

TOWN OF GRANBY ZONING BOARD OF APPEALS

Meeting Minutes

July 31, 2024

A regular meeting of the Granby Zoning Board of Appeals was held at the Granby Town Hall, 1909 State Route 3, Fulton; and was called to order at 7:00 pm by Chairman Cheryl Anthony.

AGENDA: Hesler Public Hearing
Robertson Public Hearing
Zalewski Public Hearing

MEMBERS: Cheryl Anthony, Chairman
Peter LeoGrande
Melanie Strong
Mallori Stoia
Dan Shue

ALSO PRESENT: Stephen Hesler, George Robertson, Michael Zalewski, Tom Anthony, Concetta Reitz, Perry Smith, and Board Attorney Jamie Sutphen.

Chairman Cheryl Anthony began the meeting with a brief explanation of the ZBA process established by New York State and the purpose of a ZBA in relation to the local Zoning Ordinance. Riccelli matter still tabled awaiting paperwork or withdrawal.

PUBLIC HEARING

Stephen Hesler

A request for relief of Granby Zoning Ordinance Section V-G(7)(f): Minimum square footage for a manufactured home residence on property located at 124 Cole Road, Fulton, NY 13069; Tax Map # 300.00-07-09.02.

Chairman Anthony read aloud the Hearing notice and asked Mr. Hesler to explain his request. Stephen Hesler stated that he needed a larger variance than the 88 sqft that was approved at a previous meeting for minimum sqft of a dwelling. The bank financing does not apply to the slightly larger home of 872 sqft that he had submitted, instead applies to a smaller home of 840 sqft. The members commented that the resultant relief is minimally larger at 120 sqft and appears to be adequately sized for a 2-bedroom home as the floor plan depicts. A motion was moved by Member Stoia to open the Public Hearing for Public comments and seconded by Member Shue, all were in favor and the motion carried. There were no comments. A motion was moved by Member Stoia to close the Hearing at 7:10 pm. The motion was seconded by Member Strong; all were in favor and the motion carried.

The members deliberated the merits of the request and reviewed the five criteria by balancing the detriment to the Town versus the benefit to the applicant.

Review of Five Criteria:

- 1) *Whether benefit sought can be achieved by some other method* – No, the applicant could not obtain needed financing for the slightly larger home.
- 2) *Whether an undesirable change produced to the character of the neighborhood* – No, the members stated that the applicant is improving the property with the development of a home and increasing assessed value which contributes to the Town's tax base.
- 3) *Whether request is substantial* – No, Member Strong commented that the 120 sqft is comparable to a 10'x12' room which is a small bedroom/spare room/office.
- 4) *Adverse impact to the physical environment* – No, home to installed with oversight of building permit inclusive of water and septic review.
- 5) *Whether hardship is self-created* – Yes, same answer as the first request – that the applicant is removing a non-compliant situation by placing a legal residence on the property, and the overall home size is dependent upon his affordability.

The ZBA members concluded that the benefit to the applicant, if the variance is granted, outweighs the detriment to the community.

A motion was moved by Member Stoia to grant 120 sqft relief from the minimum sqft requirement of 960 sqft. The motion was seconded by Member Strong; all were in favor without further discussion and the motion carried.

Resolution #2024-06

*BE IT RESOLVED, by the Zoning Board of Appeals for the Town of Granby, upon the facts presented and the determination made, that the Area Variance for relief of the Zoning Ordinance to allow 120 sq. feet of relief from the requirement of 960 sq. feet and allow the installation of a 840 sq. foot manufactured home on property located at 124 Cole Road, Fulton, NY 13069; Tax Map #300.00-07-09.02, is hereby **GRANTED with the following express conditions: none.***

A vote was taken:

Cheryl Anthony, Chairman	Aye
Peter LeoGrande, Member	Aye
Mallori Stoia, Member	Aye
Melanie Strong, Member	Aye
Shue, Daniel, Member	Aye

5 AYES 0 NAYES 0 ABSTENTIONS – **Application APPROVED.**

PUBLIC HEARING

George Robertson

A request for relief of Granby Zoning Ordinance Section IV, Subsection B - Table: Front yard setback requirement in regards to the proposed construction of a 24'x26' garage on property located at 27 Hanley Rd, Hannibal, NY 13074; Tax Map #252.00-05-09.

