

# TOWN OF GROTON ZONING BOARD OF APPEALS

**Minutes of Public Hearing/Decision Meeting – Wednesday, 26 August 2009 – 7 PM  
Groton Town Hall – 101 Conger Boulevard – Groton, NY**

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

Steve Thane, Chairman  
Paul Fouts, Vice Chairman  
Lyle Raymond  
Patricia Gaines  
\*Carolann Darling

## **Others Present**

Joan Fitch, Recording Secretary

## **Applicant/Public Present**

Susan Harrison, Applicant; Joan Reneé King.

## **PUBLIC HEARING**

### **Susan Harrison, Applicant/Reputed Owner – 1031 Cobb Street – TM #14.-1-6.2 & 7.11 – Lot Size & Setback Variances**

**The Public Hearing was opened at 7:05 p.m. by Chairman Steve Thane, who read aloud the Legal Notice as duly published in *The Shopper* on 18 August 2009. Proof of Publication has been placed on file for the record.**

Chairman Thane introduced those ZBA members present. It was noted for the record that all fees had been paid. Chair Thane reported that two communications had been received from neighbors O’Conner/VanBenschoten and Townsend who had no objections to the granting of the requested variances. These letters have been placed on file for the record.

Chair Thane explained to those present that the applicant was seeking variances for a lot size less than allowed, and for front and side yard setbacks less than allowed, all in connection with her application for subdivision of her lands into a standard lot and a flag lot. A narrative, prepared by Ms. Harrison’s attorney, James R. Henry, accompanied the application and fully explained the requested variances. It was explained that Ms. Harrison has a signed contract to sell her home and one acre, contingent upon granting of the variances and Planning Board approval. The consolidation of both of these lots was approved by the Planning Board in April 2006, but the Tompkins County Department of Assessment would not allow the consolidation until all property taxes were paid, which will be done upon completion of the contracted sale of the one-acre lot and house. The Board did note there could be an environmental problem as the existing building was, at one time, used for commercial purposes.

Ms. Harrison stated she will retain the 1.6± acre parcel.

Board Secretary Fitch, also Board Secretary to the Town Planning Board, reported that Attorney Henry had appeared before the Town Planning Board on 16 July 2009, at which time the applicant was granted approval of the Flag Lot Subdivision, conditioned upon receiving the required variance(s) from the Town of Groton Zoning Board of Appeals.

Chairman Thane asked if there was anyone from the public who wished to comment on the proposed appeal; there were none.

**With everyone being heard who wished to be heard, the Public Hearing was closed at 7:21 p.m. by Chairman Thane.**

**DISCUSSION/DECISION**

Chairman Thane opened the decision portion of this appeal at 7:22 p.m. He then 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.

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

Discussion/Finding: No; neighbors have no objection and nothing is being constructed at this time.

- 3. Is the request substantial?

Discussion/Finding: Yes, the north boundary setback was considered substantial (30.8%) as well as the front yard setback (43%); however, it has been this way for 30± years. The flag lot area was not considered a substantial change.

- 4. Will it have adverse physical or environmental affects?

Discussion/Finding: No, other than what may be existing.

- 5. Is the alleged difficulty self-created?

Discussion/Finding: It's assumed that the side yard setback for the existing shop is grandfathered-in as it existed before the Zoning Regulations, based on the applicant's recollection. The front yard setback was self-created a long time ago for the sake of expediency. The size of the lot is not self-created because the subdivision was approved as requested.

**A motion was then made by Member Patricia Gaines that, based on the findings, the Zoning Board of Appeals grants the variances as requested. The motion was seconded by Member Paul Fouts, with the vote recorded as follows:**

<b>Ayes: Chairman Thane          Member Fouts          Member Raymond          Member Darling          Member Gaines</b>	<b>Nays: None</b>
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**Motion carried.**

**This becomes Action #3 of 2009.**

**ADJOURNMENT**

At 7:58 p.m., a motion to adjourn the meeting was made by Member Lyle Raymond and seconded by Member Paul Fouts, with all Board members present voting in favor

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Joan E. Fitch  
Board Secretary

Emailed to Town Clerk, Bd. Members & CEO  
on 9/16/09. Original & tape del'd on 9/17/09.