSED USE. IN ADDITION THE PROPOSED REDEVELOPMENT PROJECT WILL IMPROVE THE EXISTING CONDITIONS AND WILL NOT PRODUCE AN UNDESIRABLE CHANGE IN THE CHARACTER OF THE NEIGHBORHOOD. IN ADDITION THE TOTAL SQ. FT. OF THE PROPOSED SIGNAGE IS VERY SIMILAR TO THE EXISTING

B. The benefits sought by the applicant (can/cannot) be achieved by any other feasible method because: THERE ARE NO ALTERNATIVE METHODS TO PROVIDE

IDENTIFIER SIGNS AT BOTH BUILDING ENTRANCES. THE NEW BUILDING ARCHITECTURE WILL BE MODIFIED IN A WAY TO PROVIDE SIGNS THAT ARE INTEGRATED INTO THE DESIGN OF THE FACADE.

C. The requested variance (is/is not) substantial in that: THE PROPOSED BUILDING SIGNS ARE CONSISTENT WITH THE CHARACTER OF THE AREA AND WILL NOT BE A DETRIMENT TO NEARBY PROPERTY OWNERS. THE EXISTING BUILDING CURRENTLY HAS WALL SIGNS ALONG WITH ~~THE~~ THE MANSARD ROOF WHICH HAS BEEN AN IDENTIFIER OF THE USE FOR MANY YEARS. THE NEW BUILDING DESIGN WILL BE LESS RECOGNIZABLE WITH THE MODIFICATIONS TO THE ROOF AND THE EXISTING FACADE. THE ADDITIONAL SIGNS WILL PROVIDE VISIBILITY FOR THE PASS-BY TRAFFIC FOR THE NEWLY REMODELED BUILDING.

D. The proposed variance (will/will not) have an adverse effect of impact on the physical and environmental conditions of the neighborhood or district because: THE PROPOSED SIGNS ARE REPLACING THE EXISTING BUILDING SIGNS AND WILL NOT ADVERSELY IMPACT THE AREA. THE USE AND THE SIGNS ARE CONSISTENT WITH THE OTHER USES AND SIGNS IN THE AREA.

and

E. The alleged difficulty (was/was not) self-created because THE APPLICANT IS REMODELING A RESTAURANT THAT HAS BEEN IN OPERATION FOR MANY YEARS. TO CONTINUE TO BE A SUCCESSFUL RESTAURANT, WALL/IDENTIFIER SIGNS ARE AN ESSENTIAL PART OF ADVERTISING.

NOW, THEREFORE, BE IT RESOLVED that application ZB2019-1 submitted by McDonalds Corporation for approval of an area variance in the Town/Village of Lowville is hereby (GRANTED/DENIED/GRANTED WITH CONDITIONS) for the reasons stated above. Conditions placed will be provided below.

The question of the foregoing resolution was duly put to a vote as follows:

	<u>Yes</u>	<u>No</u>	<u>Recused</u>		<u>Yes</u>	<u>No</u>	<u>Recused</u>
<u>Brian Bush</u>	<u>Y</u>	N	R	<u>Rachel Hilligas</u>	<u>Y</u>	N	R
<u>Linda Lawton</u>	<u>Y</u>	N	R	<u>Joe Zehr</u>	Y	N	R
<u>Thomas Widrick</u>	<u>Y</u>	N	R	<u>Carla Hellinger, Alt</u>	<u>Y</u>	N	R
				<u>Lori Wallaek, Alt</u>	Y	N	R

Date: April 24, 2019, _____
 Lowville, New York

BY ORDER OF THE ZONING BOARD
 OF APPEALS OF THE TOWN OF
 LOWVILLE

Signature

Conditions:

Town and Village of Lowville
Zoning Board of Appeals

COPY

5533 Bostwick Street
Lowville, New York 13367
(315) 376-8070 ext. 6

RESOLUTION
ZV2019-2
195.20-01-12.120

At a regular meeting of the Town/Village Zoning Board of Appeals of the Town/Village of Lowville, Lewis County, New York, held at the Town Offices, in said Town, on the 24 day of April, 2019. The meeting was called to order by CHM. B. BUSH and upon roll being called, the following were:

