

TOWN OF NORTH HARMONY ZONING BOARD OF APPEALS

Wednesday, 6/25/2025, 7: 00 P.M.

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

Julie Conklin, Zoning Board Clerk
Bradley Lawson, CEO

Guests: Rick Koerner Louise Ortman
 Scott Wright David & Vicki Groth
 Stephanie Humphreys Linda Strok
 Lori Humphreys Helen Humphreys
 James Bettinghouse

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

Mr. Michalak motioned to adopt the minutes of the 5/28/2025 Zoning Board of Appeals Hearing as submitted by the Zoning Clerk. Mr. Thomas seconded. Motion carried.

Announcement for record by zoning clerk

- Legal Notice for Post Journal – 6/14/25
- Notice to Neighboring Properties – 6/13/25

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- **Crown Atlantic Company LLC requesting a Special Use Permit to make a modification to an existing telecommunication facility according to Town of North Harmony Zoning Law Article VI, Section 619-C & D, located on Panama Stedman Rd, Ashville, NY, specifically SBL 314.00-2-54**

Mr. Michalak stated for the record that Crown Atlantic special use permit has been satisfied by advice from town attorney by Federal Law 6409 and have been granted the special use permit.

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.

- Richard Koerner requesting an Area Variance to build a garage at a height higher than allowed according to Town of North Harmony Zoning Law Article IV, Section 403 located 3630 Watson Rd., specifically SBL 332.16-1-14

Mr. Ortman recused himself from the board.

Mr. Michalak moved to open the public hearing.

Mr. Koerner spoke about his project and explained the need for the height of the garage. He showed photos on projector showing area around the house and how this would affect neighborhood properties.

Mr. Michalak explained prior variance requests. (Attached to minutes)

Mr. Michalak added for record the following letters: (Attached to minutes)

- Chris & Kim Strok – 6/23/25 and included previously submitted letter
- Linda Strok – 6/23/25 and included previously submitted letter
- David & Vicki Groth – 6/21/25
- Stephanie Humphreys – 6/18/25

The following people spoke in response to Mr. Koerner:

- Lori Humphreys
- David Groth
- Stephanie Humphreys

Topics of Concern:

- Size of project
- Setbacks to neighboring properties
- Amount of variances

Mr. Koerner feels that going up to get more storage space is the least impactful, another option could be to increase the footprint.

Mr. Michalak moved to close the public hearing.

Mr. Thomas 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 Rick Koerner as submitted for height of 26' 3". Mr. Vaillancourt seconded. No (5): Vaillancourt, Thomas, Michalak, Stow, Manwaring.

-
- James Bettinghouse requesting an Area Variance to construct an addition closer to side setbacks than allowed according to Town of North Harmony Zoning Law Article IV, Section 403 located 2368 Fardink Rd., specifically SBL 384.06-1-9

Mr. Michalak moved to open the public hearing.

Mr. Wright, contractor for Mr. Bettinghouse, spoke about the variance request.

Mr. Michalak moved to close the public hearing.

Mr. Thomas 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 for James Bettinghouse as submitted with side setback of 20'. Ms. Stow seconded. Yes (6): Vaillancourt, Thomas, Michalak, Stow, Ortman, Manwaring.

Mr. Michalak stated for the record that per decision by the town board by the town board that Sheila Kyser will no longer be a member on the Zoning Board.

Future Meeting Dates:

- **Wednesday, July 23, 2025**

By a motion made by Mr. Michalak, Mr. Vaillancourt seconded and with none being opposed the hearing was adjourned at 7:38 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: RICHARD KOERNER

2. LOCATION:
Property identification # (Tax Map #) 332.16-1-14 Zoning District: R-1

Property Address: 3630 WATSON Rd, STOW NY

3. Requirement for which Variance is requested: HEIGHT OF GARAGE @ 26'3"

4. Applicable Section(s) of Zoning Code: SECTION 403 STATES 16'

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: INCREASE IN HEIGHT ENCROACHMENT ON A Sub Standard lot.

