

Regular Meeting
Town/Village of Lowville
Zoning Board of Appeals
Wednesday, May 25, 2022
6:30 P.M.

RECEIVED
MAY 26 2022

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:
Linda Lawton Rachel Hillegas Carla Hellinger
Joseph Zehr
Absent: Kyle Logan

Others present: Steve Scaparo, Applicant; Henry Avallone, Joint T/V Planning Board Member; Kathy Manning, Administrative Assistant

2. Reading and Approval of Minutes:
April 27, 2022 – A MOTION was made by Carla to approve the minutes as written. The motion was seconded by Linda. All members present in favor. Motion carried.

There was discussion that the board would delay reviewing communications and reports until the end of the meeting.

3. Communications and reports.
 - a. Comprehensive Plan: It is the intension to provide a draft comprehensive plan for the ZBA to review. I do not have copies for the mailing but will provide hard copies (and electronic if you wish). It is anticipated the board members (both ZBA and Planning) will review the plan, provide any comments in writing to me no later than June 9th. I will compile a list of comments for the municipal boards for their June meetings.

4. Unfinished business:
 - a. The public hearing is for **Application ZV2022-2**, submitted by **Stewart's Shops**, requesting an area variance to construct an 8' x 20' addition to an existing commercial dwelling seven feet from the northern property line which does not comply with Village of Lowville Zoning, Chapter 201, Schedule B, Dimensional Requirements of 15 feet in an AC Zone. The property is owned by Stewart's Shops, located at 7491 South State Street, Village of Lowville, New York and is tax parcel number 212.15-01-21.110.

The public hearing was opened at 6:32 p.m.
Rachel asked if anyone from the public had any comments. No one spoke to indicate they would like to comment on this application. Rachel reviewed her suggestions for page 2 of the Resolution. The board members present agreed with her suggested content. The public hearing was closed at 6:35 p.m.

A MOTION was made by Joe to approve Resolution ZV2022-2 with the condition that the variance approval applies only to the addition specified in this application. The motion was seconded by Carla. All members present in favor. Motion carried. The resolution is included with the original record with a copy included with these minutes.

5. New Business

a. **Application ZV2022-3**, submitted by **Jacob & Cheyenne Steria**, requesting an area variance to construct a 17' x 40' garage three feet from the northern property line which does not comply with Village of Lowville Zoning, Chapter 201, Schedule B, Dimensional Requirements of five feet (non-conforming lot, 201-1220) in an R Zone. The property is owned by Jacob & Cheyenne Steria, located at 7661 Sharp Street, Village of Lowville, New York and is tax parcel number 212.08-06-05.000.

Kathy indicated Cheyenne Steria had contacted her to let her know she would not be able to attend the meeting due to a prior commitment.

There was discussion regarding the option of the applicant to attach the garage to the house, thus allowing for the eight foot requirement. Kathy indicate Cheyenne had explained that the cost of construction would be increased exponentially if the garage were attached to the house.

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

A MOTION was made by Linda to deem Application ZV2022-3 complete and schedule the public hearing for June 22, 2022 at 6:30 p.m. The motion was seconded by Carla. All members present in favor. Motion carried.

There was discussion regarding the draft Comprehensive Plan supplied to the board members both in hard copy as well as electronically. There was discussion that due to the municipal board meeting dates of June 15 and June 16, comments should be supplied to Kathy no later than June 9.

6. Adjournment

A MOTION was made by Linda to adjourn the meeting. The motion was seconded by Joe. All members present in favor. Motion carried. The meeting was adjourned at 6:47 p.m.

Submitted by,



Katharine B. Manning
May 26, 2022

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
ZV2022-2
212.15-01-21.110

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 May, 2022. 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
~~Kyle Logan, Alt~~

ABSENT:

Kyle

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

WHEREAS, the Zoning Board of Appeals of the Town of Lowville has received an application from Stewart's Shops for approval of an area **variance** to permit **construction of an addition to an existing commercial dwelling seven feet from the southern 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 freezer will be behind a fence and within an existing retaining wall. There is already a fence in this location, so the public and adjacent properties are unlikely to notice much difference.

B. The benefits sought by the applicant (can/cannot) be achieved by any other feasible method because: With the layout of the store and the parking lot, this is the most reasonable location for the freezer.

C. The requested variance (is/is not) substantial in that: It will not significantly change the appearance of the property and it is not expected to impact the adjacent properties 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: It will be within an existing retaining wall and behind a fence, so it will not be highly visible. Environmental conditions are not likely to be impacted since the addition is small enough that it is not expected to significantly change drainage patterns at the site, and downspouts will be used to direct runoff into catch basins.

and

E. The alleged difficulty (was/was not) self-created because It is possible to operate the store without increasing permanent freezer capacity. However, the new freezer would allow the store to better meet the community's demand for ice cream. The requested variance is reasonable and is not expected to have a negative impact on the property or the neighborhood.

NOW, THEREFORE, BE IT RESOLVED that application ZV2022-2 submitted by Stewart's Shops 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>Kyle Logan, Alt</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>					

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

Date: May 25, 2022
Lowville, New York

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

Rachel A. Hillegas
Signature

Conditions:
1. This variance applies only to this structure/project. Any subsequent structures/projects including an addition to or replacement of this structure/project will require additional approval.

