

Town of Elmira
New York
ZONING BOARD OF APPEALS
MINUTES

Meeting July 22, 2025 7:00 pm EDT

PRESENT: Members: Joe Sullivan
 Peter Peterson
 Scot Gerould
 Chris Longwell

ABSENT: Jennifer Moffe

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

Chairman Sullivan opens the regular meeting at 7:00 p.m. and asks the clerk to call the roll. Jennifer Moffe has been excused from the meeting due to a previously scheduled work engagement.

Chairman Sullivan remarks that there is a small correction to the July 01, 2025 meeting minutes to change the language in paragraph two, referring to the application as a “use variance” and change that to say “area variance”. Mr. Crandall notes the correction and Mr. Sullivan asks for a motion to accept the minutes as amended.

MOTION by Scot Gerould to accept the July 01, 2025 meeting minutes as amended.

Second by Scot Gerould

Ayes: Gerould, Longwell, Peterson, and Sullivan

AGENDA ITEM – 966 W. Church St Use Variance Request

Lauren Dowd and Mike Zaimont are in attendance to explain to the board the reason for their request. Ms. Dowd says that they have interest in purchasing 966 W. Church St., which is a single-family home, and converting it into a Quilting Retreat Center Bed-and-Breakfast. This house would be their primary residence and they would be able to accommodate up to 10 guests. She stated that the house has four bedrooms and three bathrooms. Due to the size of the lot there is plenty of off-road parking between the driveway access off of W. Church St and a separate driveway off of W. First St.

At this point in the discussion, Attorney Moore explains that the difficulty with an application such as this is the inability to show that the current use cannot “realize a reasonable return”, which is a New York State requirement when reviewing use variance applications. Ms. Dowd states that this property has been on the real estate market longer than most properties in the area and is priced higher than similarly marketed homes. Attorney Moore clarifies that just because the house has not sold yet is not proof that it

could not realize a reasonable return for its currently approved use as a single-family home.

Chairman Sullivan reads through the four criteria for review when deciding on a use variance application and notes that criterion one, which establishes the requirement that the applicant “cannot realize a reasonable return, provided that the lack of return is substantial and demonstrated by competent financial evidence”, is often the most difficult hurdle.

There is some discussion as to what constitutes “competent financial evidence” and Attorney Moore remarks that this board is not in a position to give advice, but is here to review materials submitted by the applicant and determine whether that material is satisfactory. That material can come from a realtor, accountant or appraiser but it must show financial evidence that it cannot be a single-family home.

Chairman Sullivan asks if it is possible for a bed-and-breakfast to be considered an accessory use. Mr. Crandall directs the board to sections 217-75 and 217-76 of the Code of the Town of Elmira, which deal with Home Occupations and Cottage Industries, respectively. Both of those sections state that Bed-and-Breakfasts’ are specifically excluded and “shall not be considered to meet the intent of this section”.

Chairman Sullivan asks whether there is enough information to schedule a public hearing. The consensus from the board is to table the application until the applicants can provide enough information regarding the required financial evidence. Attorney Moore also notes that a signed purchase agreement would be required to prove that the hardship was not self-created.

MOTION by Scot Gerould to table the application for a use variance until proper financial evidence can be provided.

Second by Chris Longwell

Ayes: Gerould, Longwell, Peterson, and Sullivan

Chairman Sullivan asks if there is any old or new business to discuss. There is some discussion about the current state of the Bhakti Marga America application and where that stands. Mr. Crandall says that the application is currently under site plan review by the Town of Elmira Planning Board and is scheduled to have a public hearing on Monday August 4th, 2025 at 7 pm. The board discusses the specific roles that each of the boards have in a variance application and how oftentimes the public is unaware of what their duties are. Mr. Crandall also notes that the Chemung County Planning Board cancelled their monthly meeting which was scheduled for Thursday July 24, 2025. With no other business to discuss, Chairman Sullivan entertains a motion to adjourn.

MOTION by Chris Longwell to adjourn the meeting.

Second by Pete Peterson

Ayes: Gerould, Longwell, Peterson, and Sullivan

Nays: none

Meeting adjourned at 7:56 pm EDT.