

TOWN OF GRANBY ZONING BOARD OF APPEALS

Meeting Minutes

June 7, 2017

AGENDA: Shattell Public Hearing
Interpretation of Sign Regulations Public Hearing
Regular Meeting

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

ALSO PRESENT: Town Attorney Matthew Ward, Fred and Jennifer Shattell, Jeffrey and Denise Blainey.

Chairman French opened the Regular meeting at 7:00 pm.

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PUBLIC HEARING

Fred Shattell – 63 Floridaville Road, Fulton
Tax Map #300.00-07-08.01

Chairman French opened the Public Hearing at 7:01 pm and began a discussion with Mr. Shattell regarding his request to reside in his current home while building a new residence on the same property. The Zoning Ordinance (Section XI: Definition of Lot) allows only a single principal use or building per lot, therefore a variance is needed to construct another residential structure. The members explained that they would want a demolition permit completed with the CEO before obtaining a Certificate of Occupancy for the new house. They also discussed the need for a timeframe in which the demolition of the old house needed to take place in order to avoid the possibility of postponing the demolition for an extended period of time. The applicant was in agreement and stated that the new house is very close to the old house and he would need it demolished before he would be able to use the garage. All were in agreement that a timeframe of a year would be sufficient. Without further discussion by the Board or attending public, Chairman French closed the Hearing at 7:07 pm.

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PUBLIC HEARING

Interpretation of Zoning Ordinance Section V, Subsection E-1:
Sign Regulations in Residential Districts

Chairman French opened the Hearing at 7:10. The Town Attorney, Matthew Ward, was present for the meeting to assist the Board members in case they had questions or concerns regarding the Interpretation. The CEO, Dave Hanford, had requested an Interpretation of Zoning Ordinance Section V, Subsection E-1: Sign Regulations in

Residential Districts because of the ambiguous text. CEO Hanford had received three applications from the Fulton Mobile Home Parks Inc. company for new signage at three existing mobile home parks – Fox Meadows on County Route 8, Somerlawn on County Route 48 and Wooded Acres on Rathburn Road. The text refers to a generic statement of residential districts instead of stating the individual districts where the signs are allowed. The attorney stated that the regulation reads from a negative standpoint such as ‘no signs of any kind may be established’ and ‘except’ which in itself is confusing or misleading. He also explained that if the park is legal in Granby, regardless of the non-conforming status due to zoning district, then as a business it is allowed to have signage. The Board members and Attorney Ward also discussed the Use Chart (Section III) which clearly allows various forms of residential housing in the A-1, A/R and R-1 zoning districts, for this reason the ‘residential districts’ should be considered to be all three – A-1, A/R and R-1. They also discussed the dimensional requirements text in Section V, Subsection E-1-a, and found them to be as follows:

1. Signs attached to a building have a maximum aggregate (all parts) total size of 30 square feet.
2. Free-standing signs parallel to the road have a maximum total size of 15 square feet, shall not exceed 5 feet in height, and have a 10 feet minimum setback from any property line.
3. Free-standing signs perpendicular (at right angles) to the road have a maximum total size of 8 square feet per side with a maximum of 2 sides, shall not exceed 5 feet in height, and have a 10 feet minimum setback from any property line.

From the paperwork submitted for the new signage at the three parks, the Board expects several variances to be needed for overall size, height and setback. In preparation of the pending requests for variances it was decided to determine what the State, County, Local and Utility ROW's are for each location. The safety of the traveling public is essential in determining the placement and size of advertising signage. Without any further discussion from the Board or the public, Chairman French closed the Hearing at 7:30 pm.

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REGULAR MEETING

The Regular meeting was reopened at 7:31 pm.

Fred Shattell – Without any further discussion from the Board Members a ***motion*** was ***moved*** by Member Patricia Simmons and seconded by Member Tom Thompson to accept the Area Variance request and allow the applicant to reside in the existing structure during the construction of the new proposed home on property located at 63 Floridaville Road, Fulton, NY 13069; Tax Map # 300.00-07-08.01 is hereby **GRANTED** with the following express conditions:

- 1.) Must be in accordance with CEO requirements regarding the issuance of a Demolition Permit previous to the issuance of a Certificate of Occupancy for the new home.
- 2.) Allowance of a one year time frame in which to demolish existing home.

A roll call vote was taken:

Michael French, Chairman	Aye
Peter LeoGrande, Member	Aye

Patricia Simmons, Member Aye
Tom Thompson, Member Aye
Sandra Farrands, Member Aye
5 AYES 0 NAYES – Resolution 2017-03 - **APPROVED**

Zoning Ordinance Interpretation of Sign Regulations – Without any further discussion from the Board Members a **motion** was **moved** by Member Sandra Farrands to accept the aforementioned decision that the residential districts of Granby are A-1, A/R and R-1 for the purposes of implementing sign regulations inclusive of the dimensional requirements aforementioned as well. The motion was seconded by Member Patricia Simmons, all were in favor without further discussion and the **motion carried**.

Vote:

Michael French, Chairman Aye
Peter LeoGrande, Member Aye
Tom Thompson, Member Aye
Patricia Simmons, Member Aye
Sandra Farrands, Member Aye
5 Ayes, 0 Nays – Motion **APPROVED**

TRAINING

The ZBA has in the past requested a training session to cover the State required 4 hours per year from the Town Attorney. Attorney Ward stated that he was not certified as of yet to conduct a training session. The secretary announced that the Town Engineer was certified to perform the task and that she would contact him for information and scheduling.

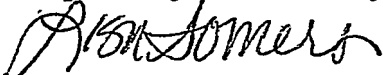
MINUTES

A **motion** was **moved** by Member Thompson to approve the meeting minutes for May 1, 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 7:48 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