

TOWN OF GROTON ZONING BOARD OF APPEALS
Public Hearing/Meeting Minutes – Wednesday, 29 July 2015 – 7:00 PM
Groton Town Hall Court Room – 101 Conger Boulevard – Groton, NY

Board Members

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

(*Absent)

Others Present

Gary Coats, Town CEO
Dan Ellis, Town Attorney
Joan Fitch, Board Secretary

Applicants & Public in Attendance

David Doyle, Appellant; Eugenie Doyle.

**RECONSIDERATION OF
PREVIOUS DECISION**

David A. Doyle, Appellant/David A. & Eugenie G. Doyle, Reputed Owners – 55 Old Peruville Road – TM #36.-1-32 – Garage Closer to Boundary Line than Allowed

The Public Hearing on this Appeal was held and closed on 24 June 2015 (refer to those Minutes for details). The variance requested was granted, conditioned upon a positive response from the Tompkins County Department of Planning. In their letter of 10 July 2015, the Department recommended disapproval of the requested variance; a copy of this letter has been placed on file for the record.

This Decision Meeting was opened at 7 p.m. by Chairman Ted Schiele who explained the reason for this meeting, reading aloud the 10 July 2015 letter from the Tompkins County Department of Planning.

Chairman Schiele recognized the appellant who was seeking an area variance to construct a 24 ft. by 21 ft. single-story garage at the location shown on the map (5 feet from road where 30 feet is required setback), as shown on the sketch accompanying the application. Mr. Doyle explained that there was no room to place it elsewhere because of the location of the septic system/leach field. Also, the remaining land has a steep incline. The front porch of the home sets on the edge of the road right-of-way, the same as most of the homes on that road. Nothing had changed since the 24 June 2015 Public Hearing, and the area variance was still being requested.

Board Member Carolann Darling asked the appellant if he had a chance to research other alternatives. Mr. Doyle responded that he did not want to do that. Even if he was able to purchase additional land from a neighbor, there was a gully on each side of the property and he can't use the creek. Mrs. Doyle commented that there were 31 steps down to the creek. Chairman Schiele asked about plows pushing snow onto their property in the winter. The Doyles stated they had no problem in the past and simply removed the snow from their property if it was in the way.

Chairman Schiele then read aloud the questions contained in the required "balancing test" for an area variance, as shown below. Findings were recorded by the Board Secretary.

1. *Would an undesirable change be produced in the character of the neighborhood or a detriment to nearby properties?*

Finding: No, Members Fouts, Cerretani and Chairman Schiele. Yes, Member Darling, as she felt that it would not be an improvement to the neighborhood.

- 2. *Can the benefit sought by the applicant be achieved by a feasible alternative to the variance?*
Finding: No (Members Fouts, Schiele, Cerretani and Darling), not on the land that they own.
- 3. *Is the request substantial?*
Finding: Yes. All agreed.
- 4. *Will the request have adverse physical or environmental affects?*
Finding: No (Members Schiele, Cerretani and Fouts) as the conditions are already there. Yes (Member Darling), there will be.
- 5. *Is the difficulty self-created?*
Finding: No, not self-created. Septic system already there when they purchased the property. All agreed.

With no further discussion, **a motion was made by Member Paul Fouts that taking into consideration the five findings arrived at in the “balancing test,” the Town of Groton Zoning Board of Appeals has determined that the benefit to the applicant outweighs the detriment to the neighborhood/community, and grants the area variance for a front yard setback less than allowed, as requested. The motion was seconded by Member Cerretani, with the vote recorded as follows:**

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

This becomes Action #8 of 2015.

APPROVAL OF MINUTES – 24 JUNE 2015

A motion was made by Member Paul Fouts to approve the Minutes of the 29 April 2015 ZBA meeting, as submitted. The motion was seconded by Member Cerretani, with the vote recorded as follows:

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

This becomes Action #9 of 2015.

ADJOURNMENT

At 7:48 p.m., a motion to adjourn the meeting was made by Member Fouts and seconded by Member Darling, with all Board members present voting in favor.



 Joan E. Fitch, Board Secretary

Emailed to Town Supervisor, Clerks,
 Town Attorney, CEO & ZBA Members on 8/19/15.