

TOWN OF GROTON ZONING BOARD OF APPEALS

Minutes of Public Hearings/Meeting – Wednesday, 19 December 2007 – 7 PM
Groton Town Hall – 101 Conger Boulevard – Groton, NY

Board Members (*absent)

Lyle Raymond, Co-Chairman
Steve Thane, Co-Chairman
*Patricia Gaines
Carolann Darling
Paul Fouts

Others Present

Joan Fitch, Recording Secretary
Gary Coats, Code Enforcement Officer

Applicants/Public Present

Robert Eckert, Applicant; Bruce Graham, Applicant; Howard Smith, David Kimbro; Councilmen Ellard Sovocool and Sheldon Clark.

The Public Hearings were opened at 7:02 p.m. by Co-Chairman Steve Thane, who read aloud the Legal Notice as duly published on 12 December 2007; Proof of Publication has been placed on file for the record.

PUBLIC HEARING #1

Robert Eckert, Applicant/Reputed Owner – 213 Pleasant Valley Road – TM #35.-1-19 – Garage Height

It was noted for the record that all fees had been paid and that no written communications had been received pertaining to this appeal.

Co-Chairman Thane recognized Code Enforcement Officer Gary Coats who announced that the Town has a new Deputy Clerk, Debbie Lane, and that Paul Fouts had been appointed by the Town Board as a new member of the Town's Zoning Board of Appeals, replacing Tom Tylutki who had resigned.

With regard to the appeal, CEO Coats explained that the applicant had constructed a large home which is "way off" the road. The Planning Board had previously approved the combining of all three of Mr. Eckert's vacant lots into this one large lot. The applicant now wants to construct a detached garage which will match the architectural style of the house, where shown on the sketch accompanying the application. The garage will have the same roof pitch and siding as the existing home. CEO Coats added that the proposed garage will not be seen from Pleasant Valley Road. The proposed height of the garage is 28 feet, which exceeds the allowed maximum height of 20 feet by eight feet. There will be no habital space, nor plumbing in the garage. There will be storage, however.

Mr. Eckert stated that he would like to complete the garage in the spring. In addition to the storage, he owns a truck that requires the extra height.

Co-Chair Thane asked if there was anyone present who wished to comment on the subject appeal; there was no one who wished to do so.

With everyone heard who wished to be heard, Co-Chair Thane closed the Public Hearing at 7:12 p.m.

DISCUSSION/DECISION

At 7:13 p.m., Co-Chairman Thane 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?

Finding: No, there's no other feasible way. All agreed.

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

Finding: No, it will not cause an undesirable change in the neighborhood; it's set way back on the property. All were in agreement.

- 3. Is the request substantial?

Finding: Yes, it is substantial. All agreed.

- 4. Will it have physical or environmental affects?

Finding: No. All Board members present agreed.

- 5. Is the alleged difficulty self-created?

Finding: Yes it is.

A motion was then made by Co-Chair Lyle Raymond that, based on the findings, the Zoning Board of Appeals grants the variance for the building height as requested. The motion was seconded by Member Carolann Darling, with the vote recorded as follows:

Ayes: Co-Chairman Raymond	Nays: None
Co-Chairman Thane	
Member Darling	Absent: Member Gaines
Member Fouts	

Motion carried.

This becomes Action #10 of 2007.

PUBLIC HEARING #2

Bruce Graham, Applicant/Reputed Owner - 908 Sovocool Hill Road - TM #25.-1-30.1 - Garage Height

Co-Chair Thane opened the Public Hearing at 7:23 p.m. It was noted for the record that all fees had been paid and that no written communications had been received pertaining to this appeal.

Co-Chairman Thane explained that this variance request was to allow a garage to be constructed with a 25-foot height, instead of the maximum allowable height of 20 feet, to allow for additional storage space and a work area. The applicant stated he needed 10-foot walls for the garage, and with the desired roof pitch, the height would be 25 feet.

With regard to the appeal, CEO Coats explained that initially the garage was going to be attached to the house and contain bedrooms. The applicant then changed his mind and told the CEO that he was going to build just a garage that also would be attached to the house. CEO Coats stated that he then wondered "because it's attached to the house, can it go to 35 feet?" The house is allowed to have a maximum height of 35 feet and, as initially planned, the attached garage would contain bedrooms, so as a part of the house would also be allowed a maximum height of 35 feet. Is the applicant now

subject to a maximum height of 20 feet, or is it 35 feet? CEO Coats advised that he would like the Zoning Board of Appeals to decide the matter.

Co-Chair Raymond asked the height of the house; the house is about 22 feet in height, and the proposed garage will be from 3-4 feet above the house. The applicant stated that the attached garage will be sided to match the house, and will look like part of the house. All Board members agreed that the attached garage would be part of the house.

With everyone heard who wished to be heard, Co-Chair Thane closed the Public Hearing at 7:26 p.m.

DISCUSSION/DECISION

Since all Board members present agreed that the proposed garage would actually be a part of the house, **a motion was made by Member Paul Fouts to dismiss the appeal because there is no need for a variance. The motion was seconded by Co-Chair Raymond, with the vote recorded as follows:**

Ayes:	Co-Chairman Raymond	Nays:	None
	Co-Chairman Thane		
	Member Darling	Absent:	Member Gaines
	Member Fouts		

Motion carried.

This becomes Action #11 of 2007.

MEETING OF 16 JANUARY 2008

The Board members present agreed that they would meet on the next regularly scheduled date of 16 January 2008 at 7 p.m., even if no public hearings were scheduled.

ADJOURNMENT

At 7:30 p.m., the meeting was adjourned by Co-Chairman Thane.

Joan E. Fitch
Recording Secretary

Emailed to Town Clerk, Bd. Members,
CEO & Town Attorney on 1/10/08. Originals & tape mailed.