

TOWN OF GRANBY ZONING BOARD OF APPEALS

Meeting Minutes

August 30, 2022

Chairman Palmitese called the regular meeting of the Granby Zoning Board of Appeals, held on Tuesday, August 30, 2022 to order at 7:00 pm.

AGENDA: McCarthy Public Hearing
Styer Public Hearing
Regular Meeting

MEMBERS: Tyler Palmitese, Chairman
Peter LeoGrande
Linda Parkhurst - absent
Mallori Stoia
Melanie Strong

ALSO PRESENT: Frederick & Vicky McCarthy, and Ben Harrell.

PUBLIC HEARING

Frederick & Judith McCarthy

Chairman Palmitese read aloud the filed request and re-opened the previously tabled 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 a second story to connect to the house above the breezeway. He added that the use of the space would be either storage or an extra room for living space – it was still undetermined at this point. Member LeoGrande questioned the location of the connecting stairway because the plans submitted aren't clear, and there is an existing brick chimney structure on that side of the house. Mr. McCarthy explained that the chimney is located on the front half of the house and that the connecting stairway would be located on the rear half, therefore not impacting the chimney structure. Member LeoGrande asked if the chimney is still in use, to which the applicant replied it is although they seldom if ever use it. Member Stoia, who had not been present at the August 9th meeting, asked for clarification of the two sets of stairs shown on the building plans. Mr. McCarthy reviewed the full-size set of plans that the architect had submitted with the building permit, and stated that the initial construction would involve the second story including the connecting stairway via the kitchen, and that the exterior deck and stairs were designed but not fully realized at this point. The intention is to add additional interior space to facilitate their move from what is considered their primary residence to this house in Granby. Member Stoia further added that the meeting minutes had stated that adjoining neighbors had attended the last meeting and were in favor of the proposed changes to the property. Member Strong asked if they purchased the home or had they inherited it? The McCarthy's replied that they had purchased the home about ten years ago, sort of as a retirement present to his parents who continued to live there with life use, now they would like to make this their primary residence provided that they can complete the needed renovations. Chairman Palmitese confirmed that the additional second floor would be considered as living space and not just storage as depicted on the submitted plans, which had been an issue at the previous meeting because the space seemed more designed as living space. With no further comments from the Board or the public, the Hearing was closed at 7:10 pm on a motion moved by Member Stoia, and seconded by Member Strong.

PUBLIC HEARING

Benjamin Harrell

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: Front setback requirement, in regards to the proposed construction to expand the existing sunroom on property located at 130 Phillips Road, Oswego, NY 13126; Tax Map #200.00-01-01.

Chairman Palmitese asked the applicant to explain his request. Ben Harrell explained that he proposes to add an additional 3-feet to the existing sunroom/porch to create a more functional space because the current width is too

narrow to use the space as a room. He purchased the property three years ago and has been actively renovating the property. Most recently is the exterior siding which is complete except for the front face of the residence because he is hoping to receive the variance, and then complete the re-construction and siding project at the same time. His request is for 3-feet, to change the current setback from 41-feet to 38-feet, which is a small request that is consistent with the placement of numerous structures in the neighborhood. The house was initially built more than 70 years ago, and as such, is pre-existing to the enactment of the current Zoning Ordinance thus eliminating the self-created hardship due to the existing site constraints of the house location. The applicant also stated that expansion elsewhere was not feasible because of the location of the well to the west, and the driveway to the east. He concluded that he is asking for the minimum relief necessary to provide a functional three seasons room while maintaining a neighborhood consistent setback from the roadway. The Board members had no questions as the application was complete with drawings, survey and a narrative addressing the five criteria the Board balances in the consideration of area variance requests. The applicant had also supplied a completed short EAF to fulfill SEQR, but is not required for review as the project is classified as a Type II action pursuant to DEC - NYCRR Part 617, Section 5(c)(16). With no further comments from the Board or public, the Hearing was closed at 7:15 pm on a motion moved by Chairman Palmitese, and seconded by Member LeoGrande.

REGULAR MEETING

Chairman Palmitese continued with the Regular meeting of the ZBA at 7:15 pm.

