

# TOWN OF GROTON ZONING BOARD OF APPEALS

Minutes of Public Hearing/Meeting – Wednesday, 11 April 2007 – 7:30 PM  
Groton Town Hall – 101 Conger Boulevard – Groton, NY

## **Board Members** (\*absent)

Lyle Raymond, Chairman  
Steve Thane, Vice-Chairman  
Patricia Gaines  
Thomas Tylutki  
Carolann Darling

## **Others Present**

Joan Fitch, Recording Secretary  
Gary Coats, CEO  
Rick Gamel, Town Board Member

## **Applicants/Public Present**

Larry Robinson, Applicant; Edwin L. Moore, Bobby Eckert.

## **PUBLIC HEARING**

### **Larry Robinson, Applicant/Larry & Marjorie Robinson, Reputed Owners – 159 Old Stage Road – TM #121.-1-29.92 – Building Height Variance Request**

The Public Hearing was opened at 7:32 p.m. by Vice-Chairman Steve Thane who read aloud the Notice of Public Hearing as duly published on 4 April 2007. Proof of Publication has been placed on file for the record. Vice-Chairman Thane advised the Board members that the required fee had been paid by the applicant. Members of the ZBA in attendance were introduced by the Vice-Chairman.

Vice-Chairman Thane acknowledged that no oral or written communications had been received regarding the application.

Vice-Chairman Thane recognized Gary Coats, Town of Groton Code Enforcement Officer, who explained that the applicant was seeking a variance to construct a 32 ft. by 40 ft. pole barn (to be used for storage) which would exceed the 20-foot maximum building height allowed by 6 feet. Mr. Moore, the builder, stated that the peak height is needed because the owner wanted storage on the second level. A 12:12 pitch would be used, making this accessory building have a total height of 26 feet. The storage area could be any height, according to the ZBA.

Mr. Robinson presented the Board with photos of the property which indicated where the proposed storage building would be located. Mr. Moore stated that because of the lay of the land, the proposed building would not obstruct anyone's view; it would be approximately 5 to 6 feet below road grade. In addition, Rick Neville, an adjacent neighbor, had talked with CEO Coats and advised that he had no objection to what the applicant was planning to do. Mr. Moore added that the height of the proposed building's door would be 10 feet. He then stated that he could drop the walls down to 9 feet and use an 8-foot door, but it would still exceed the 20-foot height limit.

**With everyone being heard who wished to be heard, Chairman Raymond closed the Public Hearing at 7:46 p.m.**

## **DISCUSSION/DECISION**

At 7:47 p.m., Chairman Raymond proceeded with the required questions (balancing test), with the responses being given by the ZBA members, after a brief discussion of each, as follows:

1. Can the benefit be achieved by other means feasible to the applicant without requiring a variance?

Discussion: Pitch of roof could always be dropped. All Board members present agreed.

Finding: Yes, it could be achieved by other means, even though it's not what is desired.

2. Will it cause an undesirable change in neighborhood character or nearby properties?

Discussion: Board members discussed the location of the proposed building in relation to the road grade, and felt the building would not stand up very high in terms of its being below the road grade.

Finding: No, it will not cause an undesirable change in the neighborhood.

3. Is the request substantial?

Discussion: Percent of height variance discussed (30%). Member Tylutki felt this was substantial. The other Board members agreed.

Finding: Yes, the request is substantial.

4. Will it have physical or environmental affects?

Discussion: Board reviewed Part I of the Short EAF accompanying the application, noting that it would not have any environmental impact. There would, however, be a change in grading, effecting drainage.

Finding: No, nothing significant.

5. Is the alleged difficulty self-created?

Discussion: Chairman Raymond felt that the mere fact that this was proposed means it's self-created; however, the applicant knows what he wants. Also, the height limitation was known to the applicant, but a variance was still requested for six feet over that. Yes, it was self-created.

Finding: Yes, the difficulty is self-created.

Member Tom Tylutki commented that he would be more comfortable with a building height of from 23 to 24 feet, exceeding the height limitation by a maximum of four feet. The builder stated he could meet that requirement.

**A motion was then made by Member Tylutki that, based on the Board's findings, the Zoning Board of Appeals grant the variance for the pole barn with a maximum height of 24 feet, measured from the peak to the finished floor. The motion was seconded by Member Pat Gaines, with the vote recorded as follows:**

**Ayes: Chairman Raymond  
Vice-Chairman Thane  
Member Gaines  
Member Tylutki  
Member Darling**      **Nays: None**

**Motion carried**

**This becomes Action #1 of 2007.**

Member Tylutki added that about once a year, plans prepared by Builder's Best come in showing a building height exceeding the Town's requirements. He asked if there was some way they could be advised that the Town had a maximum 20-foot height for accessory buildings. CEO Gary Coats replied that he will call them and give them the Town's building height requirements.

**Adjournment**

At 8:04 p.m., Chairman Raymond closed the meeting.

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Joan E. Fitch  
Recording Secretary

E-mailed on 4/25/07.  
Originals & tape mailed.