

**Regular Meeting**  
**Town/Village of Lowville**  
**Zoning Board of Appeals**  
Wednesday, September 27, 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:  
Rachel Hillegas                      Linda Lawton                      Carla Hellinger  
Selina Olmstead

**Others present:** Carl Finster, II, Applicant Representative; Christopher Blauvelt, Applicant; Peter Cecconi; Henry Avallone, Joint T/V Planning Board Member; Kathy Manning, Administrative Assistant

2. Reading and Approval of Minutes:  
August 23, 2023 – A MOTION was made by Rachel to approve the minutes as written. The motion was seconded by Linda. All members present in favor. Motion carried.

3. Communications and reports.  
Kathy commented that there are updates to the Town Code Book if anyone would like a copy she has them available to allow members to update their code book.

4. Unfinished business:
  - a. The public hearing is for **Application ZV2023-5**, submitted by **Finster Construction on behalf of Sharon Padden-Jackson** requesting an area variance to allow construction of a wheelchair ramp a maximum of 14 feet from the front property line which does not comply with Village of Lowville Zoning Law, Chapter 201, required front yard setback of 35 feet in an R Zone. The parcel is owned by Sharon Padden-Jackson, located at 5576 Trinity Avenue, Village of Lowville, New York, tax parcel 212.08-05-02.000.

The public hearing was opened at 6:32 p.m.

Members of the public in the audience were asked if anyone wished to speak regarding this application. No one wished to speak.

Kathy commented that she had been supplied with an alternative option for the location and construction of the ramp which is the preferred option by the applicant and applicant representative. Copies of the design were supplied to the board with the mailing of the agenda for this meeting.

The board discussed the justification for approval of the application.

There was no public comment.

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

A MOTION was made by Carla to approve Resolution ZV2023-5 with conditions. The conditions for this application are 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. A copy of the Resolution is included with these minutes and included with the original record.

b. The public hearing is for **Application ZV2023-4**, submitted by **Lukas Farney on behalf of Chris Blauvelt** requesting an area variance to allow construction of a garage 6.3 feet from the east side property line which does not comply with Village of Lowville Zoning Law, Chapter 201, required side yard setback of 8 feet in an NC-1 Zone. The parcel is owned by Chris Blauvelt, located at 5448 Trinity Avenue, Village of Lowville, New York, tax parcel 212.07-06-12.000.

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

Members of the public in the audience were asked if anyone wished to speak regarding this application. No one wished to speak.

Rachel requested Kathy show the plans she received for this project to the board members. Mr. Cecconi requested to view the plans as well. Rachel commented she felt it provided a better overview of the plans for the project.

The board discussed the justification for approval of the application.

There was no public comment.

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

A MOTION was made by Linda to approve Resolution ZV2023-4 with conditions. The conditions for this application are 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 Carla. All members present in favor. Motion carried. A copy of the Resolution is included with these minutes and included with the original record.

5. New Business:  
None

6. Adjournment

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

Submitted by,



Katharine B. Manning  
September 28, 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  
Lowville, New York 13367  
(315) 376-8070 ext. 6

**RESOLUTION**  
**ZV2023-5**  
**212.08-05-02.000**

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

27<sup>th</sup> day of September, 2023. The meeting was called to order by

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

PRESENT:

Linda Lawton                  Rachel Hillegas                  Carla Hellinger                  Selina Olmstead, Alt

ABSENT:

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\_\_\_\_\_

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

WHEREAS, the Zoning Board of Appeals of the Town of Lowville has received an application from Finster Construction on behalf of Sharon Padden-Jackson for approval of an area variance to permit construction of a wheelchair ramp a maximum of 14 feet from the edge of Trinity Avenue

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 ramp is a necessary structure for everyday access and it will not interfere with use of the public road or public sidewalk.

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B. The benefits sought by the applicant (can/**cannot**) be achieved by any other feasible method because: this is the most reasonable location for an accessible ramp. It would be difficult or impossible to place the ramp elsewhere and still have it be ADA compliant and not interfere with access to and use of the shared driveway.

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C. The requested variance (is/**is not**) substantial in that: The planned design of the ramp makes the best use of the space and the requested variance is the least needed for the ramp to be built to ADA specifications.

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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 ramp is expected to have little to no impact on the drainage or other environmental aspects of the site.

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and

E. The alleged difficulty (was/**was not**) self-created because: the ramp is a necessary structure to provide access to the applicant's home. Due to the layout of the property and the location of the shared driveway, the proposed location for the ramp is the most reasonable option and the structure cannot be built to the required specifications without encroaching on the front yard setback.

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NOW, THEREFORE, BE IT RESOLVED that application ZV2023-5 submitted by Finster Construction on behalf of Sharon Padden-Jackson 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>Carla Hellinger</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>Selina Olmstead, Alt</u>	<u>(Y)</u>	<u>N</u>	<u>R</u>	<u>A</u>

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

Date: Rachel A. Sept. 27, 2023  
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.
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**Town and Village of Lowville  
Zoning Board of Appeals**

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

**RESOLUTION  
ZV2023-4  
212.07-06-12.000**

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

27<sup>th</sup> day of September, 2023. The meeting was called to order by

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

PRESENT:

Linda Lawton          Rachel Hillegas          Carla Hellinger          Selina Olmstead, Alt

ABSENT:

\_\_\_\_\_  
\_\_\_\_\_

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

WHEREAS, the Zoning Board of Appeals of the Town of Lowville has received an application from Lukas Farney on behalf of Christopher Blauvelt for approval of an area variance to permit construction of a garage 6.3 feet from the east 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 structure will not be out of character with other structures in the neighborhood.

B. The benefits sought by the applicant (can/**cannot**) be achieved by any other feasible method because: Based on the plans provided, it would be difficult to achieve the desired benefit of a two-car garage, mudroom, and bathroom without the requested variance.

C. The requested variance (is/**is not**) substantial in that: The requested variance is a fraction of the side yard setback, and it is not out of character with the rest 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 is not significantly larger than the structure would be without the variance and will not significantly change drainage or runoff compared to a compliant structure.

and

E. The alleged difficulty (**was**/was not) self-created because: it would be possible to build a two-car garage without the mudroom and bathroom, or it may be possible to build the garage with a slightly smaller mudroom and bathroom; however, the requested variance is not significant nor is it expected to negatively impact other properties or the character of the neighborhood.



NOW, THEREFORE, BE IT RESOLVED that application ZV2023-4 submitted by Lukas Farney on behalf of Christopher Blauvelt 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>Carla Hellinger</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>Selina Olmstead, Alt</u>	<u>(Y)</u>	<u>N</u>	<u>R</u>	<u>A</u>

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

Date: Sept. 27, 2023  
Lowville, New York

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

Rachel 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.

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