

TOWN OF GROTON ZONING BOARD OF APPEALS
Public Hearing/Meeting Minutes – Wednesday, 29 April 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
Joan Fitch, Board Secretary

Applicants & Public in Attendance

Theresa Kimbrough, Appellant; Scott Hare; Town Supervisor Don Scheffler.

PUBLIC HEARING

Theresa Kimbrough, Appellant/Reputed Owner – 29 Stevens Road – TM #38.-3-10 – Garage Closer to Boundary Line than Allowed

The Public Hearing was opened at 7:08 p.m. by Chairman Ted Schiele who read aloud the Legal Notice as duly published in the *Groton Independent* on 22 April 2015. Proof of Publication has been placed on file for the record.

Those ZBA members present introduced themselves. Chairman Schiele acknowledged that all required fees had been paid.

Chairman Schiele recognized the appellant who was seeking an area variance to construct a 24 ft. by 32 ft. two-bay, pole barn type garage at the location shown on the map and description accompanying the application. The proposed garage, which is replacing an old barn, will have the side and rear setbacks from two to three feet instead of the required six feet. The onsite shed will remain. The requested variance, if granted, would make the new garage more conforming than the previous barn.

Chairman Schiele 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 the appellant and Board members.

**Therefore, with everyone having been heard who wished to be heard,
Chairman Schiele closed the Public Hearing at 7:23 p.m.**

DISCUSSION/DECISION

Chairman Schiele opened the discussion/decision portion of the Zoning Board of Appeals meeting at 7:23 p.m. CEO Coats advised that the SEQR Review was not required for this type of action.

Chairman Schiele then read aloud the questions contained in the required “balancing test,” 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.
2. *Can the benefit sought by the applicant be achieved by a feasible alternative to the variance?*
Finding: No, due to the location of the property’s septic system.
3. *Is the request substantial?*
Finding: Yes; however, based on this case it’s more conforming than it ever was.

4. *Will the request have adverse physical or environmental affects?*

Finding: No.

5. *Is the difficulty self-created?*

Finding: No. The existing house is non-conforming as it is "grandfathered in," having been constructed years ago before zoning. They are just improving what is there.

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 side and rear setbacks less than allowed, as requested. The motion was seconded by Member Patricia Gaines, with the vote recorded as follows:

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

Motion carried.

This becomes Action #4 of 2015.

APPROVAL OF MINUTES – 28 JANUARY 2014

A motion was made by Member Gaines to approve the Minutes of the 28 January 2014 ZBA organizational meeting, as submitted. The motion was seconded by Member Fouts, with the vote recorded as follows:

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

Motion carried.

This becomes Action #5 of 2015.

ADJOURNMENT

At 7:45 p.m., a motion to adjourn the meeting was made by Member Fouts 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 5/6/15.