**VILLAGE OF PERRY**
**ZONING BOARD OF APPEALS MEETING**
**MAY 5, 2026 – ORGANIZATIONAL MEETING**

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| Present: | Zach Kowasz | Chairperson |
| | George Smith | Member |
| | Tim Hatch | Alternate |
| Also Present: | Christina Slusser | Zoning Secretary |
| | Don Roberts | ZEO |
| Guests: | Mark Fitch, Applicant | Maryja Andrews, Resident |
| | Arlette Boyle, Resident | Heidi Kelly, Supergoose Mgmt. |
| | Jennifer Bateman, Applicant | Chris Kelly, Supergoose Mgmt. |
| | Jeremy Bateman, Applicant | Rick Hauser, Mayor |
| | Katy Swank, In.Site: Architecture | Kimberly Kraft, In.Site: Architecture |
| Absent: | Bethany Zerbe | Member |
| | Meggan Quartz | Member |
| | Joe Rebisz | Member |

Chairperson, Zach Kowasz called the meeting to order at 6:30 pm and led in the Pledge of Allegiance. Chairperson Kowasz appointed Tim Hatch to vote in place of absent members.

**INTRODUCTIONS AND UPDATES**

George Smith was appointed by the Board of Trustees as a ZBA member through 4/7/2031, Meggan Quartz was appointed as a ZBA member through 4/7/2031, and Tim Hatch was appointed as a ZBA alternate through 4/5/2027.

**MINUTES**

Motion to approve the minutes for 4/7/2026 was made by Zack Kowasz, seconded by George Smith, and carried unanimously.

**PUBLIC HEARING - VARIANCE FOR 3780 EUCLID AVE.**

Chairperson Kowasz opened the public hearing for the variance request at 3780 Euclid Avenue. The request is for a reduction of the required side yard setback from 5’ to 1.5’ to construct a 16’ x 10’8” garage. The Wyoming County Planning Board reviewed the application on 5/4/2026 and provided approval with comments.

Neighbor, Maryja Andrews, expressed concerns regarding the limited space around the proposed structure, noting that a 1.5-foot setback would not leave adequate room for movement or maintenance without interfering with neighboring property.

Applicant Mark Fitch explained that by staying 1.5' from the property line, the parking area will be shifted back about 5' from where it currently is. The existing house is approximately 2' from the property line. The retaining wall would be removed and the new garage wall would be set back six feet. Three parking spaces would be removed to create additional access space.

The board reviewed an aerial map with the proposed addition. There is an encroachment agreement signed by both parties acknowledging that any repairs or removals must remain on the owner's property. This existing encroachment will go away with the new construction. Don Roberts added that it is common in the lake district for accessory buildings to be located on the road side rather than the lake side. Chairperson Kowasz suggested aligning the garage more parallel with the lot line and noted that setbacks are measured from the furthest projection of the structure, including overhangs and gutters. At 6:54pm, Chairperson Kowasz closed the public hearing.

The Board discussed modifying the requested setback to reduce impacts on neighboring properties. Modifying the request from 1.5' to 2' will leave a larger area to get by the garage for maintenance purposes. Motion was made to grant the variance for 3780 Euclid Ave. with a setback of 2' off the property line from the furthest projection with the following conditions:

Condition 1: Must maintain a setback of two feet from the property line, measured from the furthest projection of the structure, as revised from the original application.
Condition 2: The garage structure shall be limited to 16' maximum width and cannot extend further north.

The above motion was made by George Smith, seconded by Tim Hatch and carried with all (GS, TC, ZK) voting aye.

**PUBLIC HEARING – VARIANCES FOR 55 S. MAIN STREET**

Chairperson Kowasz opened the public hearing for variances at 55 S. Main Street at 7:11pm. Area variances are requested for interior renovations and building system upgrades.

VARIANCE 1: Proportion of commercial vs. residential: Variance request for reduction in the front facing commercial space in a C-1 district from the required 60% to 51%
VARIANCE 2: Minimum square footage of residential unit on 1st floor: Variance request for minimum square footage of living space for a residential unit on the first floor in the C-1 district from the required 700 square feet to 645 square feet

The Wyoming County Planning Board reviewed the application on 5/4/2026 and provided approval with comments. The Chair invited comments from the public. Hearing none, the public hearing was closed at 7:12 pm.

