

TOWN OF GROTON ZONING BOARD OF APPEALS
Public Hearing/Meeting Minutes – Wednesday, 25 June 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

Tim Neff for Midstate Microd Club, Appellant; Attorney Dan Ellis; Luke Burhans, Dave Dann, Jeff Tinkham, Connie Neff, Troy Tinkham, Bob & Sharon Fouts.

PUBLIC HEARING

Midstate Microd Club, Appellant/Robert Fouts, Reputed Owner – NYS Route 22 & Champlin Road – TM #19.-1-10 – Sign Variance Request

The Public Hearing was opened at 7 p.m. by Chairman Paul Fouts, who read aloud the Legal Notice as duly published in the *Groton Independent* on 18 June 2014. Proof of Publication has been placed on file for the record.

It was noted by Chairman Fouts that he would conduct the public hearing/decision meeting, but would not be speaking or voting regarding this appeal in order to avoid any perceived conflict of interest.

Chairman Fouts recognized Tim Neff, President of the Midstate Microd Club, who explained that the Club wanted to replace an existing deteriorating sign on the subject property. The proposed sign would be 4 ft. by 8 ft., non-illuminated. They would like to make the sign removable so that it could be stored off-season to preserve it. Season runs May thru September, weather permitting. The sign was needed to show the turn/location of the track, which has been there since 1981.

Comments were received as follows:

Robert Fouts, owner of the subject property, stated he had no objection to the use of his land for placement of the sign. The Club has always respected the use of his property.

Jeff Tinkham – Spoke in favor of granting the requested variance; his son races.

**With everyone having been heard who wished to be heard,
Chairman Fouts closed the Public Hearing at 7:21 p.m.**

REGULAR MEETING

Chairman Fouts opened the Regular meeting of the Zoning Board of Appeals at 7:21 p.m. and announced that all required fees had been paid, and he introduced those ZBA members present.

Chairman Fouts then acknowledged receipt of a 25 June 2014 letter from the Tompkins County Department of Planning (Edward C. Marx, Commissioner), stating that the appeal has no negative impacts and was being returned for local determination. In addition, no response had been received from the NYSDOT.

With no further discussion, a motion was made by Member Patricia Gaines that the Town of Groton Zoning Board of Appeals hereby declares itself Lead Agency under SEQRA for the proposed 4 ft. by 8 ft. sign. The motion was seconded by Member Carolann Darling, with the vote recorded as follows:

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

Motion carried.

This becomes Action #9 of 2014.

A motion was then made by Member Ted Schiele that, based on the information and analysis of the SEQR concerning this application for a proposed sign larger than allowed, the Town of Groton Zoning Board of Appeals has determined that the proposed action will not produce any significant adverse environmental impact, resulting in a Negative Declaration. The motion was seconded by Member Gaines, with the vote recorded as follows:

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

Motion carried.

This becomes Action #10 of 2014.

The Zoning Board of Appeals then conducted the required “balancing test,” as follows:

1. *Will an undesirable change be produced in the character of the neighborhood?*
Finding: No. (Aye: 4 Abstain: 1)
2. *Is the variance substantial?*
Finding: No. (Aye: 4 Abstain: 1)
3. *Will the variance have an adverse impact on physical or environmental conditions in the neighborhood or district?*
Finding: No. (Aye: 4 Abstain: 1)
4. *Has there been any self-created difficulty?*
Finding: Yes. (Aye: 4 Abstain: 1)

With no further discussion, a motion was made by Member Dan Cerretani to grant the varnace for the off-premises sign larger than allowed, as requested. The motion was seconded by Member Schiele, with the vote recorded as follows:

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

Motion carried.

This becomes Action #11 of 2014.

APPROVAL OF MINUTES – 26 MARCH 2014

A motion was made by Member Gaines to approve the Minutes of the 26 March 2014 ZBA hearing/meeting, as submitted. The motion was seconded by Member Schiele, with the vote recorded as follows:

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

Nays: None

Motion carried.

This becomes Action #12 of 2014.

ADJOURNMENT

At 7:35 p.m., a motion to adjourn the meeting was made by Member Schiele 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 7/23/14.