PRESENT:

Brian Bush Rachel Hilligas Linda Lawton Joseph Zehr
Thomas Widrick Carla Hellinger, Alt Lori Wallack, Alt

ABSENT:

JOSEPH ZEH
LORI WALLACK, ALT

The following resolution was offered by Board Member CARLA HELLINGER who moved its adoption, seconded by Board Member LINDA LAWTON, to wit:

WHEREAS, the Zoning Board of Appeals of the Town of Lowville has received an application from Roberta Houppert for approval of an area variance to permit construct a single family dwelling 75 feet from the right of way and

WHEREAS, in connection with such application, the Zoning Board of Appeals has received and reviewed an application (and Environmental Assessment Form, if required), held a public hearing and received comments thereat, and

WHEREAS, after review the Zoning Board of Appeals has weighed the affects the requested application on health, safety and welfare of the neighborhood and community, and made the following findings:

A. The requested variance (will/will not) create an undesirable change in the character of the neighborhood or detriment to nearby properties in that: THE HOUSE WILL BE FAR ENOUGH BACK THAT IT WON'T BE A HAZARD FOR DRIVERS, MOST HOUSES ON THIS STREET ARE MUCH CLOSER THAN WHAT IS PROPOSED.

B. The benefits sought by the applicant (can/cannot) be achieved by any other feasible method because: THE ONLY WAY TO HAVE A SHORTER DRIVEWAY IS TO MOVE THE HOUSE CLOSER TO THE R.O.W. THERE IS ALSO A SLOPE ON THE BACK OF PROPERTY THAT WOULD MAKE IT DIFFICULT FOR THE HOMEOWNER TO BUILD ANY OTHER STRUCTURES IN THE FUTURE IF THE HOUSE IS THAT FAR BACK

C. The requested variance (is/is not) substantial in that: 75' PUTS THE HOUSE FAR ENOUGH FROM THE ROAD AS TO NOT HINDER ANY OTHER VIEWS BUT ALSO GIVES ENOUGH FRONT YARD AND NOT TOO LONG OF A DRIVEWAY.

D. The proposed variance (will/will not) have an adverse effect of impact on the physical and environmental conditions of the neighborhood or district because: THE PRIOR USE OF LAND WAS A HAYFIELD. HOMEOWNER WANTS TO BUILD A HOUSE AND HAVE A MAINTAINABLE DRIVEWAY, BECAUSE IT IS A RESIDENTIAL STRUCTURE, IT IS THE SAME USE AS THE NEIGHBORING PROPERTIES

and

E. The alleged difficulty (was/was not) self-created because LAND WAS JUST PURCHASED AND NEIGHBORING PROPERTIES ARE A CHURCH AND FARM HOUSE AND WERE BUILT OVER 100 YEARS AGO - BEFORE ZONING LAWS WERE IMPLEMENTED.

NOW, THEREFORE, BE IT RESOLVED that application ZB2019-2 submitted by Roberta Houppert for approval of an area variance in the Town/Village of Lowville is hereby (GRANTED/DENIED/GRANTED WITH CONDITIONS) for the reasons stated above. Conditions placed will be provided below.

The question of the foregoing resolution was duly put to a vote as follows:

	<u>Yes</u>	<u>No</u>	<u>Recused</u>		<u>Yes</u>	<u>No</u>	<u>Recused</u>
<u>Brian Bush</u>	<u>Y</u>	N	R	<u>Rachel Hilligas</u>	<u>Y</u>	N	R
<u>Linda Lawton</u>	<u>Y</u>	N	R	<u>Joe Zehr</u>	Y	N	R
<u>Thomas Widrick</u>	<u>Y</u>	N	R	<u>Carla Hellinger, Alt</u>	<u>Y</u>	N	R
				<u>Lori Wallack, Alt</u>	Y	N	R

Date: APRIL 24, 2019
 Lowville, New York

BY ORDER OF THE ZONING BOARD
 OF APPEALS OF THE TOWN OF
 LOWVILLE


 Signature

Conditions: — NONE —

