

# TOWN OF NORTH HARMONY ZONING BOARD OF APPEALS

Wednesday, 7/23/2025, 7: 00 P.M.

ZBA MEMBERS PRESENT:      GREG MICHALAK                      ROGER VAILLANCOURT  
   LEAH STOW                              WILLIAM ORTMAN  
   LAUREN MANWARING

Julie Conklin, Zoning Board Clerk

Guests:                              Mike Peccia                      Kim Peccia  
   Louise Ortman

Mr. Michalak brought the hearing to order at 7:00 PM.

**Mr. Michalak motioned to adopt the minutes of the 6/25/2025 Zoning Board of Appeals Hearing as submitted by the Zoning Clerk. Mr. Vaillancourt seconded. Motion carried.**

Announcement for record by zoning clerk

- Legal Notice for Post Journal – 7/12/25
  - Notice to Neighboring Properties – 7/11/25
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Mrs. Conklin swore in all who expressed intent to speak.

Mr. Michalak explained, each application will be given the opportunity to speak on their project and then the floor will be opened for comments, brief 3 minutes, then the public hearing will be closed and the committee will make a decision.

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- Michael and Kimberly Peccia requesting an Area Variance to build a deck closer to the lakeside setback and side setbacks than allowed according to Town of North Harmony Zoning Law Article IV, Section 403 located 3618 Watson Rd., specifically SBL 332.16-1-21

**Mr. Michalak moved to open the public hearing.**

Mr. Peccia spoke about his project and explained the need for the variance.

Mr. Michalak asked Mr. Peccia to confirm square footage of deck at 80 sq ft, application stated 8' x 8'.

Mr. Peccia stated that it should be 8' x 10'.

**Ms. Stow moved to close the public hearing.**

Mr. Michalak read into the record Zoning Ordinance SECTION 904-USE and AREA VARIANCE, C. Area Variances.

ZBA-Area Variance Findings & Decision- Attached to minutes.

Mr. Michalak made a motion to approve the variance application as submitted by Michael and Kimberly Peccia as submitted for a lakeside setback of 18' 2" and 6' 3" on north side setback. Mr. Ortman seconded. No (5): Vaillancourt, Michalak, Ortman, Manwaring, Stow.

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Future Meeting Dates:

- Wednesday, August 27, 2025
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By a motion made by Mr. Michalak, Mr. Vaillancourt seconded and with none being opposed the hearing was adjourned at 7:08 PM

*Julie Conklin*  
*Zoning Board Clerk*

ZONING BOARD OF APPEALS  
**AREA VARIANCE FINDINGS & DECISION**

**Town of North Harmony - Zoning Board of Appeals**

5350 Stow Rd  
Ashville, NY 14710  
Office (716) 789-3445  
Fax: (716) 789-9308



1. **APPLICANT:** Michael + Kimberly Peccia
  
2. **LOCATION:**  
Property identification # (Tax Map #) 332.16-1-21 Zoning District: R-1  
Property Address: 3618 Watson Rd.
  
3. Requirement for which Variance is requested: Side Set back 6' 3"  
lake side 1310.5 Watermark 18' 2"
  
4. Applicable Section(s) of Zoning Code: Section 403
  
5. **CONSIDERATION:** No Area Variance will be granted without a consideration by the board of the following factors: (Please check yes / no - must list reason for answer)
  1. Yes  No  Whether undesirable change would be produced in character of neighborhood or a detriment to nearby properties?  
Reason: No Change in Character
  
  2. Yes  No  Whether benefit sought by applicant can be achieved by a feasible alternative to the variance?  
Reason: VARIANCE REQUIRED - SUB STANDARD LOT SIZE
  
  3. Yes  No  Whether the requested variance substantial?  
Reason: INCREASE of 82sqft LOT COVERAGE
  
  4. Yes  No  Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood?  
Reason: No IMPACT
  
  5. Yes  No  Whether the alleged difficulty was self-created?  
Reason: VARIANCE REQUIRED for project -

**DETERMINATION OF ZBA BASED ON THE ABOVE FACTORS (following page):**  
**The ZBA, after taking into consideration the above five factors, finds that:**

the Benefit to the Applicant DOES NOT outweigh the detriment to the neighborhood or community and therefore the variance request is denied.

the Benefit to the Applicant DOES outweigh the detriment to the neighborhood or community.

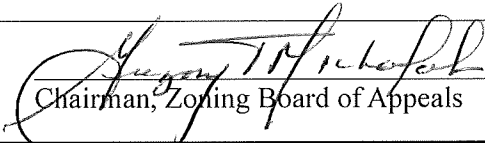
Reasons: \_\_\_\_\_  
 \_\_\_\_\_

The ZBA further finds that a variance of \_\_\_\_\_ from Section \_\_\_\_\_ of the Zoning Code is the minimum variance that should be granted in order to preserve and protect the character of the neighborhood and the health, safety and welfare of the community because:  
 \_\_\_\_\_  
 \_\_\_\_\_

**CONDITIONS:** The ZBA finds that the following conditions are necessary in order to minimize adverse impacts upon the neighborhood or community, for the reasons following:

Condition No. 1: \_\_\_\_\_  
 Adverse impact to be minimized:  
 \_\_\_\_\_  
 \_\_\_\_\_

Condition No. 2: \_\_\_\_\_  
 Adverse impact to be minimized:  
 \_\_\_\_\_  
 \_\_\_\_\_

  
 \_\_\_\_\_  
 Chairman, Zoning Board of Appeals      Date 7/25/2025

**RECORD OF VOTE MOTION & ROLL CALL**

Motion by GREG MICHALAK and seconded by WILL ORTMAN to approve variance \_\_\_\_\_.

<b>Committee Members</b>		<b>Aye</b>	<b>Nay</b>	<b>Absent</b>
Acting Chair	<b>Mr. Greg Michalak</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Member	<b>Mr. William Ortman</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Member	<b>Mr. Dan Thomas</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Member	<b>Mr. Roger Vaillancourt</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Member	<b>Ms. Leah Stow</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Member	<b>Mrs. Lauren Manwaring</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vacancy		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>