

TOWN OF GROTON ZONING BOARD OF APPEALS
Public Hearing/Meeting Minutes – Thursday, 9 October 2014 – 7:00 PM
Groton Town Hall Court Room – 101 Conger Boulevard – Groton, NY

Board Members

Paul Fouts, Chairman
Patricia Gaines, Vice Chairman
Carolann Darling
Ted Schiele
*Dan Cerretani

(*Absent)

Others Present

Joan Fitch, Board Secretary

Applicants & Public in Attendance

Chad Scaglione, Appellant; Sheldon Clark, Town Councilman.

PUBLIC HEARING

Chad Scaglione, Appellant/Chad & Julie Scaglione, Reputed Owners – 240 Clark Street Extension – TM #121.-1-9 – Front Yard Setback Less than Allowed

The Public Hearing was opened at 7 p.m. by Chairman Paul Fouts; the Board Secretary read aloud the Legal Notice as duly published in the *Groton Independent* on 1 October 2014. Proof of Publication has been placed on file for the record.

The members of the ZBA introduced themselves. Chairman Fouts acknowledged that all required fees had been paid.

Chairman Fouts recognized the appellant who was seeking an area variance to construct a 24 ft. by 24 ft. garage at the location shown on the map accompanying his application. He wants the front of the proposed garage to line up with the front of his house which was constructed many years ago, before zoning; it, too, is non-conforming. Mr. Scaglione then explained construction details to the Board. The proposed garage will match the existing house and will be aesthetically pleasing.

Mr. Scaglione explained that a variance was needed as the garage would be 11 feet from the front property line and a setback of 30 feet is required. Member Ted Schiele, using his i-Pad, showed those present what the property looked like at this time. The appellant reported that the two large trees indicated near where the new garage will be placed will be removed to avoid the deposit of pine tree sap on its roof. Elevations and placement were discussed.

Chairman Fouts advised everyone that all neighbors had been notified of this Public Hearing and no correspondence or calls had been received regarding the Appeal. He also noted that there was no one present to speak at this hearing, other than the appellant and Board members.

**Therefore, with everyone having been heard who wished to be heard,
Chairman Fouts closed the Public Hearing at 7:10 p.m.**

REGULAR MEETING

Chairman Fouts opened the Regular Meeting of the Town of Groton Zoning Board of Appeals at 7:10 p.m.

APPROVAL OF MINUTES – 24 JULY 2014

A motion was made by Member Patricia Gaines to approve the Minutes of the 24 July 2014 ZBA hearing/meeting, as submitted. The motion was seconded by Member Schiele, with the vote recorded as follows:

Ayes:	Chairman Fouts	Nays:	None
	Member Gaines		
	Member Schiele	Absent:	Member Cerretani
	Member Darling		

Motion carried.

This becomes Action #15 of 2014.

DISCUSSION/DECISION

Chad Scaglione, Appellant/Chad & Julie Scaglione, Reputed Owners – 240 Clark Street Extension – TM #121.-1-9 – Front Yard Setback Less than Allowed

Chairman Fouts opened the discussion/decision portion of the Zoning Board of Appeals meeting at 7:12 p.m. He also announced that the SEQR Review was not required for this type of action

Chairman Fouts then read aloud the questions contained in the required “balancing test,” as shown below. Findings were recorded by the Board Secretary.

1. *Would an undesirable change be produced in the character of the neighborhood or a detriment to nearby properties?*
Finding: No. Proposed garage would be constructed in line with existing house.
2. *Can the benefit sought by the applicant be achieved by a feasible alternative to the variance?*
Finding: Yes, but it would be more expensive to do and wouldn’t look as nice.
3. *Is the request substantial?*
Finding: Yes; the requested variance would be 66% less than allowed (11 feet v. 30 feet).
4. *Will the request have adverse physical or environmental affects?*
Finding: No. The requested setback would be the same as the existing house.
5. *Is the difficulty self-created?*
Finding: No. The existing house is non-conforming as it is “grandfathered in,” having been constructed <1920s.

With no further discussion, **a motion was made by Member Schiele that taking into consideration the five findings arrived at in the “balancing test,” the Town of Groton Zoning Board of Appeals has determined that the benefit to the applicant outweighs the detriment to the neighborhood/community, and grants the area variance for a front yard setback less than allowed, as requested. The motion was seconded by Member Gaines, with the vote recorded as follows:**

Ayes:	Chairman Fouts	Nays:	None
	Member Gaines		
	Member Schiele	Absent:	Member Cerretani
	Member Darling		

Motion carried.

This becomes Action #16 of 2014.

ADJOURNMENT

At 7:20 p.m., a motion to adjourn the meeting was made by Member Gaines and seconded by Member Carolann Darling, with all Board members present voting in favor.



Joan E. Fitch, Board Secretary

Emailed to Town Supervisor, Clerks,
Town Attorney, CEO & ZBA Members on 10/16/14.