

**VILLAGE OF PERRY
ZONING BOARD OF APPEALS MEETING
SEPTEMBER 2, 2025**

Present:	Zach Kowasz	Chairperson
	Joe Rebisz	Member
	George Smith	Member
	Bethany Zerbe	Member
	Meggan Quartz	Member (joined at 6:42)
	Tim Hatch	Alternate
Also Present:	Christina Slusser	Zoning Secretary
Guests:	Jen Hall	Applicant
	Richard & Marjorie Downs	
Absent:	Don Roberts	ZEO

Chairperson, Zach Kowasz called the meeting to order at 6:32 pm and led in the Pledge of Allegiance. ZK appointed TH to vote in place of absent member MQ.

MINUTES

GS made a motion to approve the minutes for 8/5/2025 which was seconded by JR and carried with all (ZK, JR, GS, TH, BZ) voting aye. (MQ was not present)

FOLLOW UP ON VARIANCE FOR A DECK AT 40 DOLBEER STREET

Richard & Marjorie Downs were present to discuss the variance granted for their neighbor. Pictures indicated a temporary screen that can be opened and closed rather than solid panels. The ZEO was not present but indicated in an email to the ZBA that he would be doing an inspection this week. From the ZBA standpoint, what is seen in the pictures is not what was approved, as it is not permanent. ZK plans to follow up with the ZEO after the inspection. Mrs. Downs stated that you can see through the retractable screen when the sun shines through it. The Chairperson added that if this screen was in place temporarily due to an issue getting materials, then the applicant should be in attendance to let the ZBA know. The 30-day deadline is 9/4/2025.

PRELIMINARY REVIEW – USE VARIANCE PROPOSED FOR BREEZEWAY INN & GARDEN STUDIO AT 137 N. CENTER STREET

Jen Hall submitted an application for a use variance for a country inn at 137 N. Center Street, in the C-2 district. Ms. Hall was under the impression from the beginning that an inn was an allowed use at that location based on conversations with the ZEO. She stated that her plans

follow all of the requirements of a country inn per the zoning law. The ZEO spoke about local law changes made around 2018 and believes that there was an error with the route included for country inns in the village. Research showed a draft of the law that country inns were allowed on Rt. 39 and Rt. 22. Route 22 somehow got changed to Lake Street when the law got filed with the state rather than Rt. 246.

Jen Hall gave an overview of her plans for an inn with a meeting space which will enhance the village's ability to increase tourism to the area. She added that a country inn was on the draft of her plans that got approved with the site plan review. She believes the addition will complement her current business at Breezeway Barn and allow her to compete with other venues in the Buffalo and Rochester area. She has someone who wants to run the inn and it would create jobs for people who want to stay in Perry.

The ZBA went through the steps of the use variance test.

1. Financial evidence: Ms. Hall is willing to provide a cost analysis as financial evidence, as a lot of clients are using Rochester and Buffalo for their ceremonies and the addition of an overnight space would allow her to compete with the other venues. As it stands now, the law prevents business expansion. (A cost analysis was requested from the applicant.)
2. Unique hardship: It is a unique circumstance that it is believed that the local law was published incorrectly. The Planning Board is interested in looking into a change of the local law but it is likely faster to go through the variance process. The ZBA also considered the distance if an inn was constructed in a location where it is currently allowed and it is not contiguous with the property the Hall's have now, nor is it walkable. It makes the most sense that this type of venue be a walkable distance from the ceremony space to the inn. (A copy of the original plans were requested from the applicant.)
3. Character of the neighborhood: The proposed inn will be of the same materials and style as the existing Breezeway Barn, enhancing the character of that end of the village.
4. Hardship self-created: Law updates took place on 6/4/2018. The Hall's closed on the property in 2019 and were under the impression since that time that a country inn was an allowable use. (A copy of the deed with date of purchase was requested from the applicant.)

Jen Hall has a demo permit so they can start getting the current building ready for renovations. The ZBA is comfortable with the 4-part test and moving forward with the request. BZ made a motion to refer the application to the Wyoming County Planning Board which was seconded by GS and carried with all (ZK, JR, GS, TH, BZ) voting aye.

The WCPB meets on 10/6/2025. To allow for time to receive comments, JR made a motion to schedule the public hearing for a use variance for 137 N. Center Street and move the regular

meeting from 10/7/2025 to 10/14/2025 at 6:30 pm. This motion was seconded by GS and carried with all (ZK, JR, GS, TH, BZ) voting aye.

At 7:17 pm, motion to adjourn the meeting was made by GS, seconded by JR, and carried.

Respectfully submitted,
Christina Slusser,
Village Clerk/Zoning Secretary

DRAFT