

TOWN OF GROTON ZONING BOARD OF APPEALS

Minutes of Public Hearing/Decision Meeting – Monday, 7 February 2011 – 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

Glenn Morey, Supervisor
Gary Coats, CEO
Joan Fitch, Recording Secretary

Applicants/Public Present

Chris Hatch for Henry Hatch, Applicant; Donna Schlesier, Mickey Gallagher.

PUBLIC HEARING

Henry Hatch, Applicant/Reputed Owner – 53 Chipman Corners Road – TM #16.-1-25 - Review of CEO's Interpretation Regarding Need for Variance

The Public Hearing was opened at 7 p.m. by Chairman Steve Thane, who read aloud the Legal Notice as duly published in *The Shopper* on 31 January 2011. Proof of Publication has been placed on file for the record.

Chairman Thane introduced the ZBA members. It was noted for the record that the required fee of \$31.28 was paid by the applicant's representative, Chris Hatch. Chair Thane reported that no outside communications had been received.

Chair Thane recognized CEO Coats who explained to everyone present that, as stated in his letter to Chris's father, Henry Hatch, dated 25 January 2011, the applicant needed to obtain a variance to have a mercantile-type business, i.e., kitchen cabinets and sundry items, in the basement of the home on the subject property. Chris wants to relocate from his present place of business on Salt Road at its corner with NYS Route 222, planning to do so on Saturday, 12 February 2011. He plans on getting out of the production phase of his business and simply concentrate on designing kitchens and selling the cabinets. CEO Coats stated that he had visited the subject property and found the existing basement setup to be very possible for the proposed use. It is a home occupation and not a service type industry; it is actually mercantile and doesn't fit in with the Code. He thought the best route to go was to get a variance for this type of zoning district.

Chairman Thane then commented that the CEO was actually asking for an interpretation. No building permit had been denied for Mr. Hatch, so how could there be a variance request? He questioned why the Board was taking this route; it should be an interpretation.

In response to the Board's questions, Chris Hatch stated that he wants a small showroom and an office in the basement. He may have one customer per week. Customers make an appointment to meet with him, choose a kitchen design, select materials, agree on a price, etc. Once ordered, the cabinets are custom made elsewhere and shipped directly to the customer's location in 4-6 weeks. There would be no outside storage, and there would be only one business vehicle. Chairman Thane commented, after hearing Mr. Hatch's description, that no one would even know there was a business there.

CEO Coats stated that the basement had a door and window at ground level and had no exiting problems. A customer would never be more than 26 feet from an outside door. CEO Coats will conduct the required Fire Safety Inspection prior to opening. Member Lyle Raymond asked if there was going to be a "store," and Chris responded that he will have small items that can be purchased

there, e.g., different types of glues, etc. He also may have a display of cabinet models and knobs. There would be no inventory storage. Nothing would be visible outside, except for a sign. Right now, the proposed showroom/office is an empty room.

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

With everyone being heard who wished to be heard, the Public Hearing was closed at 7:20 p.m. by Chairman Thane.

DISCUSSION/DECISION

Member Raymond stated that he had looked over the Code sections pertaining to home occupation “at length.” He suggested that if the Board was going to do an interpretation, they consider the items he had jotted down in performing his review of home occupation; he came up with nine items that the Board should consider. He proposed that the Board look at each one of the items, separately, and agree “yes” or “no.” All of the Board members agreed, so Member Raymond read each item, and the Board Secretary recorded their answers, as follows.

1. Subordinate. Is the proposed home occupation subordinate to the residence?
Board’s Response: Primary use is a residence so, yes, it is subordinate.
2. Is it of a commercial or service nature?
Board’s Response: Yes, it’s both because it will be used as a place from which to service other places away from there.
3. Is it going to be detrimental to the residential character of the lot?
Board’s Response: No. The proposed home occupation is not visible.
4. Will it be detrimental to the surrounding neighborhood?
Board’s Response: No.
5. Is it an owner-occupied dwelling?
Board’s Response: Yes.
6. Home offices – are they attendant to other professions or trades?
Board’s Response: He’s engaging in a trade. It’s a home occupation for a profession/trade.
7. Will there be any disturbance beyond the property?
Board’s Response: We don’t see where there will be any disturbance beyond the property.
8. Will there be any outdoor storage?
Board’s Response: No.
9. Will there be more than one commercial vehicle?
Board’s Response: No

ADJOURNMENT

At 7:55 p.m., a motion to adjourn the meeting was made by Member Gaines and seconded by Member Carolann Darling, with all Board members present voting in favor



Joan E. Fitch
Board Secretary

Emailed to Town Clerk, Bd. Members & CEO
on 2/8/11. Tape delivered on 2/17/11.