

TOWN OF GROTON ZONING BOARD OF APPEALS
Public Hearing/Meeting Minutes – Thursday, 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

Applicants & Public in Attendance

Kristopher Keelhar, Appellant; Melissa Keelhar.

PUBLIC HEARING

Kristopher Keelhar, Appellant/Reputed Owner – 914 Peru Road – TM #36.-1-28 – Garage Addition Closer to Property Line than Allowed

The Public Hearing was opened at 6:56 p.m. by Chairman Paul Fouts, who read aloud the Legal Notice as duly published in the *Groton Independent* on 16 July 2014. Proof of Publication has been placed on file for the record.

Chairman Fouts recognized Gary Coats, Town of Groton Code Enforcement Officer, who explained that the Appellant was seeking a variance to add on to his existing garage which is non-conforming as it was built before the Code was established, i.e., “grandfathered in.” The new addition, to be constructed to match the same angle as the existing garage as shown on the site plan accompanying the application, would be approximately four feet from the property line; six feet is the required setback. The Appellant is requesting a variance to allow a two-foot setback to provide room to take into account eaves/overhang, etc. The actual placement of the addition in relation to the side property line is measured “from where the rain hits the ground.”

Member Ted Schiele asked the appellant why he couldn’t conform to the setback requirements by constructing the addition at the back of the existing garage. CEO Coats and Mr. Keelhar explained that there was a creek there, a hill, and landscaping. Placement at the back would be almost impossible.

Chairman Fouts 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 those mentioned above.

**Therefore, with everyone having been heard who wished to be heard,
Chairman Fouts closed the Public Hearing at 7:10 p.m.**

DISCUSSION/DECISION

Chairman Fouts opened the discussion/decision portion of the Zoning Board of Appeals meeting at 7:10 p.m. and announced that all required fees had been paid, the Board members present introduced themselves.

CEO Coats informed all present that this Appeal did not require a SEQRA review as the type of action was exempt from this process.

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

1. *Can it be achieved by other means feasible to the applicant?*
Finding: Yes, but it is neither practical, logical nor desirable.
2. *Will there be an undesirable change in the neighborhood character or to nearby properties?*
Finding: No.
3. *Is the request substantial?*
Finding: No.
4. *Will the request have adverse physical or environmental affects?*
Finding: No.
5. *Is the difficulty self-created?*
Finding: No. The existing garage is non-conforming as it is “grandfathered in.”

With no further discussion, a motion was made by Member Patricia Gaines to grant the variance for an addition to the existing garage which will be closer to the property line than allowed, as requested. The motion was seconded by Member Ted Schiele, with the vote recorded as follows:

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

Motion carried.

This becomes Action #13 of 2014.

APPROVAL OF MINUTES – 25 JUNE 2014

A motion was made by Member Schiele to approve the Minutes of the 25 June 2014 ZBA hearing/meeting, as submitted. The motion was seconded by Member Gaines, with the vote recorded as follows:

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

Motion carried.

This becomes Action #14 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 7/25/14.