

TOWN OF GRANBY ZONING BOARD OF APPEALS

Meeting Minutes

August 9, 2022

Chairman Palmitese called the regular meeting of the Granby Zoning Board of Appeals, held on Tuesday, August 9, 2022 to order at 7:00 pm.

AGENDA: McCarthy Public Hearing

Styer Public Hearing

Regular Meeting

MEMBERS: Tyler Palmitese, Chairman

Peter LeoGrande

Linda Parkhurst - excused

Mallori Stoa - excused

Melanie Strong

ALSO PRESENT: Jonathan & Meredith Styer, Frederick & Vicky McCarthy, Charles Knapp, and Denise Wolniak.

PUBLIC HEARING

Frederick & Judith McCarthy

Chairman Palmitese read aloud the filed request and opened the Public Hearing at 7:01 pm.

A request for relief of Granby Zoning Ordinance Section VI, Subsection C: Non-Conforming Building; Extension, Alteration, Restoration; in regards to the proposed reconstruction of an existing 30'x17.5' garage with the addition of a second story of the same size for storage on property located at 28 Lakeshore Road, Fulton, NY 1306, Tax Map #253.00-01-15

Chairman Palmitese asked the applicant to explain his request. Fred McCarthy stated that he needed to replace the existing garage because of foundation failure, and would like to add additional space above the garage for storage use. His architect designed the space with a stairway access to the second floor from inside the house which would maximize the garage space. He is retired with disability and is attempting to make things easier for future use, having easy stairway access from inside as well as doorway from the garage into the house entry would provide that. He also stated that the original placement of the garage, which is considered to be non-conforming, would not change, they would be adding square footage by expanding up instead. The construction would also not encroach on the neighboring property because of building upward. Chairman Palmitese asked if the addition would infringe upon the viewscape offered to the neighboring properties, which he replied that it would not. Chairman Palmitese asked if any mature landscaping or trees would be removed because of the construction, to which the applicant replied that nothing would change. The Board asked if other storage building was on the property because one can be seen from Google maps. Mr. McCarthy replied that there is a barn existing and that they do currently use it. Chairman Palmitese asked if the addition was for storage, which the applicant replied yes additional room for their belongings. Member Strong asked if they rented the house or lived there. Mr. McCarthy replied that they have been staying at the house for the past few months and would like to make this a primary residence, but need to repair the garage and add additional room before doing so. He added that they have a residence in Cortland and stay half of the year there. The Chairman asked where they receive their mail – the Cortland residence. Member Strong asked when they purchased the home. Mr. McCarthy stated that the home had belonged to his parents and he was added to the deed about 12 years ago. He and his wife recently decided to move to Granby to utilize the acreage for hunting. Member LeoGrande asked for clarification of the structure changes because the photos show a breezeway between the house and garage. The design drawings illustrate stairs starting at the existing exterior wall of the house and extending a several feet almost to the center) into the second-floor space for access. The breezeway area would become living space downstairs providing an entry area from the garage and outside into the kitchen, and additional room space with a closet on the back side of the house. Chairman Palmitese stated that the addition would then virtually double the height of the structure, providing a storage space that can be stood up within. He also clarified that the applicant has secured a building permit for the demolition of the structure, and could rebuild as is without need for a variance. Chairman Palmitese asked if the additional space was intended for living space and not just storage because the drawings provided from the architect show a sliding door on the rear facing side with a deck and exterior stairway. The applicant replied that the intention was for additional storage, but they may use it as a room if necessary. Member Strong agreed that the space looked to be designed for living space and not just a storage area. Member LeoGrande added that the request could be decreased by less height if

the intention is solely for storage. Member Strong asked if they moved to Granby would they rent the home in Cortland, to which they replied they would sell the Cortland residence.

Chairman Palmitese asked for public comments as follows:

- 1) Neighboring property owner, Charles Knapp had stated earlier that he had no objection to the second-floor addition, and that the project would not encroach onto his property.
- 2) A notarized letter was received from another neighboring property owner, which stated that they are in favor of the garage reconstruction and are pleased with the project.

With no further comments, the Hearing was closed at 7:28 pm on a motion moved by Member Strong, and seconded by Member LeoGrande.

PUBLIC HEARING

Jonathan & Meredith Styer

Chairman Palmitese read aloud the filed request and opened the Public Hearing at 7:01 pm.

