

**TOWN OF GRANBY ZONING BOARD OF APPEALS**

**Meeting Minutes**

July 19, 2017

AGENDA: Sliva Public Hearing  
Borasky Public Hearing  
Regular Meeting

MEMBERS: Michael French, Chairman  
Peter LeoGrande  
Patricia Simmons - Excused  
Tom Thompson  
Sandra Farrands

ALSO PRESENT: Thomas Sliva and Michael Borasky.

Chairman French opened the Regular meeting at 7:02 pm.

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**PUBLIC HEARING**

Thomas Sliva – 1339 State Route 176, Fulton  
Tax Map #253.00-01-09.02

Chairman French opened the Public Hearing at 7:03 pm and asked Mr. Sliva to present his variance request. The applicant explained that he would like to add a 6'x16' addition to the side of his house which would encroach on the side setback by 2.5'. The front section (6'x6') would be a mud room to enter the house and leave wet shoes and such, while the remaining section (6'x10') would be for outdoor storage. The addition would not have heat but would have electrical for lights. The neighbor that he would encroach upon is his daughter's house, his granddaughter visits often and would have a straight line to the door. The Board asked Mr. Sliva why he had chosen that location, and he replied that it's near the driveway and is where the door had been to enter the house. He also said that the property is wet on the west side (especially this year) and the septic and leach system is behind the house. Member Thompson commented that the survey map has a dimension at the rear corner of the house to the side property line, is that the closest point along that side of the house. Mr. Sliva stated that the line skews as you go towards the road so the encroachment decreases. Without further discussion by the Board and no attending public, Chairman French closed the Hearing at 7:10 pm.

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**PUBLIC HEARING**

Michael Borasky – 103 State Route 48, Phoenix  
Tax Map #302.00-01-27

Chairman French opened the Public Hearing at 7:10 pm and stated that Mr. Borasky was requesting two Area Variances for setback regarding a proposed garage and a Use

Variance to extend the non-conforming status of his property by adding a residential accessory structure (garage) to a property that is zoned CIT. Mr. Borasky stated that he had purchased his home and moved his family from the city more than 14 years ago, before it was zoned CIT, to have room in the country to do what he wanted. He offered photos from Google to the Board members showing that the neighboring properties were residential and possessed garages and sheds similar to what he proposed. Mr. Borasky explained that he had originally planned to place the garage further back on the property but had a septic line break which forced a new septic system with a raised bed leach area and a new 1,000 gallon tank. He also stated that the garage is needed because he and his wife are older and need both of their vehicles inside during the winter months. He has a work truck and can't be out in the cold for as long as it takes to clean the snow off and would also like to get his snow tractor inside for the same reasons. His daughter lives on the neighboring property and depends on him to clear the snow from her driveway as well. The original location for the garage submitted with the building permit was much closer to the road than the drawing he prepared for the ZBA. He explained that he couldn't come closer to the house and shed than 15' for the fire code and needed some maneuverability to get in and out onto the driveway. The Board members stated that the requests were substantial. Chairman French suggested placing the garage in front of the existing one and attaching it to the house, the driveway at 20' wide would need only a little widening nearer to the house and wouldn't require a variance. Mr. Borasky replied that the electric meter and gas main is located in that location and he didn't know if that was possible. Members Thompson and French stated that his contractor could remove the existing garage roof and tie the new structure in with a common roofline. Mr. Borasky was not in favor of this suggestion because of the additional cost, he stated he had only so much money to work with and additional costs would eliminate the project. Member Thompson suggested moving the shed which would allow the garage to be moved much closer to the house. Mr. Borasky didn't want to move the existing shed and stated that the CEO had told him he needed to maintain a 15' fire separation. He was told that a firewall consisted of different drywall along the closer side of the garage, but Mr. Borasky couldn't add any additional cost – if he were to exceed the \$15,000 construction cost he would need engineered plans which would be more money. Member Thompson asked if he would be willing to move the garage 3' closer to the driveway which would be a 50% variance instead of the current 68% request. Member Thompson found that the survey dimensions and the dimensions on the submitted drawing conflicted for the 44' front offset. It appeared that the offset was 27' and not 44', which would make the variance request close to 50%. The Board discussed the Use variance request with trepidation as to the precedent it could set and thought that maybe the Planning Board process of Special Use Permit should precede the Use Variance determination. It was resolved that a Use Variance, or permission to enlarge a non-conforming use (accessory structure for a residence in a CIT district), would be needed before the Planning Board could impose conditions upon the use. With no further questions from the Board, Chairman French closed the Hearing at 7:43 pm.