Frederick & Judith McCarthy

The Chairman Asked Member Stoa if she had any additional questions since she had not been at the previous meeting, to which she stated that she had reviewed the paperwork as well as read the previous meeting minutes, and felt that she was ready and able to make a decision for this application. She added that the self-created criteria is always tricky because although they purchased the home as is, it has been in the family for many years and they are working within the original footprint to add additional living space. The property is being improved and it makes sense to do the reconstruction work while replacing the structure that has a degraded foundation which is allowable by the non-conforming standards within the Zoning Ordinance. She stated that she agreed with the criteria deliberations made by the members at the August 9th meeting, and the remaining Board members had no additional discussion to add. The deliberations from the August meeting are copied below:

- 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.

A motion moved by Chairman Palmitese to approve the request by Frederick McCarthy to allow the construction of a second-floor addition. The motion was seconded by Member Strong; all were in favor and the motion carried
Resolution #2022-06

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 the extension restriction of a non-conforming building, and to allow a second-floor addition above the replacement reconstruction of a garage because of the degradation of the foundation on property located at 28 Lakeshore Road, Fulton, NY 13069; Tax Map #253.00-01-15, is hereby GRANTED.

A vote was taken:

Tyler Palmitese, Chairman

Aye

Peter LeoGrande, Member Aye
 Linda Parkhurst, Member Absent
 Mallori Stoia, Member Aye
 Melanie Strong, Member Aye
4 AYES 0 NAYES 0 ABSTENTIONS – Application APPROVED

Benjamin Harrell

The ZBA members acknowledged the complete application submitted by Mr. Harrell with a narrative addressing the points of consideration the Board deals with to determine the merits of an application to balance the benefit to the applicant with the overall detriment to the community. The members voiced appreciation for the efforts put forth by the applicant.

- 1) Whether benefit can be achieved by other means feasible – The structure was built prior to Town Zoning Laws which creates a pre-existing status. Alternative locations for expansion are not possible because the well is located to the east and the driveway is located to the west.
- 2) Creates an undesirable change to the neighborhood character – Many structures in the neighborhood are non-compliant with the front yard setback requirements, the minimal request will not result in encroachment that is further than other similar structures.
- 3) Is request substantial – The applicants explored other locations to achieve the benefit of an improved functional seasonal room, but were unsuccessful due to the constraints established by past development of the property. The request of 3-feet is minimal and achieves the desired result of a usable space.
- 4) Whether request has adverse physical or environmental effect – No adverse impacts are expected from the reconstruction project.
- 5) Difficulty is self-created – The applicant’s response that the hardship was not self-created because the status as a non-conforming property is wholly resultant to the implementation of a Town Code many years after the property was developed. The variance requested was minimized to the most practical extent in to maintain a semblance of the required roadway setback.

A motion was moved by Chairman Palmitese to approve the Harrell request for 12-feet of front setback relief and seconded by Member Stoia, all were in favor and the motion carried.

Resolution #2022-07

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 12-feet from the front setback requirement of 50-feet, to extend an existing porch/sunroom to be 38-feet from the edge of pavement on property located at 130 Phillips Road, Oswego, NY 13126; Tax Map #200.00-01-01, is hereby GRANTED.

A vote was taken:

Tyler Palmitese, Chairman Aye
 Peter LeoGrande, Member Aye
 Linda Parkhurst, Member Absent
 Mallori Stoia, Member Aye
 Melanie Strong, Member Aye
4 AYES 0 NAYES 0 ABSTENTIONS – Application APPROVED.

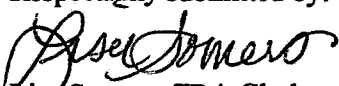
MINUTES

A motion was moved by Chairman Palmitese to approve the meeting minutes for August 9, 2022. The motion was seconded by Member LeoGrande; all were in favor without further discussion and the motion carried.

ADJOURN

With no other business before the Board a motion to adjourn at 7:39 pm was moved by Chairman Palmitese and seconded by Member Stoia, all were in favor and the motion carried.

Respectfully submitted by:


 Lisa Somers, ZBA Clerk