2. Yes No Whether benefit sought by applicant can be achieved by a feasible alternative to the variance?

Reason: Reduce HEIGHT of garage to comply w/ 16' REQUIREMENT

3. Yes No Whether the requested variance substantial?

Reason: INCREASED HEIGHT ENCROACHMENT of 10'-3" (16' ALLOWABLE IN R-1 PER SECTION 403)

4. Yes No Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood?

Reason: INCREASE IN physical ENCROACHMENT ON Substandard lot

5. Yes No Whether the alleged difficulty was self-created?

Reason: REQUESTED VARIANCE WOULD REQUIRE ZBA APPROVAL

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.

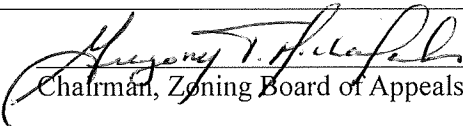
Reasons: _____

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 6.25.25
 Date

RECORD OF VOTE MOTION & ROLL CALL

Motion by GREG MICHALAK and seconded by ROGER VAILLANCOURT to approve variance _____.

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

Summary of Richard Koerner Variance Requests

3630 Watson Rd, Stow

July 24, 2024, ZBA Meeting

Mr. Koerner requested the following variances:

- Northside setback of 8' 9"
- Southside setback of 8'
- Lakeside setback of zero
- Height of new home at 33'
- Height of garage at 24' 11"

Mr. Michalak asked that Mr. Koerner review the concerns in the letters that were submitted and what has been discussed at the meeting before resubmitting his application to Mr. Lawson.

Mr. Michalak made a motion to table Mr. Koerner's application until the next meeting.

August 28, 2024, ZBA Meeting

Mr. Koerner requested the following variances:

- Northside setback of 12'
- Southside setback of 9' 3"
- Southside setback at garage of 5'
- Lakeside setback of zero

Mr. Michalak made a motion to approve the variance requests by Mr. Koerner's as submitted in application.

June 25, 2024, ZBA Meeting

Mr. Koerner requests the following variance:

- Height of garage at 26' 3"

At this time Mr. Koerner has not been issued a building permit for any of the approved variances. The Code Enforcement Department is still waiting on a full set of plans to be reviewed prior to issuing a permit.

Chris & Kim Strok
3636 Watson Road
Stow, NY 14785

July 23, 2024

Town of North Harmony
Office of the Town Clerk
Zoning Board of Appeals

Attention: Town of North Harmony Zoning Board of Appeals

Dear Zoning Board Members,

I am writing on behalf of my wife Kim and myself, Chris Strok, regarding the property at 3630 Watson Road currently owned by Rick and Ann Koerner. Unfortunately, due to a recent accident, neither of us can attend the upcoming board meeting on Wednesday, July 24, 2024. However, we have authorized my brother-in-law, Jeffrey Skonieczny, to represent us and speak on our behalf.

Our residence is located two lots north of the Koerners' property and adjacent to my mother, Linda Strok, at 3632 Watson Road. As her eldest son, I will eventually be involved in managing her property. We are excited that Rick and Ann Koerner plan to build a new lake home. The applicant has requested six variances, which raises concerns about the compatibility of the proposed home with the neighborhood and the size of the sub-standard lot.

Like many others in our community, we value the character and size of our lake homes, which are primarily used during the spring, summer, and fall seasons. While we recognize the need for some flexibility for homeowners looking to build or expand on smaller, century-old lake lots originally developed without modern regulations, we ask the board to uphold existing zoning laws as much as possible knowing that some relief is needed for the Koerners to build. We hope that the new construction will harmonize with the size and style of other recently built homes in our neighborhood, without imposing excessively on adjacent properties.

There is currently a metal shed on the property in question, and we request that it be removed upon completion of the new construction, as only one detached accessory building is permitted per home. Additionally, we are concerned about the north side window seat overhang, which will be less than 9 feet from my mother's property line.

We acknowledge the historical circumstances that have led to the current layout of properties, including the narrow **20-inch property separation** between my mother's home and the north property line. We understand that the six variances requested by the applicant may be necessary to accommodate their plans, but we ask the board to carefully consider the impact on the neighborhood and adjacent properties.

Thank you for considering our concerns and this letter as part of the public comments for the upcoming meeting. Please do not hesitate to contact us if you require any further information.