Chairman Anthony read aloud the Hearing notice and asked Mr. Robertson to explain his request. George Robertson stated that he and his wife have lived on the property for more than 35 years and would like to build a garage to make life in the winter a little easier. The existing driveway is 40-feet from the edge of the pavement and the garage construction will have 3-foot concrete apron which will place the front face of the garage at 43-feet where the Town requires 50-feet. He added that the 3-feet of concrete will be sloped to keep water from entering the garage. Attorney Sutphen asked about the site plan that had been provided, a hand drawn sketch by the applicant which the Codes Office accepted for building permit processing. The side yard setback is 36-feet, and the property line has intact front corner survey stake which Mr. Robertson located. George Robertson stated that he did not have a survey map of the property. Member Strong asked to see the photos that he had taken of his property in preparation of the meeting, and asked about the tree that is shown on the County website. Mr. Robertson replied that the tree will be removed to make room for the garage. He added that the existing driveway is asphalt and has a sidewalk that goes to the home entrance that would be costly to extend and reposition. Board members asked about the exterior façade of the new garage, to which Mr. Robertson stated that the siding material would be vinyl and color to match the house.

A motion was moved by Member Stoia to open the Hearing for public comments and seconded by Member Strong, all were in favor and the motion carried. There were no comments. A motion was moved by Member Strong to close the Hearing at 7:23 pm and was seconded by Member Stoia; all were in favor and the motion carried.

The members deliberated the merits of the request and reviewed the five criteria by balancing the detriment to the Town versus the benefit to the applicant.

Review of Five Criteria:

- 1) *Whether benefit sought can be achieved by some other method* – No, because the garage lines up with the existing driveway and; Yes, but it would be an added expense to extend it to the 50-foot setback requirement.
- 2) *Whether an undesirable change produced to the character of the neighborhood* – No, considered an improvement to the development of a residential property, and other structures are closer than allowed in the neighborhood.
- 3) *Whether request is substantial* – No, structure still is located far enough from the road to be safe and not be impacted by snowplowing efforts.
- 4) *Adverse impact to the physical environment* – No.
- 5) *Whether hardship is self-created* – Yes and no, the owners want a garage, but the driveway somewhat dictates the location.

The ZBA members concluded that the benefit to the applicant, if the variance is granted, outweighs the detriment to the community.

A motion was moved by Member Stoia to approve relief of 7-feet from front setback requirement to build a garage. The motion was seconded by Member Strong; all were in favor without further discussion and the motion carried.

Resolution #2024-07

*BE IT RESOLVED, by the Zoning Board of Appeals for the Town of Granby, upon the facts presented and the determination made, that the Area Variance for Variance for relief of 7-feet from the front setback requirement of 50-feet for the construction of a 24'x26' garage on property located at 27 Hanley Road, Hannibal, NY 13074; Tax Map #252.00-05-09, is hereby **GRANTED with the following express conditions: none.***

A vote was taken:

Cheryl Anthony, Chairman	Aye
Peter LeoGrande, Member	Aye
Mallori Stoia, Member	Aye
Melanie Strong, Member	Aye
Shue, Daniel, Member	Aye

5 AYES 0 NAYES 0 ABSTENTIONS – Application APPROVED.

PUBLIC HEARING

Michael Zalewski

A request for relief of Granby Zoning Ordinance Section IV, Subsection B - Table: Side yard setback requirement in regards to the proposed construction of a 3-season room addition on property located at 215 South Granby Rd, Fulton, NY; Tax Map #302.00-01-01.

