

**VILLAGE OF PERRY
ZONING BOARD OF APPEALS MEETING
JANUARY 7, 2025**

Present:	Zach Kowasz	Chairperson
	Meggan Quartz	Member
	Joe Rebisz	Member
	George Smith	Alternate
	Christina Slusser	Zoning Secretary
	Don Roberts	ZEO

Also Present: Jim & Donna Harrington, Applicants

Absent:	John Czyryca	Member
	Bethany Zerbe	Member

Chairperson, Zach Kowasz called the meeting to order at 6:30 pm and led in the Pledge of Allegiance. The Chair appointed George Smith to fill in as a voting member for Bethany Zerbe.

MINUTES

Meggan Quartz made a motion to approve the minutes from the last meeting on November 5, 2024, which was seconded by Zach Kowasz and carried with the following vote:

Ayes	4 (Quartz, Kowasz, Rebisz, Smith)
Nays	0
Abstain	0

PUBLIC HEARING - VARIANCE FOR 3800 EUCLID AVE.

An application was received in the Clerk's Office on 10/17/2024 from James Harrington, Jr. to remove an existing 11' x 16' porch and erect a new 21' x 20' 3-season porch. The applicant requests a variance for a reduction in side yard setback from the required 5 feet to 3 feet. The public hearing was advertised for 12/3/2024 but rescheduled due to 1/7/2025 due to the neighbors not having proper notification. The public hearing for 1/7/2025 was published in the Perry Herald on 12/12/2024.

At 6:34 pm, Chairperson Zach Kowasz opened the public hearing to review the application for a variance at 3800 Euclid Ave. Mr. Harrington provided certified mailing certificates for the list of neighbors within 200' of his property at 3800 Euclid Ave. He did not receive any opposition and the Village Clerk/Zoning Secretary confirmed that no comments were received by the office. The applicant intends to start construction in May and will be in contact with Mr. Roberts for demo and construction permits. He informed the ZBA that the current porch has structural issues – the roof leaks and floor joints bounce. He has contractors lined up and ready to go.

The Wyoming County Planning Board reviewed the application and approved it with comments, wanting to make sure that no objections were received from the neighbors.

The diagram labeled A-1 represents the footprint (foundation) of the proposed addition. The ZBA Chair clarified that a variance would be granted from the furthest projection of the structure (such as eaves or gutters), rather than the foundation. The applicant stated that a variance for 2 feet from the property line would be preferred in that case.

The applicant completed the Short Environmental Assessment Form part 1. The Zoning Enforcement Officer completed the SEAF part 2, classified as a type 2 action with no further action required. The ZEO also completed the “Determination of ZBA Based on the Above Factors” part of the Application for ZBA Area Variance Findings & Decision.

Chairperson Kowasz stated that the ZBA is looking at granting a variance for relief from the required 5’ setback to a 2’ setback from the property line with the condition that the setback is measured from the furthest projection of the building and it only applies to a single story. Joe Rebisz made a motion to approve the variance as stated by the Chair which was seconded by George Smith and carried with the following vote:

Ayes	4 (Rebisz, Smith, Kowasz, Quartz)
Nays	0
Abstain	0

APPOINT VICE CHAIRPERSON

Tabled due to attendance.

OTHER BUSINESS

At the last meeting, Don Roberts mentioned that the solar project at SMG Development may end up requiring a variance. Since then, it was determined that they are going to use a historical survey done by Gillen rather than the one posted on the county’s web mapping site. Research was done on the original municipal boundary from the 60’s and a historical description on how that was derived by Gillen was found. It is expected that a moratorium will be approved soon in the Town of Perry and Town of Castile for solar projects.

The next meeting is scheduled for February 4, 2025. Motion to adjourn was made by Joe Rebisz at 7:04 pm which was seconded by George Smith and carried.

Respectfully submitted,
Christina Slusser,
Village Clerk/Zoning Secretary