

TOWN OF GRANBY ZONING BOARD OF APPEALS

Meeting Minutes

September 8, 2020

AGENDA: Duane Tull Public Hearing
Regular Meeting

Chairman Palmitese called the regular meeting of the Granby Zoning Board of Appeals, held on Tuesday, September 8, 2020 to order at 7:00 pm.

MEMBERS: Tyler Palmitese, Chairman
Peter LeoGrande
Tom Thompson
Tina Sawyer

ALSO PRESENT: Duane Tull, Alan & Sandra Moore, Fran & Debbie Munger, and Jeff Holbrook.

*** Due to the Covid-19 pandemic, the Zoning Board of Appeals will be holding their meetings at the Granby Community Center, located at 812 County Route 8 Fulton, in order to sufficiently maintain the mandated 6-foot social distancing requirements. Face masks are also required to be worn within the building and during the meeting.

PUBLIC HEARING

Duane Tull

Chairman Palmitese explained that the Public Hearing had been Tabled at the September 2nd meeting to allow the applicant time to address the neighbors' concerns regarding the placement of the proposed three car garage. A **motion** was **moved** by Chairman Palmitese to re-open the tabled Public Hearing at 7:00 pm. It was seconded by Member Thompson, all were in favor and the **motion carried**.

An Area Variance request by Duane Tull will be heard for the relief of Granby Zoning Ordinance Section IV, Subsection B - Table: Side yard setback requirement for construction of a 40'x32' garage on property located at 18 Island Shadow Drive, Fulton, NY 13069; Tax Map #270.02-01-15.

Chairman Palmitese invited Duane Tull to address the ZBA with any new information regarding his request that he would like the Board to consider. Mr. Tull stated that he had met with some of the neighbors and ZBA Member Peter LeoGrande to explain where and how the garage would look. He had been surprised to learn that the biggest issue seemed to be attachment of the garage to the house, as is found on other homes throughout the surrounding neighborhoods. By attaching the garage, the design looks cohesive, as if it had been planned that way originally. The thought was that it would blend in rather than be noticeably newer in design. Mr. Tull moved the structure 22-feet towards the river in order to align a false front breezeway between the proposed garage and the existing north side of the current garage attached to the house. Although he is incurring the cost to construct an additional 21-feet of building, the adjustment is at a leveler ground area to aid in drainage without fill. It also allows movement of the garage to the south, yielding a smaller side variance by locating at 13.7-feet from the property line. The lower grade also allows movement closer to the macadam without any disruption needed to tie into it. Mr. Tull provided an amended site plan inclusive of the location of a 61'x30' garage 13.7-feet from the side property line and connected to the garage via a breezeway. He stated that he didn't have architectural plans because of the last-minute changes, he as told by the Board that they were not necessary for the ZBA action but would be required for issuance of a building permit. Member Thompson inquired whether the CEO was apprised of the amended site plan. Clerk, Lisa Somers, answered that she had received the site plan from Mr. Tull by email and was able to discuss it with the two CEO's prior to this meeting. They had no issues with the placement, concerned only with the side setback dimension, and would require new stamped building plans for review and issuance of a building permit. The board asked about the trees on the property, Mr. Tull replied that he would have to lose a maple but it was not one of the old large trees that he wanted to save. Another smaller tree he intends to move. It was also noted that the septic system is located in the back yard within the sloping hillside to the river. Chairman Palmitese opened the Hearing to public comments regarding the new information presented at 7:04 pm. Comments as follows:

- 1.) *Jeff Holbrook* - Confirmed details of garage size being 61-feet instead of 40-feet; still a 3-bay design; matching rooflines with the house and matching overhead doors to the existing; matching materials of siding, windows and such, same overall height for scale -maybe 1-2' difference; and breezeway a façade

being only solid on road side and open to the rear. He stated he was in favor of the location at 13.5-feet from the adjoining property line.

- 2.) *Fran & Debbie Munger* – Stated that they were in favor of the process to get here – speaking as a neighborhood and forming a design that was amenable to everyone. The idea to attach the structure with a breezeway lended a degree of similarity to the design of what is already existing in the neighborhood. The increased size to 61-feet was somewhat disconcerting, but stated that if the overall scale matches the house then it should be alright and add to the value of the area.

Without further comments a **motion** was **moved** by Member Sawyer to close the Public Hearing at 7:06 pm, it was seconded by Member Thompson, all were in favor and the **motion carried**. Member LeoGrande was interested to ask whether the neighbors were okay with the new design since he had spoken with many of them at the property over the weekend. He stated that the applicant had made considerable change to both the design and the construction cost of the proposed structure in an attempt to conform with the predominant architectural design of the neighborhood, which had been designed with a developer’s vision to create privacy and support financial investment and overall value.

Chairman palmitese reminded the ZBA members that their focus is on the requested relief of the side setback requirement of the Town’s Zoning Ordinance in connection to the placement of a garage structure. Chairman Palmitese prompted discussion of the five factors of criteria considered when deliberating the merits of area variance requests, as follows:

- *Undesirable change to neighborhood character* – The members were in agreement that the amended design represents a huge compromise on the part of the applicant to appease the neighbors and create a structure that fits seamlessly within the neighborhood. Much of the neighbor’s concerns focused on the appearance of the structure, and although the ZBA is not an architectural review board, the neighborhood appeared to have created a design that fulfills the needs of everyone. The proposed structure would not create an undesirable change as it is similar to what is existing.
- *Substantial request* – The members had been in agreement that the request was indeed substantial at 50%. The new location at 13.5-feet from the property line is less relief at 6.5-feet or 33% - not as substantial.
- *Benefit achieved by some other method* – The members were in agreement from the discussion during the 9/2/20 meeting that the chosen location was the only feasible site,
- *Adverse impact to the environment* - Members had also discussed the potential for creating drainage issues and erosion with impact to the Oswego River. The chosen location appears to be harmonious with environmental conditions of the property.
- *Self-created* - The overall development of the property, as well as the general area, was previous to the current owner. Mr. Tull purchased a property in excess of the minimum required lot size which enables additional structures in accordance with the Town’s zoning; this hardship is not self-created.

Without further discussion, a **motion** was **moved** by Chairman Palmitese to grant the requested Area Variance to allow placement of the proposed 61’x30’ residential garage at 13.5-feet from the north property line as shown on the submitted plan. The **motion** was seconded by Member LeoGrande, all were in favor and the **motion carried**.

Resolution # 2020-02

*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 request to allow 6.5-feet relief from the required 20-feet for the construction of a 61’x30’ residential garage, as is located on submitted plan dated 09/8/2020, on property located at 18 Island Shadow Drive, Fulton, NY 13069 Tax Map # 270.02-01-15 is hereby **GRANTED**.*

A roll call vote was taken:

Tyler Palmitese, Chairman	Aye
Peter LeoGrande, Member	Aye
Tom Thompson, Member	Aye
Tina Sawyer, Member	Aye

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

ADJOURN

With no other business before the Board a **motion** to adjourn at 7:11 pm was **moved** by Member Palmitese and seconded by Member Sawyer, all were in favor and the **motion carried**.

Respectfully submitted by:

Lisa Somers, ZBA secretary