Chairman Anthony read aloud the Hearing notice and asked Mr. Zalewski to explain his request. Michael Zalewski stated that he would like to replace his existing rear deck and construct a three-season room that would be in alignment with the existing side face that currently encroaches 7-feet into the required 20-feet. The septic system is located on the other side of the property and prevents any construction in that area. The home was built in the early 70's which predates the Town's zoning laws, and the lot configuration is long and narrow with encroachment on both sides. Some discussion ensued regarding the possibility of a deck extension in the future which would require another variance even if the 13-foot offset were maintained. The applicant asked to include additional footage to the request to encompass a future 14-foot deck. The Board members reviewed the provided survey map and photos of the property depicting large thick tree-lined hedgerow along both side property lines that blocks the back yard from view by neighbors or people traveling on the road. The addition would not encroach on the back property line as there is minimally 250-feet to the rear line.

A motion was moved by Member Stoia to open the Hearing for public comments and seconded by Member Shue, all were in favor and the motion carried. There were no comments. A motion was moved by Member Stoia to close the Hearing at 7: pm and was seconded by Member Strong; all were in favor and the motion carried.

239 Review

The project was referred to the Oswego County Planning Board for 239 Review which was triggered by property location on State Rt 48. A County Determination letter dated 7/18/24 was received stating that the action involves "no significant County wide or Intercommunity Impact" and as such, they see no issues with the Town granting the area variance requested.

The members deliberated the merits of the request and reviewed the five criteria by balancing the detriment to the Town versus the benefit to the applicant.

Review of Five Criteria:

- 1) *Whether benefit sought can be achieved by some other method* – No, the home was recently purchased by the applicant and as such the location of development is already established.
- 2) *Whether an undesirable change produced to the character of the neighborhood* – No, building extension is to the south, back yard and out of view of others.
- 3) *Whether request is substantial* – No extending current condition.
- 4) *Adverse impact to the physical environment* – No.
- 5) *Whether hardship is self-created* – Some board members stated that the request was not self-created because the home location is pre-existing. Chairman Anthony agreed, but added that prospective buyers

should research property data and local ordinances before purchase, therefore making the request somewhat self-created.

The ZBA members concluded that the benefit to the applicant, if the variance is granted, outweighs the detriment to the community.

A motion was moved by Member Stoia to grant relief of 7-feet for 46-feet of depth to construct 32-foot room and 14-foot deck. The motion was seconded by Member LeoGrande, all were in favor and the motion carried.

Resolution #2024-08

*BE IT RESOLVED, by the Zoning Board of Appeals for the Town of Granby, upon the facts presented and the determination made, that the Area Variance for Variance for relief of 7-feet from the side yard setback requirement of 20-feet for the construction of a 3-season room addition up to 46-feet of depth, 32' for addition and 14-feet for future deck, on property located at 215 South Granby Road, Fulton, NY 13069; Tax Map #302.00-01-01, is hereby **GRANTED with the following express conditions: none.***

A vote was taken:

<i>Cheryl Anthony, Chairman</i>	<i>Aye</i>
<i>Peter LeoGrande, Member</i>	<i>Aye</i>
<i>Mallori Stoia, Member</i>	<i>Aye</i>
<i>Melanie Strong, Member</i>	<i>Aye</i>
<i>Shue, Daniel, Member</i>	<i>Aye</i>

5 AYES 0 NAYES 0 ABSTENTIONS – Application APPROVED.

PRIVILEGE OF THE FLOOR

~ Member Shue prompted discussion of proper limits or parameters for granting variances. The members replied that there is no magic number and that one decision does not create a precedent. Every application is unique to the individual property details and request. Discussion of all specifications is encouraged to provide a broad basis to support a Board decision. Also, the balancing criteria does not have to be weighed as a group, each member can have different comments, and negative responses doesn't indicate the denial of a request. Voting is individual and only 3 ayes are required for an approval.

MINUTES

A **motion** was **moved** by Member Stoia to approve the meeting minutes for July 8, 2024. The **motion** was seconded by Member Strong; all were in favor without further discussion and the **motion carried**.

ADJOURN

A **motion** was **moved** by Member Strong to adjourn the meeting at 8:05 pm, and seconded by Member Shue, all were in favor and the **motion carried**.

Respectfully submitted by:

Lisa Somers
ZBA Clerk