

TOWN OF GRANBY ZONING BOARD OF APPEALS

Meeting Minutes
September 14, 2020

AGENDA: Timothy Merritt; Bonded Properties of Oswego Cty, LLC Public Hearing
Dylan Gorman Public Hearing
Regular Meeting

Chairman Palmitese called the regular meeting of the Granby Zoning Board of Appeals, held on Monday, September 14, 2020 to order at 7:02 pm.

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

ALSO PRESENT: Dylan Gorman, Katherine Phelps, Norman Spinner, Timothy Merritt, Anthony Merritt, Ricardo Mica, Shannon Roth, Jerry Devendorf, Stacy Devendorf, Jordan Roth and Douglas Campbell.

*** 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

Timothy Merritt; Bonded Properties of Oswego Cty, LLC

Chairman Palmitese announced the request and opened the Public Hearing at 7:03 pm.

A Use Variance request for relief of Granby Zoning Ordinance Section XI: Definition of Lot; to allow for a second residential structure on property located at 531-535 State Rt 48, Fulton, NY 13069; Tax Map #288.01-04-05. Amended, to include A Use Variance request for relief of Granby Zoning Ordinance Section III, Subsection A-Use Chart: Permitted Uses, to allow for the placement of a Manufactured Home within the R-1 Zoning District. Chairman Palmitese invited Timothy Merritt to explain his variance request. Mr. Merritt had pursued and received a waiver from the restrictions of the Moratorium from the Town Board before completing the ZBA application paperwork. He explained that he wanted to replace the home that was there for his mother-in-law who needs medical assistance. He would use the same concrete pad and hook-ups for the utilities. He added that the previous home was his fathers and was removed about two years ago. Mr. Merritt stated that it is a family property that was developed with a business and has several homes that are occupied by family. Member Sawyer stated that the property is large and asked if he had considered subdividing the parcel which would eliminate one of the two Use variances. Some discussion regarding splitting a parcel with a deeded ROW for driveway access. With no further questions from the Board, Chairman Palmitese opened the Hearing for public comments, they were as follows:

- 1.) Norman Spinner – Neighbor that lives across the street, would like to know where the home will be placed and if subdivided what two lots would be created. Mr. spinner reviewed a few of the submitted documents that showed the property via google maps and understood what was being requested. He had no issues with granting the request because it would be no different than what's always been there. He asked if subdividing would have an impact on taxes, the Board didn't think so.

With no further comments from the public, Chairman Palmitese asked the Board to consider tabling the Merritt Public Hearing because of incomplete process documents. The SEQR EAF was not received for review by the Board, and was not submitted to Oswego County Planning with the 239Review Referral which stalled the County's review. The Board is unable to decide the merits of this application without receipt and consideration of the County's recommendation. The applicant presented the completed short EAF, the clerk will scan document to the County Planning Office. A motion to table the Hearing until Tuesday September 22, 2020 at 7:00 pm was moved by Member Sawyer at 7:13 pm. The motion was seconded by Member LeoGrander, all were in favor and the motion carried.

PUBLIC HEARING

Dylan Gorman

Chairman Palmitese announced the request and opened the Public Hearing at 7:16 pm.

A Use Variance request for relief of Granby Zoning Ordinance Section III, Subsection A- Use Chart: Permitted Uses, to allow for the placement of a Manufactured Home within the R-1 Zoning District on property located at 39 Gorman Lane, Fulton, NY 13069; Tax Map #219.17-02-16. Amended to include an Area Variance request for relief of Zoning Ordinance Section V, Subsection (G)(7)(f): Manufactured homes require minimum of 960 square feet.

