

**TOWN OF GRANBY ZONING BOARD OF APPEALS**

**Meeting Minutes**

August 15, 2017

AGENDA: Dingman Public Hearing  
Regular Meeting

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

ALSO PRESENT: David and Tracy Dingman, John and Shawna Nye, Deputy Supervisor John Snow and Planning Board Chairman Paul Ketchum.

Chairman French opened the Regular meeting at 7:03 pm.

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**PUBLIC HEARING**

David Dingman – 143 Wilcox Road, Fulton  
Tax Map #270.00-04-09.2

Chairman French opened the Public Hearing at 7:03 pm and asked Mr. Dingman to present his Use variance request. David Dingman stated that he is requesting a Use Variance for his property on Wilcox Road to allow stabling of horses because a prospective buyer for his property has signed a purchase offer with a contingency that horses be allowed. The property was purchased in 2001 before the zoning district was changed by the Town from agricultural to R-1, which doesn't allow any farm animals. His property borders the line between the R-1 district and the A/R district which does allow farm animals. Mr. Dingman stated that the property is 14 acres with a 500' driveway and an existing 16'x25' garage located behind the house, the presence of horses would not be noticeable or create a change in the existing neighborhood which is rural. The property is bordered by only one residence to the west, Ox Creek to the north and the railroad tracks which delineates the two zoning districts is the east border of the property. For these reasons he is asking for a variance to allow horses. Board member Pete LeoGrande asked about the person buying the property and what their intentions would be. The prospective buyers have two horses currently that have been family pets for years; they are not looking to purchase more horses or start a commercial venture, only to stable their family pets. Member LeoGrande also asked about the building in the back of the property, which Mr. Dingman stated was a garage but could be easily converted to use for horses prior to construction of a barn. Chairman French stated that the ZBA has parameters and guidelines that they must follow when reviewing a variance request and that the hardship which relief is being sought for cannot be self-created. The Variance is being requested because the property is being sold to a buyer that wants to use the property in a way that is not allowed which makes the request a self-created hardship. Mr. Dingman objected and stated that the hardship was created by the Town when they rezoned the property

without informing them. Chairman French explained that the rezoning had occurred several years ago but that all property owners in the Town were notified by letter. The changes involved many work sessions open to the public as well as several Public Hearings, therefore notification to the public had been executed as required by State Law. Chairman French further stated that he wanted to leave the Hearing open to allow the Board time to investigate the possibility of the Town changing the zoning district boundaries in the future as well as consult with the Town Attorney. If there is a possibility of the Town changing the boundary of the R-1 and A/R districts from the arbitrary border of the railroad tracks running north and south through the Town to nearer State Route 48, which also runs north and south, then the ZBA could have some leeway in granting a variance. Planning Board Chairman, Paul Ketchum, was present and stated that the Planning Board was not working on any rezoning of the Town currently. He further stated that a modification of the Use Chart to require a Special Use Permit would provide review of parcels on an individual basis and permit conditions to be established when necessary. Chairman French asked for any public comments at this time. The property owners neighboring the Dingmans were present and although in support of the variance they voiced concerns of the smell a farm could produce. They commented on the smell from nearby Jo-Dale Farms and stated they would not be in favor of the variance if the neighboring property became a farm. A concern was that if horses are allowed, then why not chickens and pigs later on and then before you know it you have a farm. It was explained that a permitted use of stabling horses would not be the same scale as Jo-Dale Farms, which is a NYS Certified Farm and Agricultural District. The Board Members discussed a future date to reconvene and conclude the Hearing after the applicant requested a timeframe to allow his buyer the ability to get a decision and proceed with the purchase offer on the property. A meeting for another ZBA Hearing was already scheduled for the following Tuesday August 22<sup>nd</sup>, therefore Chairman French stated that the Public Hearing for Mr. Dingman would remain open until August 22<sup>nd</sup> at 7:00 pm, allowing the Board to investigate further, consult the Town Attorney and reconvene for discussion.

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### REGULAR MEETING

The Regular meeting was reopened at 7:25 pm.

#### MINUTES

A **motion** was **moved** by Member Simmons to approve the meeting minutes for August 8, 2017. The motion was seconded by Member Farrands, all were in favor without further discussion and the **motion carried**.

#### ADJOURN

With no other business before the Board a **motion** to adjourn at 7:30 pm was **moved** by Member Farrands and seconded by Member Simmons, all were in favor and the **motion carried**.

Respectfully submitted by:

Lisa Somers, ZBA secretary