

**VILLAGE OF PERRY
ZONING BOARD OF APPEALS MEETING
SEPTEMBER 13, 2022**

Present:	John Czyryca, Chairman	Melissa Hennen, Member
	Zach Kowasz, Member	Joe Rebisz, Alternate
	Bethany Zerbe, Member	Don Roberts, ZEO
	Meggan Quartz, Member	Christina Slusser, Zoning Secretary

Also Present: Eli McWhinney, Attorney

Guests: Robert Marks, Boylan Code

Chairman Czyryca called the meeting to order at 6:35 pm and led in the Pledge of Allegiance.

MINUTES

Motion To approve the minutes from the last meeting on August 23, 2022 was made by Bethany Zerbe, seconded by Meggan Quartz, and carried with the following vote:

Ayes	5
Nays	0
Abstain	0

PUBLIC HEARING – 55-57 SOUTH MAIN STREET

Based on the work session on August 23, 2022, the purpose of the public hearing is to announce a formal decision on the appeal letter from Boylan Code representing Tilton Hacienda apartments on first floor residential use of Travers Place at 55-57 S. Main Street. Chairman Czyryca asked for comments from Village Attorney Mr. McWhinney. The key question is whether the essential character of non-conforming use remains the same. If it is not a substantial change, then the non-conforming use should stand. What was the intent and should it have a bearing on the appeal?

As discussed in the work session, the board found the letter sent to Travers Place by the Zoning Enforcement Officer for cease and desist irrelevant because a permit was found that the use is allowable. It was clear that an inaccurate letter was not sent on purpose as evidence of permits were found after the letter was sent. When the letter was sent, it was accurate as far as anyone knew.

Discussion took place on the wording of a decision. The board wishes for language that is “robust” and “clear” and leaves room for the village to pursue if they so choose. The Village could potentially come back with more explicit language regarding senior housing.

Based on a zoning permit for a variance issued on July 13, 1982, which was found on August 5, 2022, we have found the letter dated March 21, 2022 addressed to Tilton Hacienda by Zoning Enforcement Officer Don Roberts, to be invalid, and therefore, grant the appeal dated May 19, 2022. Motion to approve this statement of determination was made by Zach Kowasz, seconded by John Czyryca, and carried with the following vote:

Ayes	5
Nays	0
Abstain	0

PUBLIC HEARING – 124 NORTH CENTER STREET

An application was submitted for an area variance for sign pole height for an existing pole at 124 N. Center Street. The applicant wishes to keep the existing height of the sign pole of 22’5” while the current allowable height is 16’. Comments were received from the Wyoming County Planning Board stating approval with comments. It was determined that there appear to be no county-wide negative impacts. The board expressed no concern with the height due to it being a high traffic area and a higher sign may be less distracting. The size of the sign and its frame meet village zoning code size requirements. Motion to approve the application for a variance for sign pole height of 22’5” was made by Melissa Henchen, seconded by Bethany Zerbe, and carried with the following vote:

Ayes	5
Nays	0
Abstain	0

With no other business to discuss, motion to adjourn was made at 7:04 pm.

Respectfully submitted,
Christina Slusser, Zoning Secretary