

TOWN OF GROTON ZONING BOARD OF APPEALS
Meeting Minutes – Thursday, 28 July 2016 – 7:30 PM
Groton Town Hall Court Room – 101 Conger Boulevard – Groton, NY

Board Members

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

(*Absent)

Others Present

Rick Fritz, Code Enforcement

Victoria Monty, Town Attorney
Sheldon Clark, Town Councilman
Joan Fitch, Board Secretary

Applicants & Public in Attendance

Bob Fouts, Barbara Clark.

MEETING CALLED TO ORDER

Chairman Ted Schiele opened the meeting at 7:38 p.m.

APPROVAL OF MINUTES – 22 JUNE & 14 JULY 2016

A motion was made by Member Patricia Gaines to approve the Minutes of the 22 June and 14 July 2016 meetings of this Board. The motion was seconded by Member Dan Cerretani, with the vote recorded as follows:

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

Nays: None

Absent: Member Fouts

Motion carried.

This becomes Action #12 of 2016.

OLD BUSINESS

Erich & Mary Sue Haesche, Appellants/Reputed Owners – 93 & 97 Ogden Road – TM #s 28.-1-34.304 & 305 – Continuation of Use Variance – Warehouse Facility in M2 District

(It is noted for the record that the Public Hearing for this appeal was held on 1 June 2016, with the final action made to recess the Public Hearing for a Use Variance to maintain a warehouse facility in an M2 District until 7:30 p.m. on 22 June 2016. On 22 June 2016, the Board closed the Public Hearing and voted to continue the discussion on this request for a Use Variance until 14 July 2016 at 7:30 p.m. At that meeting there was an oversight and the required Short Environmental Assessment Form was never completed; therefore, this meeting was called for the purpose of correcting this oversight. Reference is made to the 14 July 2016 Minutes for additional information.)

Chairman Schiele announced that the reason for this meeting was to correct a procedural error made at the 14 July 2016, the SEQRA Review. Therefore, the first order of business, he stated, was to rescind Action #8 of 14 July 2016 which granted a Use Variance for a warehouse facility at 97 Ogden Road, conditioned upon approval of the Site Plan by the Town of Groton Planning Board. He then outlined the procedures that the Board needed to follow thereafter.

With no further discussion, **a motion was made by Member Cerretani to rescind Action #8 of 7/14/16 which granted a Use Variance for a Warehouse Facility at 97 Ogden Road, conditioned upon approval of the Site Plan by the Town of Groton Planning Board. The motion was seconded by Member Gaines, with the vote recorded as follows:**

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

Motion carried.

This becomes Action #13 of 2016.

A motion was then made by Member Gaines that the Town of Groton Zoning Board of Appeals hereby declares itself Lead Agency under SEQRA for a proposed warehouse facility. The motion was seconded by Member Carolann Darling, with the vote recorded as follows:

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

Motion carried.

This becomes Action #14 of 2016.

Chairman Schiele announced that the request was considered an Unlisted Action under SEQRA, and he then read aloud Part II of the Short Environmental Assessment Form. Negative or small impact responses were obtained to all questions in Part II. Chairman Schiele stated that he differed with the Board's "No, or small impact may occur" answer to Question 11, "Will the proposed action create a hazard to environmental resources or human health?" His reasoning, he stated, was "Because I don't think we know and I think that it's a may. He does have toxic stuff in there, and the Fire Chief did write a letter that said that if there was a fire there, the DEC would have to come in and there was also somebody who either wrote a letter or stated at the hearing that they would be okay with the variance if the Environmental Impact Assessment was done. I just guess that I think we don't know. . ."

Member Darling commented that she had thought about how those families heat their homes, some have 250±-gallon oil tanks on their properties. She also noted that most neighboring properties have at least two vehicles, each containing gas and oils. There are household chemicals in people's homes that are all toxic, probably mostly unsealed. Conversely, the appellant's products are all sealed and he does not intend to sell anything unopened.

At the conclusion of the Chair's comments, **a motion was made by Member Cerretani 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 Darling, with the vote recorded as follows:**

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

Motion carried.

This becomes Action #15 of 2016.

The Board then reviewed the "Use Variance Findings & Decision" it performed on 14 July 2016, item by item, for 97 Ogden Road. All Board members present agreed that, based on the evidence used in the 14 July 2016 meeting on this appeal, the findings remain the same.

A motion was then made by Member Cerretani to grant a Use Variance for a Warehouse Facility at 97 Ogden Road, conditioned upon approval of the Site Plan by the Town of Groton Planning Board. The motion was seconded by Member Gaines, with the vote recorded as follows:

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

Motion carried.

This becomes Action #16 of 2016.

The Board then reviewed the "Use Variance Findings & Decision" it performed on 14 July 2016, item by item, for 93 Ogden Road. All Board members present agreed that, based on the evidence used in the 14 July 2016 meeting on this appeal, the findings remain the same.

A motion was then made by Member Cerretani to reaffirm the Town of Groton Zoning Board of Appeals' denial of a Use Variance (Action #9 of 7/14/16) for a Warehouse Facility at 93 Ogden Road in an M2 District. The motion was seconded by Member Gaines, with the vote recorded as follows:

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

Motion carried.

This becomes Action #17 of 2016.

ADJOURNMENT

At 8:10 p.m., a motion was made by Member Gaines to adjourn the meeting. The motion was seconded by Member Cerretani, with all members present voting in favor.



Joan E. Fitch, Board Secretary

Emailed to Supv., Town/Deputy Clerks, CEO Fritz,
Attorney Monty & Board Members on 8/3/16.