

TOWN OF GROTON ZONING BOARD OF APPEALS

**Minutes of Public Hearing/Decision Meeting – Thursday, 18 July 2013 – 6:30 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
Victoria Monty, Town Attorney
Joan E. Fitch, Board Secretary

Applicants & Public in Attendance

Patrick O'Neill, Appellant; William Partis, Jason & Emily Marchenkoff, Jim & Debbie Underwood, Janice Ewanicki.

PUBLIC HEARING

Patrick O'Neill, Appellant/Reputed Owner – Champlin Road – TM #28.-1-4.2 - Accessory Building on Lot With No Primary Structure

The Public Hearing was opened at 6:30 p.m. by Chairman Paul Fouts. As requested by the Chair, the Board Secretary read aloud the Legal Notice as duly published in the *Groton Independent* on 10 July 2013. 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 no communications have been received.

Chairman Fouts recognized CEO Gary Coats who explained that the appellant wanted to construct a pole barn. Mr. O'Neill further explained that he has several vehicles (seven), six of which are licensed, and he would like to store these therein, along with two tractors, and other equipment presently in his yard. The appellant owns this vacant piece of land (that contains a well and a septic system) which is adjacent to the parcel owned by his wife, where they now live. He stated that he did not want to combine the properties. The proposed steel-constructed pole barn will be “cold storage” only.

CEO Coats explained his interpretation of the Code, that the proposed barn would be an accessory structure by definition which is allowed by right in an RA District, but must be accessory to a main structure. There is no primary/main structure on the property; he then gave examples of accessory use.

Chairman Fouts asked if there were any comments from anyone present; comments were received as follows:

Emily Marchenkoff – 379 Champlin Road – Lives next door to the south. Questioned location of proposed building which was explained to her by the appellant who stated he would change it if need be. Mrs. Marchenkoff concerned about regarding because of the dropoff. She would have no problem with a 25-foot setback. CEO Coats stated he would address all setback requirements when issuing the Building Permit. Mr. O'Neill stated he could not build on the other side because of a steep dropoff.

Bill Partis – 1063 Cortland Road – Owns the property “behind him.” Has no concerns at all.

Debbie Underwood – 392 Champlin Road – Lives across from appellant. Has never had any issues with them. Has absolutely no objections to proposed pole barn and supports the granting of the variance.

Janet Ewanicki – 391 Champlin Road – Asked if proposed barn could be changed to a business. CEO Coats explained the process in order to do this, including having to come before the Town Planning Board for a Site Plan Review, holding a public hearing, etc., in order to be reclassified.

In response to a question, Mr. O'Neill indicated where the proposed driveway would be.

With everyone being heard who wished to be heard, the Public Hearing was closed at 7:05 p.m. by Chairman Fouts.

DISCUSSION/DECISION

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

With no further discussion, **a motion was made by Member Ted Schiele that the Town of Groton Zoning Board of Appeals declares itself as Lead Agency under SEQRA for a Use Variance to construct an accessory building on a lot that has no primary structure. The motion was seconded by Member Dan Cerretani, with the vote recorded as follows:**

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

Motion carried.

This becomes Action #6 of 2013.

At the request of Chairman Fouts, the Board Secretary read aloud Part II of the Short Environmental Assessment Form. Negative responses were obtained to all questions in Part II.

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 Cerretani, with the vote recorded as follows:

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

Motion carried.

This becomes Action #7 of 2013.

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. Is applicant substantially unable to make a reasonable return from the property, as shown by competent financial evidence?
Finding: Without the building, the appellant is deprived of the use of this property. Everyone agreed.
2. Is hardship somewhat unique, or at least not shared by a majority of parcels in the same zoning district?
Finding: There's nothing special about it; it's not unique. All agreed.
3. Will it alter the essential character of the neighborhood?
Finding: No. All agreed.
4. Is alleged difficulty self-created?
Finding: No. Location is restricted by the terrain and topography as far as where he can build. It's not self-created. All agreed.

A motion was then made by Member Schiele that, based on the findings, the Zoning Board of Appeals grants the requested use variance construct an accessory building on a lot that has no primary structure. The motion was seconded by Member Carolann Darling, with the vote recorded as follows:

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

Motion carried.

This becomes Action #8 of 2013.

APPROVAL OF MINUTES – 28 FEBRUARY 2013

A motion was made by Member Schiele to approve the Minutes of the 28 February 2013 ZBA hearing/meeting, as submitted. The motion was seconded by Member Darling, with the vote recorded as follows:

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

Motion carried.

This becomes Action #9 of 2013.

ADJOURNMENT

At 7:25 p.m., a motion to adjourn the meeting was made by Member Schiele and seconded by Member Cerretani, with all Board members present voting in favor.



 Joan E. Fitch, Board Secretary

Emailed to AS, RC, GC, GM & ZBA Members on 7/30/13.