A request for relief of Granby Zoning Ordinance Section IV, Subsection B - Table: Side setback requirement, in regards to the proposed construction of a 24'x32' garage and residential addition on property located at 54 Pendergast Road, Phoenix, NY 13135; Tax Map #303.03-01-04.

Chairman Palmitese asked the applicant to explain his request. The Styer's stated that they propose to add a 24'x32' addition that is largely comprised of a two-car garage but also provides a double entryway, mudroom and laundry room to the residential structure. Meredith Styer explained that she is originally from the area, and that her and her husband have lived in several locations around the country, but they also have family located close to Granby that needs assistance so they decided to move back here approximately one year ago. Mrs. Styer's sister is a wounded warrior whose child has been largely cared for by their aging parents the past few years, they hope to lighten that responsibility by moving close by. There were not many homes to choose from in the market, and the size of this house is small for their growing family, besides it also needs a garage for winter storage – the addition will fix all those issues. The lot is deep but very narrow, therefore not providing them many options to add useful square footage. They hired an architect who prepared the design with 10-foot setbacks in mind, unaware that the Town requires 20-foot for this zoning district. They concluded that the encroachment is 2.5-feet further than the existing deck, and that the driveway will be resituated to allow entry to the garage from the center of the driveway instead of the current parking situation along the property line. Mr. Styer added that the design also needed to take into account the existing drainage as to not alter the flow to the river along the rear end of the property. They also didn't want to alter the roof design or create a new roof connection that would create a situation for damage from ice buildup. Member LeoGrande asked why is the encroachment necessary, why not move it further in front of the house? The Styer's replied that it would block the front door if they moved it further south. Chairman Palmitese commented that they were sacrificing the large front window to add the addition. He also asked if they use the front door, to which they replied that it is the only front access since they would be eliminating the current side door to rearrange the kitchen and gain counterspace. Mr. Styer stated that by turning the garage for side entry it lessens current encroachment of the driveway along the property line because they will be accessing the garage from the center of the property instead. The members reviewed the floor plans somewhat confused – the garage entry does not face the roadway, instead it faces the south (wooded lot) which greatly reduces the use of the property adjacent to the north side neighbor whose parking turnaround comes close to the adjoining property line as well. The Styer's stated that the narrow 'spaghetti' lot was challenging to work with and the architect was able to provide the room they require and redirect traffic away from the neighbor which in the winter is piled with snow and in the summer has many vehicles. Chairman Palmitese asked what they would do with the existing gravel area because he didn't think a gravel area should remain that could promote future parking of cars, campers, RV's or other vehicles since the design intention is to move the parking and create an improvement of use. The owners stated that they intend to plant grass and provide a green space to be mowed. Some discussion ensued regarding the existing power pole between the properties that will more than likely be removed, but is at the discretion of the power authority. Chairman Palmitese asked for public comments as follows:

- 1) The neighbor to the south, Denise Wolniak, stated that she is in support of the plan for construction of an addition, and appreciates the upgrades to the property that have been needed.

With no further comments, the Hearing was closed at 7:28 pm on a motion moved by Member Strong, and seconded by Member LeoGrande.

REGULAR MEETING

Chairman Palmitese continued with the Regular meeting of the ZBA at 7:32 pm.

Frederick & Judith McCarthy

The Members deliberated the merits of the application by reviewing the five criteria utilized to balance the benefit to the applicant with the overall detriment to the community.

- 1) Whether benefit can be achieved by other means feasible – A new structure elsewhere on the property could be built, but rebuilding the existing garage and addition will be an improvement aesthetically and financially for the owner, as well as provide practical usable space without increasing the original footprint. Member LeoGrande felt that the height could be reduced and lessen the request since the space is intended for storage.
- 2) Creates an undesirable change to the neighborhood character – The additional floor does not block neighborhood views, nor does it eliminate existing landscaping or trees. Garages and outbuildings are prevalent throughout the community.
- 3) Is request substantial – The request is substantial because it doubles the size of the non-conforming structure, but it does not increase the original footprint, and the construction adds assessment value.
- 4) Whether request has adverse physical or environmental effect – No environmental impacts are expected from this project.
- 5) Difficulty is self-created -Chairman Palmitese stated that this criterion is always the difficult one because it always seems to be self-created. Although it is true that the structure is pre-existing, the property owner is responsible to research, know, and follow the regulations of the Town when purchasing property.

