

TOWN OF GRANBY PLANNING BOARD

Meeting Minutes

February 6, 2024

A regular meeting of the Granby Planning Board was held at the Granby Town Hall, 820 County Route 8 Fulton; and was called to order at 7:00 pm by Chairman Jane Crego.

Meeting Attendance as follows:

David Crockford	Erin Palmitese
Jane Crego, Chairman	Carl Nysten,
Rhonda Nipper	Tom Anthony
Lori Blackburn	Lisa Somers, Clerk

Also Present: Joshua Arnold, Dave Arnold, ZBA Chairman Cheryl Anthony, Attorney Jamie Lynn Sutphen, and Supervisor John Snow.

BUSINESS

Joshua Arnold

Joshua Arnold approached the Planning Board for information regarding potential uses for the property that he owns at 609 State Rt 48, formerly known as MJ's Music Bar and Restaurant. The property has a commercial building and residential use, he would like to subdivide the commercial building and develop the remaining acreage with residences. Chairman Crego replied that the property is considered as pre-existing non-conforming to the R-1 zoning district it is located within and remains legal as long as the footprint does not change. If you were to subdivide the property, then the commercial structure could only be used as a use allowed in the Zoning Use Chart or it would need to be removed. Attorney Sutphen confirmed that non-conforming status is legal as long as you don't change anything. She also stated that the Town does not have a timeframe documented for losing status once a business ceases to be active, but that the CEO has upheld a one-year timeframe for other similar properties. A use variance would be near to impossible to approve because an applicant would need to prove with competent financial evidence that any other allowed use would not realize a reasonable return. Member Tom Anthony asked why the 12-acre property couldn't be subdivided where the commercial building with an acre or two remains non-conforming and the remaining ten acres is used for residential. Attorney Sutphen stated that non-conforming is a zoning term applied to properties that do not fit the zoning district within which they are located, and that the outcome sought by the Town is for the properties to come into conformity, the non-conforming status is the mechanism that facilitates that outcome. Any changes to a property that is non-conforming makes the property subject to compliance with current zoning and building codes. She also explained that the Code Enforcement Officer is given the authority by NYS to make interpretations as well as enforcement of the zoning code. She added that the property is unique because the owner passed away which could give the CEO some leeway in his determination, he may allow the existing business as a bar and restaurant with a single residence to continue. She emphasized that the CEO is empowered by NYS to make site specific interpretation on the continuation of non-conforming use and that as time goes by it becomes less likely to be allowed. An application needs to be submitted to trigger his determination, just as an application needs to be submitted to the Planning Board to review a proposal for land use of a property. Mr. Arnold asked if he could replace the existing residential structure with a new house, he was told that it couldn't expand the footprint and should be discussed with the CEO because he has the authority to make those decisions. The Board members reviewed the Use Chart and suggested that the commercial building could be developed as an apartment building which is an allowed use for the district should he decide to pursue subdivision.

Annual Sexual Harassment Training

Supervisor John Snow provided annual training required by NYS concerning sexual harassment. The Town has a zero-tolerance policy and is applied to employees, vendors and residents. If needed, complaint forms are in the copy room and the Town's policy can be found online. Supervisor Snow is the investigator for the Town and if necessary, Town Board attorney Matt Ward may also investigate claims. Attorney Sutphen added that NYS offers videos online as well should anyone want additional clarification.

PRIVILEGE OF THE FLOOR

~ Supervisor John Snow updated the Board on the following:

- o The Town received a \$500,000 grant for the development of a park on open property next to the Community Center. They plan to build a playground, a basketball court and a pavilion structure.

- Town Board is currently reviewing the proposed amendments to the subdivision regulations prepared by the Planning Board in 2021.
- Town Board reviewing the telecommunications/cell tower regulations for small-scale and large-scale development, also previously submitted by the Planning Board. The Town Board has decided to have Engineer Doug Miller review them because they are complex, and maybe more than what is needed for the Town.

MINUTES

A **motion** to approve meeting minutes for January 9, 2024 was **moved** by David Crockford and seconded by Erin Palmitese, all were in favor, and the **motion carried**.

ADJOURN

With no other business before the Board a **motion** to adjourn at 7:55 pm was **moved** by Carl Nysten and seconded by Tom Anthony, all were in favor, and the **motion carried**

Respectfully submitted by:

Lisa Somers
Planning Board Clerk