

TOWN OF GROTON ZONING BOARD OF APPEALS
Public Hearing/Meeting Minutes – Wednesday, 24 June 2015 – 7:00 PM
Groton Town Hall Court Room – 101 Conger Boulevard – Groton, NY

Board Members

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

(*Absent)

Others Present

Gary Coats, Town CEO
Joan Fitch, Board Secretary

Applicants & Public in Attendance

David Doyle, Appellant; Eugenie Doyle; Town Supervisor Don Scheffler.

PUBLIC HEARING

David A. Doyle, Appellant/David A. & Eugenie G. Doyle, Reputed Owners – 55 Old Peruville Road – TM #36.-1-32 – Garage Closer to Boundary Line than Allowed

The Public Hearing was opened at 7 p.m. by Chairman Ted Schiele who read aloud the Legal Notice as duly published in the *The Shopper* on 17 June 2015. Proof of Publication has been placed on file for the record.

Those ZBA members present introduced themselves. Chairman Schiele acknowledged that all required fees had been paid.

Chairman Schiele recognized the appellant who was seeking an area variance to construct a 24 ft. by 21 ft. single-story garage at the location shown on the map (5 feet from road where 30 feet is required setback), as shown on the sketch accompanying the application. Mr. Doyle explained that there was no room to place it elsewhere because of the location of the septic system/leach field. Also, the remaining land has a steep incline. The front porch of the home sets on the edge of the road right-of-way, the same as most of the homes on that road. The appellant then showed the Board the locations of everything on the parcel.

Board members were concerned with the owners having to back out onto the road; they stated that they have never backed out onto the road. Member Carolann Darling asked the appellant if he had considered changing the position of the garage to make it more parallel to the road so that it could be used like a drive-thru/covered bridge? This was discussed, but no solution was obtained.

Chairman Schiele 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 Schiele closed the Public Hearing at 7:34 p.m.**

APPROVAL OF MINUTES – 29 APRIL 2015

A motion was made by Member Paul Fouts to approve the Minutes of the 29 April 2015 ZBA meeting, as submitted. The motion was seconded by Member Dan Cerretani, with the vote recorded as follows:

**Ayes: Chairman Schiele
Member Fouts
Member Darling**

Nays: None

**Absent: Member Gaines
Abstain: Member Cerretani**

Motion carried.

This becomes Action #6 of 2015.

DISCUSSION/DECISION

David A. Doyle, Appellant/David A. & Eugenie G. Doyle, Reputed Owners – 55 Old Peruville Road – TM #36.-1-32 – Garage Closer to Boundary Line than Allowed

Chairman Schiele opened the discussion/decision portion of the Zoning Board of Appeals meeting at 7:37 p.m. CEO Coats advised that the SEQR Review was not required for this type of action, and also that the report from the Tompkins County Department of Planning has not yet been received and should be considered.

Chairman Schiele 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. All agreed.
- 2. *Can the benefit sought by the applicant be achieved by a feasible alternative to the variance?*
Finding: No (Members Fouts, Schiele, Cerretani) as there was no other place to put the proposed garage; Yes (Member Darling).
- 3. *Is the request substantial?*
Finding: Yes. All agreed.
- 4. *Will the request have adverse physical or environmental affects?*
Finding: No. All agreed.
- 5. *Is the difficulty self-created?*
Finding: No. All agreed.

With no further discussion, a **motion was made by Member Paul Fouts 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, conditioned upon receiving a positive recommendation from the Tompkins County Department of Planning. The motion was seconded by Member Cerretani, with the vote recorded as follows:**

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

Motion carried.

This becomes Action #7 of 2015.

ADJOURNMENT

At 8:08 p.m., a motion to adjourn the meeting was made by Member Fouts and seconded by Member Cerretani, with all Board members present voting in favor.



 Joan E. Fitch, Board Secretary

Emailed to Town Supervisor, Clerks,
Town Attorney, CEO & ZBA Members on 7/16/15.