**PERCENTAGE OF COMMERCIAL TO RESIDENTIAL SPACE VARIANCE**

There was discussion on how the 60% commercial space requirement is measured under the Village Code versus the proposed floor plan. It was noted that structural columns and stairwells could not be removed due to building code requirements and renovations that would be far too costly to relocate. In discussing the request, members noted that the intent of the C-1 District is to encourage walkability by maintaining active commercial uses on the first floor while also supporting residential development. Chairperson Kowasz stated that the applicant was attempting to meet the overall intent of the zoning regulations but was constrained by the existing building layout and the local law.

Previously requested financial information was requested, received, and reviewed. An ADA compliant restroom would be available for the commercial space. The Board expressed a desire for a clearer separation between the residential and commercial space so the public would not have access to residential areas. Kim with In.Site: Architecture, explained that some revisions are being made to the project design by relocating the restroom entrance and adding a door at the end of the commercial space to add security measures. Chris Kelly, representing Super Goose Management, stated that the owner is prepared to install a key fob access system if needed.

Following discussion, the Board agreed that approval should include conditions requiring separation between the commercial and residential areas while allowing flexibility for minor construction adjustments that do not alter the approved floor area ratio.

George Smith made a motion to approve the variance for ratio of commercial to residential with conditions which was seconded by Tim Hatch and carried with all (GS, TH, ZK) voting aye.

<u>CONDITION 1</u>: Must maintain the approved 51% commercial / 49% residential.
Adverse impact to be minimized: Minor construction adjustments that maintain this ratio shall not require additional variance approval.
<u>CONDITION 2</u>: Access to the residential area shall be limited (ex. with a lockable door for separation).
Adverse impact to be minimized: Residential tenants may utilize the front entrance while maintaining privacy.

**RESIDENTIAL UNIT SIZE VARIANCE**

The board next considered the request to allow unit 3, as shown on the proposed floor plan, to be 645 sq. ft. rather than the required 700 sq. ft.

The architect explained that the proposed size represents the best use of the available space due to the existing building layout, mechanical systems, and structural walls. The Board agreed that the unit could not reasonably be reconfigured to achieve a larger floor area.

George Smith made a motion to approve the variance for unit 3, as indicated on the proposed floor plan, to be 645 sq. ft. This motion was seconded by Tim Hatch and carried with all (GS, TH, ZK) voting aye.

CONDITION 1: Approval is for "Unit 3" as labeled on the proposed floor plan.
SEQR was addressed by the zoning officer and the short form submitted and reviewed.

**RESOLUTION SETTING THE VILLAGE OF PERRY ZONING BOARD OF APPEALS MEETING SCHEDULE**

**BE IT RESOLVED**, that the Village of Perry Zoning Board of Appeals (ZBA) meetings will, from June 2, 2026 through May 4, 2027, be held at 6:30 pm on the 1st Tuesday of each month at the Perry Village Hall, 46 North Main Street in Perry; and

**RESOLVED**, special workshops may be called as required and allowed by Village Law; and

**RESOLVED,** notice will be advertised for all Public Hearings at least 10 days prior to the hearing date where applicable; and

**RESOLVED**, that the minutes of the ZBA meetings shall be made available to the public after approval by the ZBA at the next regular meeting and will be posted on the Village's website within 7 business days after approval; and

**RESOLVED**; that the Village Clerk is hereby directed to post the ZBA meeting schedule on the official bulletin, on the Village website, and to provide a copy of the schedule to the local media.

Chairperson Kowasz made a motion to approve the ZBA meeting schedule which was seconded by George Smith and carried unanimously.

**ANNUAL REMINDERS AND RESOURCES**

Training requirements were reviewed and resources were shared: New York State Department of State, 2026 Municipal Bootcamp Program, Spring Local Government Workshop at GCC.
Tabled due to attendance: share contact info, appoint chairperson and secretary.

**OTHER BUSINESS**

Two proposed local laws are expected to be adopted by the Board of Trustees: "Amending Chapter 490 of the Village Code of the Village of Perry to Modify Reequipments for Planning Board and Zoning Board of Appeals Members" and "Amending Chapter 465 of the Village Code of the Village of Perry to Modify the Lawncare Notice Timeframe and to Assess Cumulative Fines." A public hearing is scheduled for 5/18/2026 on proposed local law "Amending 490 of the Village Code of the Village of Perry to Add a Trailside Camping Special Use."

At 8:02pm, GS made a motion to adjourn the meeting which was carried.

Respectfully submitted,
Christina Slusser, Village Clerk/Zoning Secretary