Member Strong stated that there is no encroachment to the neighbors by this project, and that the neighbor's who potentially would be impacted are in favor of the construction. She felt that she had enough information to vote as this point. Member LeoGrande stated that the request is too substantial, if the height were lowered for use of storage, then it would be a more palatable situation that he could be in favor of. With only three of the five ZBA Board members present, Chairman Palmitese offered the applicant the option to postpone a vote and reschedule the meeting when the other one or two members could be present. He added that all three would need to vote affirmatively and it doesn't appear from a straw vote that this is the case. Mr. McCarthy agreed to postpone the vote and a meeting was scheduled for Tuesday August 30th at 7:00 pm. A motion was moved by Chairman Palmitese to table the Public Hearing until August 30th, the motion was seconded by Member Strong, all were in favor and the motion carried.

Jonathan & Meredith Styer

The Members deliberated the merits of the application by reviewing the five criteria utilized to balance the benefit to the applicant with the overall detriment to the community.

- 1) Whether benefit can be achieved by other means feasible – Discussion of whether the front door is necessary because of the entrance provided thru the garage was discussed because if moving the structure south would potentially eliminate or reduce the request. The size of the structure could also be smaller which may allow for placement elsewhere. Meredith Styer stated that they had already made efforts to reduce the request – they had turned the garage and brought the length forward to the road in attempts to minimize their encroachment.
- 2) Creates an undesirable change to the neighborhood character – The addition of the garage is common to the neighborhood and necessary for NY winters.
- 3) Is request substantial – Nearly 7-feet of relief was viewed as large initially, but Member Strong disagreed because the resultant encroachment exceeds the existing deck by only 2-feet, therefore not viewed as substantial.
- 4) Whether request has adverse physical or environmental effect – The project does not appear to present any environmental effects, and the owners will proceed with engineered development of the property to ensure that drainage is adequate if the variance is granted.
- 5) Difficulty is self-created - Chairman Palmitese stated again that this criterion is always the difficult one because it always seems to be true. The property owner is responsible to research, know, and follow the regulations of the Town when purchasing property.

Without further deliberation or discussion, a motion was moved by Chairman Palmitese and seconded by Member Strong, to approve the request for relief of 7-feet for the side yard setback requirement to build the addition and garage. All were in favor and the motion carried.

Resolution # 2022-05

BE IT RESOLVED, by the Zoning Board of Appeals for the Town of Granby, upon the facts presented and the determination made, that the Area Variance for relief of 7-feet from the side setback requirement of 20-feet, of a 24'x32' garage and residential addition on property located at 54 Pendergast Road, Phoenix, NY 13135; Tax Map #303.03-01-04, is hereby **GRANTED**.

A vote was taken:

Tyler Palmitese, Chairman	Aye
Peter LeoGrande, Member	Aye
Linda Parkhurst, Member	Absent
Mallori Stoia, Member	Absent
Melanie Strong, Member	Aye

3 AYES 0 NAYES 0 ABSTENTIONS – Application APPROVED.

PRIVILEGE OF THE FLOOR

~ Chairman Palmitese informed the board members that the Town would be considering whether legislation concerning Tiny Homes was appropriate to add to the Zoning Ordinance. In light of the escalation of home costs, as well as a growing interest in tiny homes over the past few years, it seems to be a timely subject for the Town. The Clerk clarified that the Town Board would ultimately vote whether to adopt legislation to become a Local Law, and that a Zoning Code Review Committee had been initiated several years ago to research and draft updates and amendments to the Zoning Ordinance. The Committee is guided by three professionals – Land Use Planner Howard Brodsky, Land Use Attorney Jamie Sutphen, and Town Engineer Doug Miller. The Committee meets via ZOOM every month or two, and the ZBA members are welcome to join a meeting – the committee would welcome their comments and suggestions. Anyone interested can receive a link from the Clerk to sit in.


MINUTES

A motion was moved by Chairman Palmitese to approve the meeting minutes for July 21, 2022. The motion was seconded by Member Strong; all were in favor without further discussion and the motion carried.

ADJOURN

With no other business before the Board a motion to adjourn at 8:00 pm was moved by Chairman Palmitese and seconded by Member LeoGrande, all were in favor and the motion carried.

Respectfully submitted by:


Lisa Somers, ZBA Clerk