

# TOWN OF GROTON ZONING BOARD OF APPEALS

Minutes of Public Hearing/Decision Meeting – Wednesday, 16 October 2013 – 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  
Sheldon Clark, Town Councilman

## Applicants & Public in Attendance

Evan Hayes, Appellant; Bill Hayes, Karl Becker.

## PUBLIC HEARING

### Evan Hayes, Appellant/Reputed Owner – 132 Old Peruville Road – TM #36.-1-55 - Side Yard Setback

The Public Hearing was opened at 7:05 p.m. by Chairman Paul Fouts. The Chairman read aloud the Legal Notice as duly published in the *Groton Independent* on 10 October 2013. There was a correction to the notice that the building is in an M2 district. Proof of Publication has been placed on file for the record.

The ZBA members were introduced. Chairman Fouts then acknowledged all required fees had been paid and two communications had been received. The letter from Ms. Wilma Paterson of 133 Old Peruville Rd., was read aloud and concluded that she was in favor of the construction. The letter from Mr. Ed Volpicelli of 136 Old Peruville Rd., was read aloud and concluded that he had no issue with the extended garage.

Chairman Fouts recognized CEO Gary Coats who explained that the appellant wanted to construct an extension onto a garage that had recently fallen. The garage was allowed without a variance because it was preexisting on the lot line. The extension however, because it was not part of the original footprint of the garage, was not allowed to be built within the side yard 6' minimum set back of an M2 district.

Chairman Fouts asked if there were any comments from anyone present; there were none from the public.

Member Darling asked if traffic with the Volpicelli's would be problem. Appellant stated there would be no problems.

Member Schiele asked if the addition could go on the back instead of the front of the building. Appellant said the rear wall will stay.

**With everyone being heard who wished to be heard, the Public Hearing was closed at 7:20 p.m. by Chairman Fouts.**

## DISCUSSION/DECISION

Chairman Fouts opened the decision portion of this appeal immediately after closing the Public Hearing.

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

1. Whether the benefit sought by the applicant can be achieved by some alternate method, feasible for the applicant to pursue, other than an Area Variance?

Finding: Yes, but not the best way. Everyone agreed.

- 2. Whether and undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the Area Variance?

Finding: No. Everyone agreed.

- 3. Whether the requested Area Variance is substantial?

Finding: No. All agreed.

- 4. Whether the proposed Variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or Zoning District?

Finding: No negative impacts. All agreed.

- 5. Is alleged difficulty self-created?

Finding: No. Location is restricted by the old building’s footprint. It’s not self-created. All agreed.

CEO Gary Coats described what a Type II action was as it pertains to this SEQR review. With no further discussion, **a motion was made by Member Dan Cerretani that the Town of Groton Zoning Board of Appeals declares this action as a Type II Action under 6NYCRR Part 617.5 (12) and does not require SEQRA review to grant an individual setback and lot line variance. The motion was seconded by Member Pat Gaines, with the vote recorded as follows:**

<b>Ayes:</b>	<b>Chairman Fouts</b>	<b>Nays:</b>	<b>None</b>
	<b>Member Gaines</b>		
	<b>Member Schiele</b>		
	<b>Member Cerretani</b>		
	<b>Member Darling</b>		

**Motion carried.**

**This becomes Action #10 of 2013.**

**A motion was then made by Member Schiele that, based on the findings, the Zoning Board of Appeals grants the requested use variance to construct an addition onto a garage within the 6’ side yard setback of an M2 district. The motion was seconded by Member Pat Gaines, with the vote recorded as follows:**

<b>Ayes:</b>	<b>Chairman Fouts</b>	<b>Nays:</b>	<b>None</b>
	<b>Member Darling</b>		
	<b>Member Schiele</b>		
	<b>Member Cerretani</b>		
	<b>Member Gaines</b>		

**Motion carried.**

**This becomes Action #11 of 2013.**

**APPROVAL OF MINUTES – 18 JULY 2013**

**A motion was made by Member Cerretani to approve the Minutes of the 18 July 2013 ZBA hearing/meeting, as submitted. The motion was seconded by Member Gaines, with the vote recorded as follows:**

<b>Ayes:</b>	<b>Chairman Fouts</b>	<b>Nays:</b>	<b>None</b>
	<b>Member Darling</b>		
	<b>Member Schiele</b>		
	<b>Member Cerretani</b>		
	<b>Member Gaines</b>		

**Motion carried.**

**This becomes Action #12 of 2013.**

**ADJOURNMENT**

At 7:30 p.m., a motion to adjourn the meeting was made by Member Schiele and seconded by Member Darling, with all Board members present voting in favor.

---

Gary Coats, CEO  
Acting Board Secretary

Emailed to GM & ZBA  
Members on 10/18/13. Rev. 10/20/13.