Sincerely,



Chris & Kim Strok

Chris & Kim Strok
3636 Watson Road
Stow, NY 14785

June 24, 2025

Town of North Harmony
Office of the Town Clerk
Zoning Board of Appeals

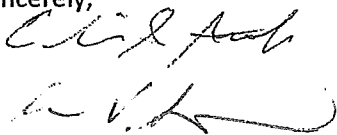
Dear Zoning Board Members,

I am writing regarding the latest zoning request at SBL 332.16-1-14 (Richard Koerner, 3630 Watson Road). The zoning height for our region of R-1 is set at 16FT for accessory structures. It is my understanding that the applicant is asking for a garage with a height of 26Ft – 3". For us, this is just too high (**over 60%**) and we **oppose** this request. If this is granted it is our belief that the current views of the lake and our neighbors and their homes from our backyard looking south of 3630 Watson will be completely blocked off.

We ask that you take this and the previous comments from our July 23, 2024 memo when considering this decision. We value The Koerner's as neighbors and friends but we must try to protect visual greenspace and future variants that will change our neighborhood.

Thank you for considering my concerns while you make a decision.

Sincerely,

Handwritten signature of Chris & Kim Strok, consisting of two distinct cursive signatures stacked vertically.

Chris & Kim Strok

Linda Strok
3632 Watson Road
Stow, NY 14785

June 23, 2025

Town of North Harmony
Office of the Town Clerk
Zoning Board of Appeals

Dear Zoning Board Members,

I am writing regarding the latest zoning request at SBL 332.16-1-14 (Richard Koerner, 3630 Watson Road). The zoning height for our region of R-1 is set at 16FT for accessory structures. It is my understanding that the applicant is asking for a garage with a height of 26Ft – 3". For me, this is just too high and I oppose this request. If this is granted the current views of my neighbors homes from my backyard looking south of 3630 Watson will be completely blocked off.

I ask that you take this and the previous comments from my July 22, 2024 memo when considering this decision. I value The Koerner's as neighbors and friends but I must try to protect visual greenspace and future variants that will change our neighborhood.

Thank you for considering my concerns while you make a decision.

Sincerely,

Linda Strok

Signed on behalf of my Mother, Linda Strok. She does not have a laptop computer or printer at the lake.
Chris Strok

A handwritten signature in black ink, appearing to read "Chris Strok", written in a cursive style.

July 22, 2024

To: Town of North Harmony, N.Y.
Zoning Board of Appeals

From: Linda Strok
3632 Watson Road
Stow, NY 14785

RE: Zoning Variance Requests
Rick Koerner at 3630 Watson Road

Dear Zoning Board,

I'm the immediate neighbor to the North of Rick and Ann Koerner. I am writing regarding the proposed new construction at 3630 Watson Road, Stow. At first, I was thrilled that Rick and Ann were planning to build a new lake cottage next door to me and was excited for their family. But after review and some additional time to think I have a few concerns with all the variances being requested.

Most of Watson Road was developed prior to the current zoning codes. Many built in the early 1900's and built without regard to property lines. Many cottages were built next to other family members cottages. Many being expanded over the decades. I understand that most new homes on Watson may have required a variance but Rick and Ann are asking for 6. I also understand that their lot is a smaller sub-standard lot like so many others and hard to build on.

Unfortunately, my home sits only TWENTY INCHES (20") from the Koerner's north property line. Our current homes are close yet a reasonable distance away from each other. The site plan indicates the new construction would be approx. 14 Ft from my living room wall and the upstairs bump-out will only be 8'-9" from the property line. The new home is certainly taking up a larger footprint. The trees next to our homes will be gone and the greenspace in the back of the property will be shrunken.

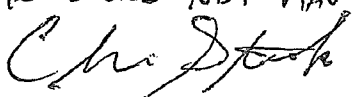
What was once an open view out the backyard will be blocked by the new detached garage and existing metal garage/shed. I understand that going back toward the road offers much more room to build. I'm hoping that once a design is settled upon the metal garage might be eliminated? If I read the paperwork correctly, the house and garage will also be higher?

I also have to consider the re-sale value of my home. A home so close may jeopardize the value and my ability to sell.