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## **REGULAR MEETING**

The Regular meeting was reopened at 7:44 pm.

**Thomas Sliva**– The Board members felt that the request was minimal at 3’ relief and replaced an existing entrance with little disruption to the property.

*Without any further discussion from the Board Members a **motion** was **moved** by Member Tom Thompson and seconded by Member Sandra Farrands to accept the Area Variance request of 3’ relief for side setback requirement for the construction of a 6’x16’ addition on property located at 1339 State Route 176, Fulton, NY 13069; Tax Map # 253.00-01-09.02 is hereby **GRANTED**.*

*A roll call vote was taken:*

Michael French, Chairman	Aye
Peter LeoGrande, Member	Aye
Patricia Simmons, Member	Excused
Tom Thompson, Member	Aye
Sandra Farrands, Member	Aye

*4 AYES 0 NAYES – Resolution 2017-05 – **APPROVED***

**Michael Borasky** – The Board members discussed previous applications that had been before the Board which asked for less relief and were denied because they were substantial. The applicant is asking for 17’ relief on the side (68%) and 23’ relief from the front setback (46%) for an additional garage on a CIT zoned property. The members thought that the applicant could place the garage in other locations that would not require as substantial variance requests making the current situation somewhat self-created. They explained to him that he could resubmit a new plan for them to consider if he would like to consult with his contractor, but Mr. Borasky was not inclined to do so because of expense.

*Without further discussion a motion was moved by Chairman French and seconded by Member Farrands to accept Area Variance requests for 23’ relief of front setback and 17’ relief from the side setback requirement for construction of a 24’x28’ garage, as submitted on site plan dated 7/19/17, on property located at 103 State Route 48, Phoenix, NY 13135; Tax Map #302.00-01-27 is hereby **DENIED**.*

*A roll call vote was taken:*

Michael French, Chairman	Naye
Peter LeoGrande, Member	Naye
Patricia Simmons, Member	Excused
Tom Thompson, Member	Naye
Sandra Farrands, Member	Naye

*0 AYES 4 NAYES – Resolution 2017-06 – **DENIED***

*Without further discussion a motion was moved by Chairman French and seconded by Member Thompson to accept Use Variance request to extend a non-conforming use by building a 24’x28’ personal use garage in a CIT district, as submitted on site plan dated 7/19/17, on property located at 103 State Route 48, Phoenix, NY 13135; Tax Map #302.00-01-27 is hereby **DENIED**.*

*A roll call vote was taken:*

Michael French, Chairman	Naye
Peter LeoGrande, Member	Naye
Patricia Simmons, Member	Excused
Tom Thompson, Member	Naye
Sandra Farrands, Member	Naye

*0 AYES 4 NAYES – Resolution 2017-07 – **DENIED***

## **MINUTES**

A **motion** was **moved** by Member LeoGrande to approve the meeting minutes for June 20, 2017. The motion was seconded by Member Thompson, all were in favor without further discussion and the **motion carried**.

## **ADJOURN**

With no other business before the Board a **motion** to adjourn at 7:58 pm was **moved** by Member Farrands and seconded by Member LeoGrande, all were in favor and the **motion carried**.

Respectfully submitted by:

Lisa Somers  
ZBA secretary