

Town of Elmira
New York
ZONING BOARD OF APPEALS

Meeting May 28, 2024 7:00 pm EDT

PRESENT: Chairman: Joe Sullivan
Members: Scot Gerould
Peter Peterson
Jennifer Moffe

ABSENT: Chris Longwell

ALSO PRESENT: Eric Crandall, Code Enforcement Officer
Scott Moore, Town Attorney

Chairman Sullivan opens the meeting and welcomes everyone in attendance.

PUBLIC HEARING – 945 LOWECROFT RD AREA VARIANCE

Chairman Sullivan then opens the public hearing at 7:00 PM and makes it known that the applicant has submitted a signed affidavit affirming that copies of the public notice were distributed to neighbors within 200 feet of the parcel and that the public notice was published in the Star Gazette on May 14, 2024.

Chairman Sullivan invites applicant Eric Wolter to address the public by explaining his application. He says he wants to demolish the existing garage and construct a new 2000 sq/ft L-shaped garage. The proposed construction would come within 3 feet of the side-yard and is asking for an area variance of 7 feet. Scot Gerould asks about drainage and Mr. Wolter states that a French drain would be installed about 1-foot from the boundary line and would catch water from the driveway and divert it out behind the garage to the rear of the property.

With no further questions, Chairman Sullivan asks if there is anyone in attendance that wishes to speak in favor of the application. Hearing none, he asks if anyone in attendance wishes to speak in opposition of the application. Hearing none, Chairman Sullivan closes the public hearing at 7:08 PM.

Chairman Sullivan then opens the regular meeting and asks the clerk to call the roll. All members are in attendance with the exception of Chris Longwell, whom has been excused from the meeting.

Chairman Sullivan then asks the members if they have any corrections to the minutes of the ZBA meeting of April 23, 2024, and if no corrections, a motion to approve.

MOTION by Scot Gerould to approve the minutes of the
April 23, 2024 ZBA meeting.

Second by Jennifer Moffe

Ayes: Gerould, Peterson, Moffe and Sullivan

Nays: none

AGENDA ITEM – 305 Wall St Area Variance Application

Chairman Sullivan asks applicant Stacey Carollo to explain her application. She states that they would like to demolish the existing garage and construct a 20-ft by 30-ft addition in its place. The addition is needed to care for an aging family member. The addition will have a bedroom, living space, bathroom, and small kitchen. The existing garage is currently 18 feet from the First St boundary line and the applicant would like the addition to come no further than 15 feet from the boundary line.

The Chairman remarks that because this is a corner lot, the parcel has two front yards and as such, the addition will encroach on the front yard setback by 25 feet. The question is asked as to what the setbacks are for the existing structures in the neighborhood. Using the county GIS software, Mr. Crandall measures some of the neighboring parcels to come to the conclusion that most of the buildings have a setback between 28-30ft.

Chairman Sullivan asks if the board feels they have enough information to move this to a public hearing, then he will entertain a motion.

MOTION by Scot Gerould to schedule a public hearing for an Area
Variance at 305 Wall St to be held on June 25, 2024 at 7Pm at Town Hall

Second by Peter Peterson

Ayes: Gerould, Peterson, Moffe and Sullivan

Nays: none

AGENDA ITEM – 945 Lowcroft Rd Area Variance Application

Chairman Sullivan moves on to the next agenda item, which is for the area variance at 945 Lowcroft Rd. The Chairman remarks that before any decision is made, the board must, pursuant to New York State Town Law 267-b and section 217-108 of the Code of the Town of Elmira, take into consideration the five criteria required for review.

- (1) Whether an undesirable change will be produced in the character of the neighborhood or community or a detriment to nearby properties will be created by the granting of the area variance;
- (2) Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;
- (3) Whether the requested area variance is substantial;
- (4) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and

(5) Whether the alleged difficulty was self-created, which is relevant to the decision, but shall not necessarily preclude the granting of the variance.

The Board discussed each of the five criterium and came to a consensus that it is likely that the benefit sought by the applicant could be achieved by some method other than the 7-foot variance, including expanding the garage both to the front and rear; and

That the requested variance of 7-feet for the 50-foot length of the garage is substantial; and

That the alleged difficulty was self-created.

After much discussion, Chairman Sullivan asks for a motion on how to proceed with this application.

MOTION by Scot Gerould to deny the Area Variance for 945 Lowcroft Rd based on criteria 2,3, and 5 of the Criteria for Review, as discussed in the meeting.

Second by Chris Longwell

Ayes: Gerould, Peterson, Moffe and Sullivan

Nays: none

Chairman Sullivan asks if there is any old business to be discussed. A question as to whether there has been any update to the Bhakti Marga application was asked. Mr. Crandall responded that they are currently in the process of developing plans but they have not submitted anything yet.

The Chairman asks if there is any new business and hearing none, asks for a motion to adjourn the meeting.

MOTION by Scot Gerould to adjourn the meeting.

Second by Peter Peterson

Ayes: Gerould, Peterson, Moffe and Sullivan

Nays: none

Meeting adjourned at 7:41 pm EST.