I sincerely hope that Rick and Ann are able to build a home that more closely fits the current zoning codes with some relief that fits the current character of the neighborhood and still fulfills their dreams. I respectfully ask the Zoning Board to use your best judgement of the properties while reviewing the requested variances. My son-in-law Jeffery Skonieczny will be at the meeting. I cannot attend. He has my permission to speak on my behalf if he so chooses to.

Thank you,

Linda Strok

Signed on behalf of my Mother, LINDA STROK.
She does not have a printer or laptop at the lake.
 Chris STROK

June 23, 2025

David & Vicki Groth
3638 & 3640 Watson Rd.
Stow NY 14785

RE: Zoning Variance Request
Rick Koerner
3630 Watson Rd., Stow NY

Dear Mr. Michalak and North Harmony Zoning Board Members,

Last July the Zoning Board of Appeals completed an extensive review of a Zoning Variance application from Rick Koerner at 3630 Watson Road in Stow. It included a request that he work with neighbors and make some compromise to his original plan. In August you believed he had done so and granted variances for left and right side yard setbacks, as well as front and rear yard setbacks as detailed in the August 2024 Zoning Review document provided by Mr. Koerner's architect. His request for a variance on the height of the garage was not included in the approvals although I can't remember if it was denied by the ZBA or removed by Mr. Koerner ?

It was our opinion at the time that the new home was too large for his substandard lot. Our position remains the same. To a layperson it seems that any development that requires a variance for every aspect of the home is indeed too large for a small substandard lakefront lot.

Although we have not heard from Mr. Koerner regarding this variance nor its scope or purpose, it's our understanding that he is requesting a more than 10 ft. height variance for his garage (16' to 26' 3"). That number seems to reflect a full second story to the garage. Approval of this variance will simply add to and exaggerate the mass of the new structure; one that will be out of character with the neighborhood, remove the existing "openness" to the area, and further encroach on neighboring properties and privacy.

We respectfully ask that Mr. Koerner's variance be denied.

Thank you for your consideration.

David & Vicki Groth

Stephanie Humphreys and Kevin Lucas
3628 Watson Road
Stow, NY 14785

Zoning Board of Appeals Representatives
Town of North Harmony
Office of the Town Clerk
Box 167
Stow, NY 14785

July 18, 2024

Re: Area Variance Application for proposed structure planned for 3630 Watson Road Property

To the Representatives of the NH Zoning Board of Appeals,

Thank you for the opportunity to share our thoughts regarding the proposed building planned for 3630 Watson Road property. We own the home at 3628 Watson Road. The concerns in this letter have also been shared with our neighbor Richard Koerner.

We are uncomfortable with anything less than a 10 foot setback. Additionally, we are not comfortable with the proposed roof height variances for the house or the garage as they are higher than surrounding houses. The request for two accessory buildings would ruin the existing wonderful feel of open space we all enjoy as neighbors.

Overall, we think that the plan is out of scale with the rest of the neighborhood, sets a new density precedent, and is not aligned with the North Harmony Comprehensive Plan.

The North Harmony Comprehensive Plan prioritizes green space in which “the natural landscape and vegetation predominate over the built environment...” (Town of North Harmony Comprehensive Plan, p. 15). We share North Harmony’s commitment to preserving the rural nature of North Harmony and maintaining the historical visual compatibility of future development with the surrounding neighborhood and the focus of our community, Lake Chautauqua.

Respectfully,

Stephanie Humphreys and Kevin Lucas

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:** Jim Bettinghouse

 2. **LOCATION:**
Property identification # (Tax Map #) 384.06-1-9 Zoning District: AR
Property Address: 2368 Fardink Rd, Ashville, NY

 3. Requirement for which Variance is requested: Side Setback of 20'

 4. Applicable Section(s) of Zoning Code: Section 403 States 25'

 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: REDUCE SIZE / MOVE Addition

 3. Yes No Whether the requested variance substantial?
Reason: SIDE ENCROUCHMENT INCREASE by 5"

 4. Yes No Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood?
Reason: No Change

 5. Yes No Whether the alleged difficulty was self-created?
Reason: VARIANCE REQUIRED for plans AS submitted
-

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 6.25.25
 Date

RECORD OF VOTE MOTION & ROLL CALL

Motion by GREG MICHALAK and seconded by LEAH STOW to approve variance _____.

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