

Regular Meeting
Town/Village of Lowville
Zoning Board of Appeals
Wednesday, April 28, 2021
6:30 P.M.

RECEIVED
APR 29 2021

BY:

The meeting was called to order by the Chair Rachel Hillegas 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 either in person or via Zoom:
Linda Lawton Rachel Hillegas Carla Hellinger
Joseph Zehr Eric Quina Kyle Logan, Alt. (arrived at 6:32)

Others present: Scott Sauter, Applicant; Henry Avallone, T/V Planning Board; Mickey Dietrich, Tug Hill Commission; Michael Steiger, Planning Board Applicant; Scott Gilbert, Planning Board Applicant; Kathy Manning, Administrative Assistant

2. Reading and Approval of Minutes:
March 24, 2021 –A MOTION was made by Carla to approve the minutes as written. The motion was seconded by Joe. All members in favor. Motion carried.
3. Communications and reports.
Kathy commented that if anyone would like to utilize the computers and internet for training to please let her know and every effort will be made to accommodate the members to allow them to obtain their four (4) hours of required annual training.

It was decided that since Scott Sauter was present at the meeting, the board would process his application prior to opening the public hearing for Mr. Lyndakers' application.

4. ~~5.~~ New Business
 - a. **Application ZV2021-2**, submitted by **Scott Sauter**, requesting an area variance to install a 14 foot by 30 foot storage building to be no closer than 15 feet to the rear property line which does not comply with Town of Lowville Zoning, Chapter 250, Schedule B, Dimensional Requirements in an R30-B Zone. The property is owned by Scott Sauter, located at 7889 East State Street, Town of Lowville, New York and is tax parcel number 195.00-01-28.210.

There was discussion regarding the contents of the application and if the board felt they had enough information to make an educated decision regarding this application.

A MOTION was made by Carla to deem Application ZV2021-2 complete and schedule the public hearing for May 26, 2021 at 6:30 p.m. The motion was seconded by Linda. All members present in favor. Motion carried.

5. 4. Unfinished business:

a. The public hearing is for **Application ZV2021-1**, submitted by **Steven Lyndaker**, requesting an area variance to construct a pergola to be no closer than 3 feet to the northern side property line which does not comply with Village of Lowville Zoning, Chapter 201, Schedule B, Dimensional Requirements in a R Zone. The property is owned by Steven Lyndaker, located at 7696 North State Street, Village of Lowville, New York and is tax parcel number 212.07-05-52.000.

The public hearing was opened at 6:39 p.m.

The board reviewed the application and its contents. The board used the answers as suggested by the Chair in support of approving the applicaton with conditions.

The public hearing was closed at 6:43 p.m.

A MOTION was made by Carla to approve Resolution ZV2021-1 with conditions. The condition is to include the limitation that the variance is for this structure/building permit only. The motion was seconded by Joe. All members in favor. Motion carried.

6. Adjournment

A MOTION was made by Linda to adjourn the meeting. The motion was seconded by Joe. All members in favor. Motion carried. The meeting was adjourned at 6:45 p.m.

Submitted by,



Katharine B. Manning

April 29, 2021

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
ZV2021-1
212.07-05-52.000

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 28 day of April, 2021. The meeting was called to order by Rachel Hillegas and upon roll being called, the following were:

PRESENT:

Linda Lawton Rachel Hillegas Joseph Zehr Carla Hellinger
Eric Quina Kyle Logan, Alt

ABSENT:

The following resolution was offered by Board Member Carla, who moved its adoption, seconded by Board Member Joe, to wit:

WHEREAS, the Zoning Board of Appeals of the Town of Lowville has received an application from Steven Lyndaker for approval of an area variance to permit construction of a pergola over an existing patio no closer than 3' to the northern side property line

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 new structure will be at least partially blocked from neighboring properties behind the house by existing vegetation and it will not extend any closer to the side property line than other existing structures already do (the house and patio wall).

B. The benefits sought by the applicant (can/cannot) be achieved by any other feasible method because: The existing footer would make the most sense to set the pergola frame on and there is an existing door with steps that work well with the existing patio, but would need to be altered if the variance isn't granted.

C. The requested variance (is/is not) substantial in that: The requested variance is not substantial since the proposed structure will not be any closer to the side lot line than the existing structures (house and patio wall).

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 variance will not have an adverse impact on the character of the neighborhood and it will allow the project to proceed with less environmental impact to the neighborhood since it will utilize the existing patio and patio wall rather than causing greater disturbance by moving the existing patio and wall to comply with the setback requirements.

and

E. The alleged difficulty (was/was not) self-created because The existing structures and the layout of the property make the proposed location of the pergola logical. Changing the existing patio to comply with the proper setbacks would create greater disturbance to the site without providing a benefit to the neighborhood.

NOW, THEREFORE, BE IT RESOLVED that application ZV2021-1 submitted by Steven Lyndaker 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>Linda Lawton</u>	<u>Y</u>	<u>N</u>	<u>R</u>	<u>A</u>	<u>Joe Zehr</u>	<u>Y</u>	<u>N</u>	<u>R</u>	<u>A</u>
<u>Rachel Hillegas</u>	<u>Y</u>	<u>N</u>	<u>R</u>	<u>A</u>	<u>Eric Quina</u>	<u>Y</u>	<u>N</u>	<u>R</u>	<u>A</u>
<u>Carla Hellinger</u>	<u>Y</u>	<u>N</u>	<u>R</u>	<u>A</u>	<u>Kyle Logan, Alt</u>	<u>Y</u>	<u>N</u>	<u>R</u>	<u>A</u>

Y – Yes; N – No; R – Recusal; A - Absent

Date: April 28, 2021
Lowville, New York

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

Rachel A. Hillegas
Signature

Conditions: Variance granted, strictly for this structure.
