

# TOWN OF GROTON ZONING BOARD OF APPEALS

**Minutes of Public Hearing/Meeting – Wednesday, 16 July 2008 – 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**

Patricia Johnson, Applicant; Marty Johnson, Dewey Dawson, Christy Walpole, Bob Walpole.

**The Public Hearing was opened at 7:01 p.m. by Co-Chairman Steve Thane, who read aloud the Legal Notice as duly published on 8 July 2008. Proof of Publication has been placed on file for the record.**

## **PUBLIC HEARING**

### **Patricia Johnson, Applicant/Reputed Owner – 27 Cemetery Lane – TM #38.-3-1.2 – Second Single-Family Residence on Subject Parcel (M2 District)**

Co-Chairman Thane introduced those ZBA members present. It was noted for the record that all fees had been paid and that two letters had been received as part of this appeal. The first letter received was written by CEO Gary Coats to Marty Johnson, dated 19 June 2008, a copy of which has been placed on file for the record. The letter informed Mr. Johnson of CEO Coats' actions that initiated this appeal. The second letter, dated 26 June 2008, was from Mr. Johnson to CEO Coats in response to the CEO's 19 June 2008 letter. Mr. Johnson disagreed with CEO Coats' actions and requested an appeal for a variance to include a small apartment in his new pole barn, specifically for use of Patricia Johnson's elderly mother. A copy of this letter has also been placed on file for the record.

CEO Coats then explained that the applicant was seeking a variance to construct a small apartment in their new pole barn specifically for the use of her 85-year old mother whom she would be taking care of. The applicant explained the layout of the small apartment and stated that her mother's health necessitated some care, although she was able to live by herself with assistance from her daughter.

CEO Coats explained the process for a bulk/use variance which be required in order for a second single-family residence on the subject parcel. It was his opinion that a building permit denial was required in order to trigger an appeal for a use variance, but not an area variance. He further stated that there was an issue with the application not being complete, which was an oversight. CEO Coats then quoted from McKinney's Law which stated as long as the information was there, the ZBA could act on it; therefore, he felt the application was complete. Co-Chair Thane agreed that the Board could consider the application properly filed and, as such, they could act on it. Co-Chair Lyle Raymond argued that this was not a use variance, it was an area variance. The use (a residence) was allowed in the M2 District; it was a matter of how it was set up. CEO Coats argued that a second residence on a parcel was not allowed. It was agreed that this needed to be further determined/researched. Co-Chair suggested postponing this appeal until the correct process was determined; the Town Attorney was away at this time. The Board then agreed that the three options given the appellants by CEO Coats in his 19 June 2008 letter was correct, and that he would have to deny a building permit based on Section 343.2.

Co-Chair Thane asked if there was anyone present who wished to comment on the appeal. Bob Walpole stated that he was a neighbor and had no problem with the granting of a variance for the second residence.

**With everyone being heard who wished to be heard, Co-Chair Thane closed the Public Hearing at 7:40 p.m.**

A motion was then made by Member Pat Gaines **to postpone the decision meeting re variance request to allow a second single-family residence on subject property until 22 July 2008 at 7 PM in order to provide time to obtain additional information pertaining to this case. The motion was seconded by Co-Chair Raymond, with the vote recorded as follows:**

<b>Ayes:</b>	<b>Co-Chairman Raymond</b>	<b>Nays:</b>	<b>None</b>
	<b>Co-Chairman Thane</b>		
	<b>Member Darling</b>		
	<b>Member Gaines</b>		
	<b>Member Fouts</b>		

**Motion carried.**

**This becomes Action #2 of 2008.**

**ADJOURNMENT**

At 7:42 p.m., the meeting was adjourned by Co-Chairman Thane.

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Joan E. Fitch  
Recording Secretary

Emailed to Town Clerk, Bd. Members,  
CEO & Town Attorney on 8/5/08. Originals & tape mailed.