

**Regular Meeting
Town/Village of Lowville
Zoning Board of Appeals**

Wednesday, ~~July 28~~, 2021 August
6:30 P.M.

AUG 27 2021
BY: AM.....

The meeting was called to order by 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:

Linda Lawton	Rachel Hillegas	Carla Hellinger
Eric Quina	Joseph Zehr	

Absent: Kyle Logan

Others present: Simon Gingerich, Applicant; Howard Lyndaker, Applicant Representative; Tim Widrick, Applicant; Henry Avallone, T/V Planning Board Member; Bob Mullin, Town Council Member; Kathy Manning, Administrative Assistant

2. Reading and Approval of Minutes:
July 28, 2021 – A MOTION was made by Carla to approve the minutes as written. The motion was seconded by Linda. Joe and Eric recused themselves from voting on this item as they were absent from the July meeting. All other members present in favor. Motion carried.
3. Communications and reports.
None
4. Unfinished business:
 - a. The public hearing is for **Application ZV2021-4**, submitted by **Kovach Land Surveying, LLC on behalf of Simon Gingerich** requesting minor subdivision approval with side yard setback variances of 9' 2" and 23' 3" which do not comply with Town of Lowville Zoning Law, Chapter 250, Schedule B, Dimensional Requirements for Residential Uses in an R-40 Zone. The parcel is owned by Simon Gingerich, located at 5071 W Martinsburg Road, Town of Lowville, New York and is tax parcel number 212.00-01-47.100.

The public hearing was opened at 6:32 p.m.
Bob questioned the variance request and viewed the subdivision map.
The board reviewed the criteria to approve the application with conditions. The conditions addressed on the resolution and attached to these minutes and the original record.

The public hearing was closed at 6:36 p.m.

A MOTION was made by Rachel to approve Resolution ZV2021-4 with conditions. The motion was seconded by Eric. All in favor. Motion carried. A copy of the resolution is included with the original record and these minutes.

b. The public hearing is for **Application ZV2021-6**, submitted by **Timothy Widrick**, requesting an area variance to allow construction of a 950 square foot Accessory Dwelling Unit which does not comply with Village of Lowville Zoning Law Chapter 201-535. The parcel is owned by Timothy Widrick, located at 7485 South State Street, Village of Lowville, New York and is tax parcel number 212.05-01-23.000.

The public hearing was opened at 6:38 p.m.

There was general discussion regarding the application. The board reviewed the criteria to approve the application with conditions. The conditions addressed on the resolution and attached to these minutes and the original record.

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

A MOTION was made by Carla to approve Resolution ZV2021-6 with conditions. The motion was seconded by Joe. All in favor. Motion carried. A copy of the resolution is included with the original record and these minutes.

5. New Business:
None

6. Adjournment

A MOTION was made by Joe to adjourn the meeting. The motion was seconded by Linda. All members in favor. Motion carried. The meeting was adjourned at 6:42 p.m.

Submitted by,

A handwritten signature in blue ink that reads "Katharine B." followed by a stylized flourish.

Katharine B. Manning
August 26, 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
ZV2021-4
212.00-01-47.100**

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 25th day of August, 2021. The meeting was called to order by

Chairperson, Rachel Hillegas and upon roll being called, the following were:

PRESENT:

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

ABSENT:

Kyle Logan

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

WHEREAS, the Zoning Board of Appeals of the Town of Lowville has received an application from Kovach Land Surveying, LLC on behalf of Simon Gingerich for approval of an area variance to permit minor subdivision approval with side yard setback variances of 9' 2" (Lot B) and 23' 3" (Lot A)

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: It will not change the current use or characteristics of the property.

B. The benefits sought by the applicant (can/cannot) be achieved by any other feasible method because: It would be possible to subdivide the property and leave the appropriate setbacks, but only if all the outbuildings and barns remained with the house. The requested variance is the most reasonable solution to allow the current uses of the property to continue; specifically, keeping the barn available for continued agricultural use by one property owner while allowing for residential use of the house and several of the outbuildings by the other property owner.

C. The requested variance (is/is not) substantial in that: The requested variance appears to be the minimum variance that would permit the desired uses of both properties. It keeps the lot lines straight while allowing use of, and access to, the outbuildings on both parcels.

D. The proposed variance (will/will not) have an adverse effect or impact on the physical and environmental conditions of the neighborhood or district because: The proposed variance will not change any of the existing structures or the current use of the property.

and

E. The alleged difficulty (was/was not) self-created because The property does not have to be subdivided, or it could be subdivided in such a way that there are appropriate setbacks. However, subdividing it with appropriate setbacks would not allow for the barn to remain with the agricultural land, which would likely limit its availability for continued agricultural use.

NOW, THEREFORE, BE IT RESOLVED that application ZV2021-4 submitted by Kovach Land Surveying, LLC on behalf of Simon Gingerich for approval of an area variance in the Town/Village of Lowville is hereby (GRANTED/DENIED/GRANTED WITH CONDITIONS/DENIED) 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: _____, _____
Lowville, New York

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

Rachel de Hillegas
Signature

Conditions: Include a 20 foot access easement along the property line,
as shown in the revised subdivision maps. This variance only applies
to the setbacks specified in Application ZV2021-4.

**Town and Village of Lowville
Zoning Board of Appeals**

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

COPY

**RESOLUTION
ZV2021-6
212.0501-23.000**

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 25th day of August, 2021. The meeting was called to order by

Chairperson, Rachel Hillegas and upon roll being called, the following were:

PRESENT:

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

ABSENT:

Kyle

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 Timothy Widrick for approval of an area variance to permit construction of an Accessory Dwelling Unit of 950 square feet 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: Adding two bedrooms above the garage will not significantly change the outward appearance of the garage. Increasing the capacity of the Bed and Breakfast is also expected to have little to no impact on the character of the neighborhood and nearby properties.

B. The benefits sought by the applicant (can/cannot) be achieved by any other feasible method because: Additional guest rooms could potentially be added to the main house by building an addition, but this would create a more significant change to the appearance of the property and would have a greater environmental impact during construction compared to adding rooms above the garage.

C. The requested variance (is/is not) substantial in that: It will have little to no impact on the appearance of the property or the character of the neighborhood.

D. The proposed variance (will/will not) have an adverse effect or impact on the physical and environmental conditions of the neighborhood or district because: There will be little noticeable change to the exterior of the existing structures and the requested variance will have less environmental impact than alternative methods of increasing guest capacity.

and

E. The alleged difficulty (was/was not) self-created because The property owner does not have to increase guest capacity, or there are other possible ways of adding guest space to the main house. That being said, the requested variance is reasonable and, compared to other options, it will create the least amount of change to the property while providing for additional guest space.

NOW, THEREFORE, BE IT RESOLVED that application ZV2021-6 submitted by Timothy Widrick for approval of an area variance in the Town/Village of Lowville is hereby (GRANTED/DENIED/GRANTED WITH CONDITIONS/DENIED) 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: August 25, 2021
Lowville, New York

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

Rachel A. Hillegas
Signature

Conditions:

This variance only applies to the garage specified in
Application ZV2021-6.
