

TOWN OF GROTON ZONING BOARD OF APPEALS

Minutes of Public Hearing/Meeting – Thursday, 12 July 2007 – 7:30 PM
Groton Town Hall – 101 Conger Boulevard – Groton, NY

Board Members (*absent)

Lyle Raymond, Co-Chair
Steve Thane, Co-Chair
Patricia Gaines
Thomas Tylutki
Carolann Darling

Others Present

Tena McClary
Gary Coats, Code Enforcement Officer
Amanda Wannall, Summer Youth Worker

Applicants/Public Present

Paul Fouts, Applicant Fouts Farm

PUBLIC HEARING

Robert Fouts, Applicant Owner – 1393 Rt. 222 – TM #28.-1-35 – Front Yard Setback Less Than Allowed

The Public Hearing was opened at 7:35 p.m. by Co-Chair Lyle Raymond who read aloud the Notice of Public Hearing as duly published in *The Groton Independent* on 4 July 2007. Proof of Publication has been placed on file for the record. Co-Chair Raymond advised the Board Members that the required fee had been paid by the applicant. Members of the ZBA in attendance were introduced by Co-Chair Raymond.

Co-Chair Raymond acknowledged that the County Planning Dept. had written that the proposed milk house posed no negative intercommunity or county-wide impacts.

Co-Chair Raymond recognized CEO Coats, Town of Groton Code Enforcement Officer, who stated that the appeal was brought about because the Fouts' wanted to build their milk house expansion closer to the road than allowed in the Town of Groton Land Use and Development Code. CEO Coats explained that his understanding of the set back requirements were 25' from the center of the road is the Town's right-of-way, given to him by Rick Case, Highway Superintendent. Using the figures that were given to him by Mr. Case, he then went to the code which states that the set back is 30' from the right-of-way giving him a total of 55' from the center of the road. CEO Coats explained a picture that showed people standing at various distances from the center of the road. CEO Coats stated that the Fouts' were proposing a set back of 47' which is 8' within the set back from the front lot line. This being a State road, a call was placed to the Department of Transportation in Cortland to determine the requirements. CEO Coats was told that they would have to get the maps from Syracuse to make that determination. Once the map was located, it was determined that the set back requirement for that section of Rt. 222 was 46' from the center line of the road. Because the addition would not encroach in the State right-of-way of 46', the State DOT did not have a problem with the addition. A discussion ensued trying to determine what constituted the "lot line". CEO Coats again stated what his interpretation of the set back was and where the "lot line" begins.

Co-Chair Thane felt that the Board had to decide whether to accept CEO Coats understanding of the set back formula he was using or if they believed that there was some other formula they should be using. The Board felt that CEO Coat's formula is the one they would use until something more definitive was established.

Co-Chair Raymond asked Mr. Fouts if he was aware of the State right-of-way before he drew up the plans for the addition. Mr. Fouts stated that he had called the DOT office in Cortland and was informed that he could not get an answer from them. He talked to the engineer at Cortland DOT and was informed that he did not know of any set back. Mr. Fouts then went to CEO Coats to get the set-

back requirements from the Town. Co-Chair Raymond was surprised at his answer stating that when he called Mr. Keith VanGorder, he was informed that the maps would have to come from Syracuse. When the maps were consulted it was found to be 46'. Mr. Fouts knew that the set back for the State was variable as you go up and down the road but did not know the set back in front of the barn. Co-Chair Raymond asked Mr. Fouts if he had sketched out the addition with the State set back in mind. Mr. Fouts answered yes and no. At the time it was sketched out he was going by CEO Coats' 33' set back. He explained that the bulk tank needs 3 feet on each side to meet the milk inspector's requirements so he had very few options when planning the addition.

The Board discussed possible alternatives. CEO Coats stated that only alternative to the proposed building would be to build a whole new milking parlor and milk house. Paul Fouts stated that this was the only option that was feasible for them.

Member Tylutki expressed his concerns about water runoff from the roof. Mr. Fouts explained the way they have protected the slope for water runoff. After discussion Board Member Tylutki was satisfied that the water concerns were answered.

Member Tylutki then expressed his concerns about the safety issue of the loading of the silo and how close to the road they would come. Once this was addressed and satisfied, the Board moved on.

At the conclusion of discussing alternatives to the problem, and the problem itself, and with everyone being heard who wished to be heard, Co-Chair Raymond closed the Public Hearing at 8:14 p.m.

DISCUSSION/DECISION

At 8:15 p.m., Co-Chairs Raymond and 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?

Discussion: Co-Chair Raymond stated that this question had been fully explained and answered by the applicant.

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

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

Discussion: Proposed Milk House Addition meets all other requirements of the Town.

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

3. Is the request substantial?

Discussion: Percent of setback variance discussed 8' of 55' or (15%), so it is not substantial. The other Board members agreed.

Finding: No, the request is not substantial.

4. Will it have physical or environmental affects?

Discussion: none

Finding: No. All Board members present agreed.

5. Is the alleged difficulty self-created?

Discussion: none

Finding: No, the difficulty is not self-created.

Resolution #4 of 2007

A motion was then made by Member Gaines that, based on the findings, the Zoning Board of Appeals grant the variance for the milk house addition as requested. The motion was seconded by Member Darling, with the vote recorded as follows:

Ayes:	Co-Chair Raymond	Nays:	None
	Co-Chair Thane		
	Member Gaines		
	Member Darling		
	Member Tylutki		

Motion carried

ADJOURNMENT

At 8:30 p.m., Co-Chair Raymond closed the meeting.

Tena McClary