

TOWN OF GRANBY ZONING BOARD OF APPEALS

Meeting Minutes

September 15, 2014

AGENDA: Patrick Flood Appeal Decision
Regular Monthly Meeting

MEMBERS: Michael French, Chairman
Peter LeoGrande - absent
Patricia Simmons
Tom Thompson
Dan Parkhurst

ALSO PRESENT: Town attorney Scott Chatfield, Janet Ingersoll, Brenda Frasier-Hartle, Stephen and Alicia Davis, Robert Collins, Terri Somers, Deb Somers Baker, Henry Wilcox, and Rosie –owner of Rosie's tavern.

The regular meeting was opened and called to order at 7:04 pm by Chairman French. He explained to the audience present that the Public Hearing portion of the appeal had been closed at the August meeting therefore no public participation would be allowed tonight.

PATRICK FLOOD

Appeal of CEO's Order to Cease & Desist activities at Floody's – outdoor entertainment.

Owner: Patrick Flood of B&F Properties of Oswego Co LLC

Location: 2095 State Route 48, Fulton; Tax Map # 201.20-01-05

Member Thompson again excused himself from the discussion because of a personal conflict involving the applicant's attorney - he abstained from the vote as well. The Board Members reviewed a draft resolution prepared by Town Attorney Chatfield and modified sections to reflect the Board's memory of testimony given at the August 25th Public Hearing. The attorney discussed nuances related to *change* when applied to zoning and that a change of use or enlargement of use is more than the mere change of volume or product. The character of what existed has to be altered or the activity is broadened in such a way that the emphasis becomes something new or different than what existed previously. He also provided a review of the land classification terminology and its application in zoning as well as the intentions of Towns when rezoning of property occurs.

~ Non-conforming – refers to a property or use that was conforming when established but has since been rezoned to a different usage classification or a different dimensional requirement schedule. The use is allowed under the new zoning pursuant to regulations regarding the non-conformities such as no expansion/enlargement, discontinuance clauses and restricted alteration/restoration.

~ Illegal – refers to activity relating to usage or construction which requires zoning/building permit approvals, but which proceeds without obtaining said approvals.

~ Town Zoning and Tax Property Classification recognizes three business uses that differentiate on the emphasis of the activity: restaurants-food, bars-drink and nightclubs-entertainment.

~ The intention when rezoning is for the non-conformances to essentially fade away in time by not allowing expansion, alteration or renovation.

Upon clarification of relevant elements of the Zoning Code, the activities conducted at the establishment known as Floody's Bar, and modification of the draft resolution provided,

BE IT RESOLVED, that upon a motion duly made by Member Dan Parkhurst and seconded by Member Patricia Simmons, the Zoning Board of Appeals for the Town of Granby, on September 15th, 2014, **ACCEPTED** Resolution 2014-02 as a Decision in the Matter of Floody's Bar.

A vote was taken:

Michael French, Chairman	Aye
Dan Parkhurst, Member	Aye
Patricia Simmons, Member	Aye
Tom Thompson, Member	Abstained
Peter Leogrande, Member	Absent

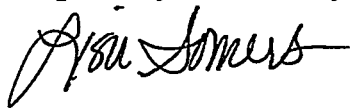
3 AYES & 0 NAYS - Resolution 2014-02 **ADOPTED**

MINUTES

A **motion** to approve the meeting minutes for August 25, 2014 was **moved** by Member Patricia Simmons and seconded by Member Dan Parkhurst, all were in favor, **motion carried**.

With no other business before the Board a **motion** to adjourn at 7:46 pm was **moved** by Member Patricia Simmons and seconded by Member Dan Parkhurst, all were in favor, **motion carried**.

Respectfully submitted by:



Lisa Somers,
ZBA secretary