

TOWN OF GROTON ZONING BOARD OF APPEALS
Public Hearing/Meeting Minutes – Wednesday, 26 March 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

Gary Coats, Town CEO
Joan Fitch, Board Secretary
Victoria Monty, Town Attorney

Applicants & Public in Attendance

John A. Beck, Appellant; Cliff Fenner, Ryan Walczak, Bob Fouts, Kelly Smith, Judy & Dick Rice, Jim Kane, Dick Rossignol.

PUBLIC HEARING

John A. Beck, Appellant/Reputed Owner – NYS Route 22 & Champlin Road – TM #19.-1-10 – Sign Variance Request

The Public Hearing was opened at 7:05 p.m. by Chairman Paul Fouts, who read aloud the Legal Notice as duly published in the *Groton Independent* on 12 March 2014. Proof of Publication has been placed on file for the record.

It was noted by Chairman Fouts that the required fees have been paid in full. He then introduced the members of the ZBA.

Chairman Fouts stated that there had been some communications received, as follows:

Tompkins County Department of Planning – March 20, 2014 – Acknowledged receipt of subject referral under NYSGML and noted that they determined it had no negative inter-community or County-wide impacts, so it was returned to the Town for local determination.

NYSDOT/Stan Birchenough – Email of 3/5/2014 – “DOT has no comments.”

Email from Ralph Cook (read aloud by Board Secretary) – “We are strongly opposed to any variance being issued to Mr. Beck to allow six signs on his property along Route 222 in Groton. These signs have the potential to bring down property values in this area and appear to be slanderous and libelous. The Nazi insignias are extremely upsetting and degrading to our beautiful area. Visitors to our area are amazed that even two of these signs would be allowed and found them to be very disgusting as do all people who live near this property. Please do not even consider this variance. Thank you.”

(At this point, Mr. Beck requested a piece of paper so he could make notes regarding the communications being read—so he could comment on them, he said.)

Mona Forney – 1003 Cortland Road (read aloud by Board Secretary) – “I am unable to be at the public hearing, March 26, 2014, so this email will be my answer to the variance request by Mr. Beck. I am totally against this request. When the signs were up across from my property, people were stopping there sometimes in the traffic lane. The signs were not attractive and were racist. This is not freedom of speech in my opinion. If he wants to complain, put it in the newspapers. Thanks for allowing email for those of us unable to attend.”

Anonymous (read aloud by Board Secretary) – “There should be no signs allowed like he puts up. Only for business advertising only. The signs are an eyesore when driving on 222. They might distract drivers and cause an accident when they are driving and trying to read his nonsensical signs. It is a matter of safety. I travel on 222 all the time. I’m glad the signs are gone forever I hope.”

John A. Beck, Appellant/Reputed Owner – NYS Route 22 & Champlin Road – TM #19.-1-10 – Sign Variance Request

With no further discussion, a **motion was made by Member Ted Schiele that the Town of Groton ZBA declares itself as Lead Agency under SEQRA for the proposed sign variance. The motion was seconded by Member Gaines, with the vote recorded as follows:**

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

Motion carried.

This becomes Action #6 of 2014.

Chairman Fouts then read aloud Part II of the Short Environmental Assessment Form. Negative responses were obtained to all questions in Part II except for #s 1, 3, and 8 which impacts were considered Moderate to Large:

- #1. Moderate to large impact as request is for a greater number of signs than allowed, with a greater number of square feet than allowed.
- #3. Moderate to large impact based on comments received from the public. Comprehensive Plan also supports comments of the community.
- #8. Moderate to large impact as Comprehensive Plan also supports the reasoning the same as for #3.

After a brief discussion, a **motion was then made by Member Schiele that, based on the information and analysis of the SEQR concerning this application, the Town of Groton Zoning Board of Appeals has determined that the proposed action will not result in any significant adverse environmental impact, resulting in a Negative Declaration. The motion was seconded by Member Gaines with the vote recorded as follows:**

**Ayes: Chairman Fouts
Member Gaines
Member Schiele
Member Cerretani** **Nays: Member Darling**

Motion carried.

This becomes Action #7 of 2014.

Chairman Fouts then proceeded with the required questions (balancing test) for the variance, with the responses being given by the ZBA members, after a brief discussion of each, as follows:

1. Can the benefit be achieved by other means feasible by the applicant?
Finding: Yes. Everyone agreed.
2. Will an undesirable change be produced in the character of the neighborhood or the nearby properties?
Finding: Yes. Everyone agreed.
3. Whether the requested variance is substantial?
Finding: Yes. All agreed.
4. Whether the request will have adverse physical or environmental effects?
Finding: Yes, has adverse physical (aesthetic) effects, but not environmental. All agreed.
5. Is alleged difficulty self-created?
Finding: Yes. All agreed.

After a brief discussion, a **motion was made by Member Dan Cerretani that, based on public testimony (both written and oral), supporting documentation, and ZBA findings, the requested variance to allow for a greater number of signs with a greater area than allowed is denied. The motion was seconded by Member Gaines, with the vote recorded as follows:**

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

Motion carried.

This becomes Action #8 of 2014.

ADJOURNMENT

At 8:35 p.m., a motion to adjourn the meeting was made by Member Darling and seconded by Member Gaines, with all Board members present voting in favor.



Joan E. Fitch, Board Secretary

Emailed to Town Supervisor, Clerks,
Town Attorney, CEO & ZBA Members on 4/28/14.