Chairman Palmitese invited Dylan Gorman to explain his variance request. Mr. Gorman explained that he had been living in his late father's house which is located across the road from the property that he owns. The house was recently sold at auction and the applicant must relocate, since he owns a single wide manufactured home, he planned on moving it to the property before winter hits. He was unable to transfer the house into his name and also unable to afford to pay off the late taxes, so he is trying to provide himself a home with the limited funds that he has. The property is located within the R-1 zoning district which does not allow new placement of manufactured homes, and is the reason that he is requesting a Use variance. Dylan Gorman recounted the process he has been going through this past month since applying for a building permit. The permit was denied for non-compliance with zoning regulations which sent him to ZBA but due to the current Moratorium he needed to request a waiver from the Town Board with a Public Hearing, which was ultimately granted. He has obtained an engineer stamped septic design plan which has also received approval from the Oswego County Health department. A public water mainline is available along State Route 48, and he has started the process with Fulton City public works department for a scheduled connection and plans to run a line 535-feet to the proposed location of his home. He added that power had previously been run to a pole on the property, which he plans to connect into. Chairman Palmitese asked the age of the manufactured home, Mr. Gorman replied that it was built in 1985. Chairman Palmitese commented that there seemed to be a lot of variables still in play such as water, septic and power, all of which are costly. Member Sawyer asked what his plans were for the property over the next year or two. Mr. Gorman replied that he wants to build a home eventually and that the trailer is only a temporary situation until he can afford to stick build. He explained that the septic has been expensive so far – the engineered stamped design and approvals from County Health have cost him over \$1,000 and the construction to install it will be at least four times that. The preliminary tests to locate the leach field landed it in a low area on the property which is good because he won't need fill which is an added expense. He stated that being able to live on the property will provide easy access and allow work to progress, but for now he is spending every penny to get the utilities required for the issuance of a building permit. The property is 11 acres and has open space and trees, the latter is where the home will be located. There is no visibility from State Route 48, and only a couple of homes adjacent to and directly across Gorman lane will have visibility of the new residence. He has always used the property as it has always been family owned, and currently has goats and livestock that he is raising. Chairman Palmitese questioned the exact location of the home since a site plan of the entire property had not been provided. Mr. Gorman was able to give a general location on a tax map in the project documents, but the photos that he had submitted, and were provided to the ZBA Members, presented many viewpoints for the location looking from and to State Rt 48, Gorman Lane, and the Oswego River. Member LeoGrande asked about the utilities and confirmed that currently nothing exists on the property. With no further questions from the Board, Chairman Palmitese opened the Hearing for public comments, they were as follows:

- 1.) *Jerry Devendorf* – Stated that he had been opposed to the application initially, but after hearing Mr. Gorman's future plans to stick build, he has mixed emotions. He would like to see a home built on the property but is concerned that if one trailer is allowed then multiple trailers could result in the long run. A letter from his brother, Lee Earl Devendorf, has also been received in opposition to approval of the variance.
- 2.) *Douglass Campbell* – Stated that he lives on Hannibal Street and is representing Carolanne Smith who is in Arizona temporarily. Approval of a Use Variance for permitting a single wide trailer is a slippery slope. Mr. Gorman stated that he plans to build in the future and that the trailer is only temporary, but once the trailer is there then what. He would like to see some kind of time limits imposed if an approval is considered by the ZBA.
- 3.) *Ricardo Mica* – Stated that he was in favor of possible time limits attached for a permanent structure that is allowed in the R-1 district.

4.) *Shannon Roth* – The applicant is her brother, and the land has been used by the family for many years. She said that Dylan has talked about building a house for years, and the auction of the home has created the push to do it all now. He has followed all the procedures of the Town for residential use by designing a septic system with approval by the County, obtaining water and power, and has finalized the details in a months-time. He is a hard worker and will build a home eventually but for now he can only afford the temporary situation that involves utilizing a home that he already owns.

With no further comments from the public, Chairman Palmitese asked the Board to consider tabling the Gorman Public Hearing because of incomplete process documents. The SEQR EAF had not been received for review by the Board until earlier today, and it has been submitted to Oswego County Planning for the 239Review. The Board is unable to decide the merits of this application without receipt and consideration of the County’s recommendation, therefore a motion to table the Hearing until Tuesday September 22, 2020 at 7:00 pm was moved by Member Sawyer at 7:32 pm. The motion was seconded by Member LeoGrander, all were in favor and the motion carried.

ADJOURN

With no other business before the Board a **motion** to adjourn at 7:39 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