Regular Meeting Town/Village of Lowville Zoning Board of Appeals

Wednesday, May 24, 2023 6:30 P.M.

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:

Carla Hellinger

Linda Lawton

Rachel Hillegas

Selina Olmstead Absent: Joseph Zehr

Others present: Matthew Oates, Applicant Representative; Kathy Manning, Administrative Assistant

2. Reading and Approval of Minutes:

April 26, 2023 – A MOTION was made by Carla to approve the minutes as written. The motion was seconded by Linda. Selina abstained from voting as she was not in attendance at the meeting. All other members present in favor. Motion carried.

3. Communications and reports.
Selina Olmstead was welcomed to the board. Selina has been appointed as an alternate member who will be serving on both the ZBA and Planning Boards. The board members thanked Selina for serving.

- 4. Unfinished business:
 - a. The public hearing is for **Application ZV2023-1**, submitted by **MSF Audubon**, **LLC** requesting an area variance to allow installation of a sign panel to an existing freestanding sign that will increase the size from 80 square feet to 97 square feet, 4 inches which does not comply with Village of Lowville Zoning Law, Chapter 201, 201-735, Permanent signs, C, (1). The parcel is owned by MSF Audubon, LLC, located at 7395 Turin Road, Village of Lowville, New York, tax parcel 212.16-04-19.100.

The public hearing was opened at 6:31 p.m.

Matthew Oates reviewed the requested variance for the board. There was discussion held regarding the variance test, page 2 of the resolution, by the board. The public hearing was closed at 6:35 p.m.

A MOTION was made by Carla to approve Resolution ZV2023-1 with conditions. The conditions include the 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. The motion was seconded by Linda. All members present in favor. Motion carried. The resolution is included with the original record with a copy attached to these minutes

5. New Business:

Remote attendance by the applicant:

There was discussion regarding the board offering an applicant the option of remote meeting attendance. The municipalities do not currently have the technology to offer attendance via video conferencing; the board determined that teleconferencing would be an acceptable option. However, by not attending, the applicant risks having the application tabled if there is insufficient information to determine the application complete. The board members present chose to accept remote attendance via teleconference if an applicant or its representative requests remote attendance and if travel would be 100 miles or more. If in the future, the municipalities obtain the technology to offer video conferencing, this would also be acceptable.

6. Adjournment

A MOTION was made by Rachel to adjourn the meeting. The motion was seconded by Carla. All members present in favor. Motion carried. The meeting was adjourned at 6:44 p.m.

Submitted by,

Katharine B. Manning

Maharine B.

May 25, 2023

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

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



RESOLUTION <u>ZV2023-1</u> 212.16-04-09.100

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				
24 th day of May, 2023. The meeting was called to order by				
Rachel Hillegas and upon roll being called, the following were:				
PRESENT:				
Linda Lawton Rachel Hillegas J oseph Zehr Carla Hellinger Selina Olmstead, Alt				
ABSENT:				
Joseph Zehr				
The following resolution was offered by Board Member, who				
moved its adoption, seconded by Board Member, to wit:				
WHEREAS, the Zoning Board of Appeals of the Town of Lowville has received an				
application fromMSF Audubon, LLCfor approval ofan area				
variance to permit installation of a sign panel to an existing freestanding sign that will				
increase the size from 80 square feet to 97 square feet, 4 inches				
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.	A. The requested variance (will/will not) create an undesirable change in the character of					
neighborhood or detriment to nearby properties in that: The footprint of the sign will no						
change and adding another 2' sign cabinet to the base of the sign, as requested, will create little						
notic	noticeable change to the size of the sign.					
—— В.	The benefits sought by the applicant (can/cannot) be achieved by any					
	other feasible method because: An additional sign panel is needed for the new Marshalls					
	store – adding a 2' x 2' x 8' sign cabinet to the bottom of the existing sign is the simplest and					
	cost-effective way to ensure all the merchants are represented on the sign, and it will create					
	east visible change to the neighborhood.					
the re	aut visible endings to the heighteen.					
C.	The requested variance (is/is not) substantial in that: It will not change the					
foot	print of the existing sign nor will it significantly change the appearance of the sign.					
*						
D.	The proposed variance (will/will not) have an adverse effect or impact on the physical					
	environmental conditions of the neighborhood or district because: <u>no ground disturbance</u>					
<u>is lik</u>	is likely to occur during the construction of the sign cabinet, nor will the addition to the sign					
<u>chan</u>	ge runoff or any other environmental factor. Little noticeable change will occur to the sign					
itself	f, other than showing a new merchant.					
and						
E.	The alleged difficulty (was/was not) self-created becauseit would be possible to change					
	entire layout of the sign to accommodate all the merchants without changing the overall size					
of the sign, thus avoiding the need for a variance. However, the requested variance is not						
	tantial, it makes the best use of resources, it will create less visual change than an entirely					
new sign, and it will not have a negative impact on the property or the neighborhood.						
new sign, and it will not have a negative impact on the property of the neighborhood.						

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NOW, THEREFORE, BE IT RESOLVED	that application <u>ZV2023-1</u> submitted by				
MSF Audubon, LLC for approval	of an area variance in the				
Town/Village of Lowville is hereby (GRANTED/I	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:				
Linda Lawton Y N R A	Joe Zehr Y N R A				
Rachel Hillegas Y N R A	Selina Olmstead, Alt Y N R A				
Carla Hellinger Y N R A					
Y – Yes; N – No; R – Recusal; A - Absent					
Date: May 24 , 2023 Lowville, New York	_				
	BY ORDER OF THE ZONING BOARD OF APPEALS OF THE TOWN OF LOWVILLE				
	Nachol a Willegos Signature				
	Signature				
Conditions: 1. This variance applies only to this structu	are/project. Any subsequent structures/projects				
including an addition to or replacement of this structure/project will require additional approval.					

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