

# Town of Granby

## Minutes

**August 28, 2012**

**Body:**

**TOWN OF GRANBY ZONING BOARD OF APPEALS**  
**Meeting Minutes**  
August 28, 2012

AGENDA: William Regan Public Hearing  
Regular Monthly Meeting

ROLL CALL: Peter Holmes present – Chairman  
Peter LeoGrande present  
Linda Fadden present  
Sam Trepasso excused  
Michael French present

Also Present: Peggy Regan (wife of William Regan), Lois Conrad and Mrs. McCafferey.

The Board welcomed Member Fadden back after an extended absence.

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**PUBLIC HEARING**

William Regan – 45 Chase Road, Fulton  
Tax Map # 235.00-03-31

Chairman Holmes opened the Public Hearing at 7:01 pm and asked the applicant to explain the requested variance. Peggy Regan stated that they would like to remove the existing deck from the southwest corner of their home and replace it in a different location. The new deck would align with both the front and rear elevation lines of the home and would extend 10’ further south. Mrs. Regan supplied the Chairman with a letter from her husband, William Regan, who was unable to appear at the meeting due to his work schedule. The letter stated that he didn’t think the request was unreasonable because even through financial hardship (he and his wife had been employees of Nestles when it left – he regained employment in Syracuse at half pay) they had improved their property over the years and this request would do the same. The new structure would be 15’ from the side property line instead of only a few feet as it is currently, and additionally it would be built to code. Two of the neighbors, Lois Conrad and Mrs. McCafferey, were present and in favor of granting the variance. Some discussion ensued by the Board Members regarding the irregularly configured lot which sloped inward towards the east to a width of only 38’- somewhat pie shaped. Mrs. McCafferey, the neighbor directly south, discussed with the Board and Peggy Regan the plan to swap portions of their properties to even out the parcel dimensions. The families had discussed it a few times in the past but were unaware of the procedure and had never followed through. Chairman Holmes explained that they would need to start the process by surveying the property, but since it hadn’t been done before now it had little bearing on this request. Member French discussed the possibility of the applicant and neighbor drafting a letter stating the plan to legally reconfigure the property lines and providing a signed copy to the ZBA. Member Fadden was against having the applicants write anything. Member French stated that a self imposed condition doesn’t allow the granting of a variance and if the property lines were to change, it would alleviate the situation. Chairman Holmes stated that when the property lines change the variance would be automatically nullified because the variance is only attached to the original property. The variance wouldn’t be an issue, it would then be compliant because of the new side property line location in respect to the deck. Member French further stated that he would not vote to approve the requested variance unless a signed letter is provided stating intention to reconfigure property line within a time frame. Discussion ensued and Member Fadden stated that to request a letter was unethical and bordered on illegality, which Member French responded to by saying that the applicants broached the subject and offered to write the letter. With out further comments from the public or the Board, the Hearing is closed at 7:20 pm by Chairman Holmes.

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**REGULAR MONTHLY MEETING**

The Regular Monthly meeting was called to order at 7:21 pm.

**WILLIAM REGAN** – Chairman Holmes began the discussion of the Regan request by stating that the new location would be more compliant than what is existing, and that the new structure would be built to code, increasing the value of their property as well as the

neighborhood. The neighbors were notified and no objections were received – a neighbor was additionally willing to change property lines to ensure the variance be granted. Member French is in favor of the solution offered by the applicant and would be willing to vote yes if the letter is provided. Member Fadden again stated her strong opposition to a letter. Chairman Holmes also is against the applicants supplying a letter because it is unenforceable and therefore meaningless. Member French begins a discussion of other agreements the Board has entered into with applicants, which Chairman Holmes countered with the fact that they all involved building permits with eventual Certificate of Occupancy's to obtain which forces compliance with imposed conditions. Without any further discussion from the Board Members a **motion** was **moved** by Chairman Holmes and seconded by Member Fadden to approve the requested Area Variance of 25% or 5 feet for side set back distance to construct a deck on existing home on property located at 45 Chase Road, Fulton.

Vote:

Peter Holmes, Chairman	Aye
Linda Fadden, Member	Aye
Peter LeoGrande, Member	Aye
Sam Trepasso, Member	Excused
Michael French, Member	Nay

3 Ayes and 1 Nay – **motion approved** – Resolution 2012-05

**TRAINING** - The upcoming 4 hours of training being offered through Oswego County Planning at the Oswego High School on September 11<sup>th</sup> was discussed again – three Members, Peter Holmes, Peter LeoGrande and Mike French, to be registered by secretary.

**MINUTES**

A **motion** to approve the meeting minutes for June 26, 2012 was **moved** by Chairman Peter Holmes and seconded by Member Peter LeoGrande, all were in favor, **motion carried**.

With no other business before the Board a **motion** to adjourn at 7:37 pm was **moved** by Member Linda Fadden and seconded by Member Mike French, all were in favor, **motion carried**.

Respectfully submitted by:

Lisa Somers, ZBA secretary

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