

**TOWN OF GRANBY ZONING BOARD OF APPEALS**

**Meeting Minutes**

December 18, 2018

**AGENDA:** Gary Royce Jr. and Shawn Malone Public Hearing  
Regular Meeting

**MEMBERS:** Michael French, Chairman  
Peter LeoGrande  
Patricia Simmons - absent  
Tom Thompson  
Tina Sawyer

**ALSO PRESENT:** Gary Royce Jr., Shawn Malone and Helen Rudes.

Chairman French opened the meeting at 7:00 pm. Chairman French stated that he would abstain from tonight's vote because he has a business relationship with the applicant, Shawn Malone.

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**PUBLIC HEARING**

**Area Variance Requests**

Gary Royce Jr. – Peat Bed Road near County Route 8, Fulton,  
Tax Map #252.00-1-5;  
Shawn Malone – Peat Bed Road near County Route 8, Fulton,  
Tax Map #252.00-1-4 and #252.00-1-7.

Chairman French opened the Public Hearing at 7:01 pm and asked the applicant to explain the variance requested. Gary Royce explained that the property he and Shawn Malone surrounds the Town's property along County Route 8 which contains the water tower. Both applicants have applied to the Planning Board for special use permit approval for sand and gravel excavation/mining, and have applied to the DEC for an MLR Permit. The Town regulations requires a 40' setback from property lines but the applicants would like to establish top of slope at the property line instead. The current topography of the applicant's property(s) and the Town property is somewhat dangerous in that many banks twenty feet or higher exist. Originally, the applicants had approached the Town to purchase a subdivided parcel south of the water tower that would allow them additional mining area but also would allow them to regrade the entirety to a manageable 1 on 2 slope as was directed by the DEC. The parties weren't able to negotiate a deal and the applicant's have revised their individual site plans to reflect grading to begin at the property lines. Chairman French asked why the Town didn't agree to a sale, Mr. Royce answered that there had been concerns by OCWA about impacts to the water tower and encroachment into a swale area designed for drainage of overflow to prevent ponding behind (south) of the tower. Gary Royce explained that approval of the latest site plan design would create gentle slopes with highest elevation surrounding the Town property. He also stated that maintaining the 40-foot setbacks would create even taller slopes than what exists – the end result would be similar to a berm area. Chairman French asked where the waterline was

located; Shawn Malone replied that it runs along the north side of Peat Bed Road and its location will be added before submitting to the planning board. The ZBA suggested having the surveyor add OCWA's easement location and size. Member Tom Thompson reviewed the grading plans provided and stated that adherence to the 40-foot setback could create ponding in several locations around the perimeter of the Town's property, an unfavorable outcome.

Chairman French opened the Hearing to public comments as follows:

1. Helen Rudes – Neighboring property owner in favor of the re-grading efforts the mining will provide. The current topography naturally drains towards her and the reclamation plan shows that drainage would be away from them as there property would be at a higher elevation.

Without further comments from the public, Chairman French closed the Public Hearing at 7:23 pm.

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### REGULAR MEETING

#### **Shawn Malone -**

*Without any further discussion from the Board Members, a motion was moved by Member Thompson and seconded by Member LeoGrande, to approve the Area Variance request by **Shawn Malone** for relief of the 40' property line setback requirement to allow the excavation of gravel, top of slope, to begin at the property line with no setback, as submitted on plans dated 11/6/18, on properties located along County Route 8 and Peat Bed Road, Fulton, NY 13069; Tax Map #252.00-1-7; and # 252.00-1-4 is hereby **GRANTED** with the following express condition:*

1. *Contingent to securing a Special Use Permit from the Granby Planning Board.*

*A roll call vote was taken:*

<i>Michael French, Chairman</i>	<i>Abstain</i>
<i>Peter LeoGrande, Member</i>	<i>Aye</i>
<i>Patricia Simmons, Member</i>	<i>Absent</i>
<i>Tom Thompson, Member</i>	<i>Aye</i>
<i>Tina Sawyer, Member</i>	<i>Aye</i>

**3 AYES 0 NAYES 1 ABSTENTIONS – Resolution 2018-04- APPROVED**

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#### **Gary Royce Jr. -**

*Without any further discussion from the Board Members, a motion was moved by Member Thompson and seconded by Member LeoGrande, to approve the Area Variance request by **Gary Royce Jr.** for relief of the 40' property line setback requirement to allow the excavation of gravel, top of slope, to begin at the property line with no setback, as submitted on plans dated 11/6/18, on property located along Peat Bed Road, Fulton, NY 13069 Tax Map #252.00-01-05 is hereby **GRANTED** with the following express condition:*

1. *Contingent to securing a Special Use Permit from the Granby Planning Board.*

*A roll call vote was taken:*

<i>Michael French, Chairman</i>	<i>Abstain</i>
<i>Peter LeoGrande, Member</i>	<i>Aye</i>
<i>Patricia Simmons, Member</i>	<i>Absent</i>
<i>Tom Thompson, Member</i>	<i>Aye</i>

Tina Sawyer, Member

Aye

3 AYES 0 NAYES 1 ABSTENTIONS – Resolution 2018-05 - **APPROVED**

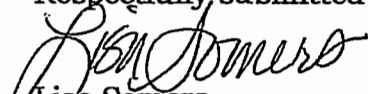
**MINUTES**

A **motion** was **moved** by Chairman French to approve the meeting minutes for September 11, 2018 and September 18, 2018. The motion was seconded by Member Sawyer, all were in favor without further discussion and the **motion carried**.

**ADJOURN**

With no other business before the Board a **motion** to adjourn at 7:48 pm was **moved** by Member Sawyer and seconded by Member LeoGrande, all were in favor and the **motion carried**.

Respectfully submitted by:



Lisa Somers  
ZBA secretary