

TOWN OF GROTON ZONING BOARD OF APPEALS

Minutes of Public Hearing/Meeting – Monday, 19 September 2007 – 7:30 PM
Groton Town Hall – 101 Conger Boulevard – Groton, NY

Board Members (*absent)

Lyle Raymond, Co-Chairman
Steve Thane, Co-Chairman
Patricia Gaines
Carolann Darling
Vacancy

Others Present

Joan Fitch, Recording Secretary
Gary Coats, Code Enforcement Officer
Town Attorney Victoria Monty

Applicants/Public Present

Michael Jones.

PUBLIC HEARING

Bernard W. Parry, Jr., Applicant/Reputed Owner – Smith Road – TM #25.-1-10.3

The Public Hearing was opened at 7:48 p.m. by Co-Chairman Steve Thane who read aloud the Notice of Public Hearing as duly published in *The Groton Independent* on 7 September 2007. Proof of Publication has been placed on file for the record. Co-Chairman Thane advised the Board members that the required fee had not been paid by the applicant, nor was the applicant (who lives in Liverpool, NY) present. Members of the ZBA in attendance were introduced by the Co-Chairman Thane. Co-Chair Thane then stated that he had talked with the applicant over the phone a few minutes earlier, and the applicant agreed to extend the 62-day limit on this case to 120 days. This he will confirm in writing.

The Zoning Board of Appeals, on a motion by Member Lyle Raymond, seconded by Member Carolann Darling, with all members present voting in favor, also agreed with this extension, and CEO Coats agreed to so notify the appellant. Co-Chair Thane will survey all Board members and the secretary to ascertain a new meeting date.

Co-Chairmen Raymond and Thane acknowledged that no oral or written communications had been received regarding the application.

Co-Chairman Thane recognized Gary Coats, Town of Groton Code Enforcement Officer, who explained that the subject parcel does not meet the acreage requirement for a lot. The property was acquired by the owner through an inheritance, and the owner does not want the property and intends to sell it. The lot does have ample road frontage. A variance is needed in order to ever build a home on it. CEO Coats stated that he had contacted the Health Department to see if that size lot could have a septic system; the response was yes, there are three ways this could be done, but it must be by a design professional. Reportedly, Mr. Parry has a buyer for the parcel. CEO Coats advised that there was a letter on file proving the lot was created in 1977.

Co-Chair Raymond then read aloud from the County Sanitary Code. Co-Chair Thane then asked for public comment, which was received as follows:

Michael Jones – 384 Smith Road – Said he owned the surrounding property. He's had his land surveyed. Stated he got in touch with Mr. Parry and offered him \$2,500 plus legal fees to buy the property. He said that Mr. Parry's realtor advised him that it was on the market for \$10,000. It's has a swampy area, but Mr. Jones could buy additional acreage from him to make his lot the required acre.

With everyone being heard who wished to be heard, Co-Chairman Thane closed the Public Hearing at 8:12 p.m.

DISCUSSION/DECISION

At 8:13 p.m., after conferring with Town Attorney Monty, it was decided to postpone any decision on this case until the next meeting so the appellant could be present. Since the public hearing had already been held, there was no need for a Legal Notice to be published in the paper; a notice of a Decision Meeting could simply be put in the newspaper or posted on the door. This way there would be no additional legal fees for the appellant to pay.

A motion was then made by Member Pat Gaines to postpone the variance decision until the next scheduled meeting. The motion was seconded by Member Darling, with the vote recorded as follows:

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

Motion carried

This becomes Action #5 of 2007.

ADJOURNMENT

At 8:15 p.m., on a motion by Member Darling, seconded by Member Gaines, and with all Board members present voting in the affirmative, the meeting was adjourned.

Joan E. Fitch
Recording Secretary

E-mailed to Town Clerk, Bd. Members, CEO &
Town Attorney on 10/16/07.
Originals & tape mailed.