

TOWN OF GRANBY PLANNING BOARD

Meeting Minutes

March 7, 2023

A regular meeting of the Granby Planning Board was held at the Granby Town Hall, 820 County Route 8 Fulton; and was called to order at 7:01 pm by Chairman Jane Crego.

Meeting Attendance as follows:

David Crockford

Jane Crego, Chairman

Rhonda Nipper

Lori Blackburn - absent

Erin Palmitese - absent

Carl Nysten, Vice Chairman

Tom Anthony

Lisa Somers, Clerk

Also Present: Board Attorney Jamie Lynn Sutphen, Cheryl Anthony, James Burke, Taylor Dashnau, and Town Engineer Doug Miller.

**PUBLIC HEARING**

Site Plan Review

**James Burke**

*Proposal to convert existing first floor storefront of a two-story building into a residential apartment.*

Property address – 689 County Rt. 8, Fulton, NY

Tax Map #269.00-08-11

Chairman Jane Crego called the Public Hearing to order at 7:06 pm and asked the applicant to describe the project. Jim Burke explained that he was converting the previous business storefront into an apartment which would make the building a two-unit apartment building because there has been an apartment on the second floor for many years. He had presented a building floor plan and a site plan at the last meeting which the members had accepted but still had few points he needed to clarify.

SEOR:

Member Carl Nysten read aloud Part 1 of the short EAF that had been completed by the applicant. An EAF Mapper summary had also been provided by the clerk to verify environmental information collected by the DEC databases. Some of the answers provided were changed after discussion amongst the members with the applicant.

Question # 4 – Checked rural and agricultural land uses in addition to the residential use already checked for properties near the proposed action.

Question # 9 – Checked no for project exceeding the state energy code requirements.

Question # 13a and b – Checked no for presence of wetlands in the area, and no for possible encroachment of the project into a wetland.

Question # 14 – Checked suburban as the habitat found on the project site.

Question # 15 – Yes, the site does contain an animal species listed as threatened or endangered – the Indiana bat.

Question # 17 – Yes, the project will create storm water discharge to adjacent properties, and no conveyance system to be established.

Question # 20 – Yes, the property had gasoline tanks and pumps removed, analytical report from Paradigm Environmental Services Inc. dated 1/17/13.

Part 2 was completed aloud by the Board with no impact or a small impact determined as occurring by the actions of the proposed project. In Part 3 the project was determined to have no significant adverse environmental impacts, also known as a Negative Declaration.

239 GML Review:

A referral package was submitted to County Planning having been triggered by a site plan review within 500-feet of a County (Rt. 8) and State (Rt. 176) Road. A determination letter was received dated 2/28/23 wherein the County Planning Department determined that no significant county impact is involved with this project.

A report dated 3/4/23 had been supplied by Town Engineer, Doug Miller, wherein a review of the submitted project documents against the Town Zoning Ordinance provisions had been completed as reference for the Board members. Chairman Jane Crego read aloud from this listing and from a requested items list from the Planning Board meeting in February, prompting the following discussion:

- Landscaping Plan– Mr. Burke stated his updated narrative described removal of half the paved parking area to the north of the building and intentions to plant seed for greenspace. The width along County Route 8 would be 45-feet and extend 102.6-feet west towards the rear yard yielding him access to his loading dock and enough turnaround space for his tenants. Discussion ensued regarding crushed stone or concrete for parking on the south side for delineation purposes as well as eliminating dirt tracking into the roadway. The front face of the building has a concrete ramp, sidewalk, and concrete stairs which will remain with new handrailing to be added by the owner. Owner stated that his wife and the tenants can place flower pots on the stairway to improve aesthetics. Member Tom Anthony questioned whether the pavement between County Rt. 8 and the front of the building would be removed to establish more greenspace. Jim Burke replied that he hadn't planned on removing it and instead planned to place additional whiskey barrels for flower plantings to prevent vehicles from entering as well as improving aesthetic value. Member Crockford added that the County website shows that the ROW extends all the way to the concrete porch of building front, which the Engineer and Attorney confirmed. Along the front of the property are several rusty barrels with chains that Mr. Burke had placed to keep random vehicles from parking and trespassing there which has been a problem in the past. The Board is requiring that the barrels be removed, along with any other debris accumulated on the property. Some discussion ensued regarding planting bushes along the roadway, but ultimately it was decided not to make it a condition of approval.
- Shed structure – Member David Crockford questioned an existing shed located in the northeast corner along County Rt. 8 because of setback encroachment. Mr. Burke stated that his son had dragged it from the back for an unknown reason. He agreed to relocate it in the back yard outside of the setback areas.
- Utility Meter Boxes – Chairman Jane Crego asked why the building has a row of six utility boxes on the exterior wall. Jim Burke replied that they were there when he purchased the building and he plans to remove the extras as he renovates the building. The apartments will each require a separate meter and an additional meter for the owners storage area and exterior power – total of three meter boxes. It was agreed that it would improve the aesthetics and safety of the building.
- Exterior Lighting – Two large exterior lights meant for area lighting to improve safety and security of the property are located on the building and in the rear yard. Individual lights at the apartment door will be handled by the Codes Office review for building permit issuance and inspection. Mr. Burke commented that he plans to add security cameras in the near future as well.
- Trash Removal – A large dumpster exists and the property and will remain for tenant usage.
- Property Classification – The Engineer had noted in his review that some discrepancy exists in the property description with Oswego County Real Property Services (ORPS) indicating the site class as 483-converted residential, site use as a small food market, and list of improvements not reflecting a conversion to residential use. The local Assessor should address the issue with an update of the Classification to Two-Family Dwelling as listed in the Use Chart as an allowable use in the A/R Zoning District.
- Property Survey Map – Submitted survey map of property is not current (2006) or correct because it states property owner as Daniel and Kathy Duncan, which is contradicted by ORPS which lists James Burke as property owner. Also, the map contains several elements that no longer exist such as gas pumps, underground gasoline tanks, a kerosene tank, dumpsters and an extra parcel. The total acreage is also noted by ORPS as being 1.28 acres and not the 4 acres that appears within the paperwork. Burke replied that he is purchasing the property via land contract and will receive an updated survey map once fully paid. The Board will accept the current paperwork but he was advised to update the map for any future reviews.
- Non-Conforming Structure – Attorney Jamie Sutphen noted for the record that the structure is considered to be non-conforming because of the encroachment of the front yard and side yard (south) setbacks, and as such no alterations would be allowed within those locations that would increase the encroachments.
- Septic System – Chairman Crego asked the applicant if he had contacted Oswego County Health regarding the existing septic and whether it is sufficient to handle the change of use. Mr. Burke replied that he had not as of yet, but found out that the current tank is 1,000 gallons with six leach lines 70-foot long. He is making arrangements to increase the tank size which may require County review and approval.
- Removal of Tanks and pumps – Member Tom Anthony asked the Engineer if he had reviewed the report submitted concerning the previous underground gas tank and pump removal. Doug Miller responded that he had reviewed the paperwork and that the analysis report showed good results.

Chairman Jane Crego opened the Hearing to public comments – there were none. Without any further discussion from the Board members, Chairman Crego closed the Hearing at 7:50 pm. A motion was moved by Member Carl Nysten to approve the Site Plan Review application by James Burke for the conversion of a small market to a residential apartment

and to further operate a Two-Family Dwelling with conditions as discussed during the meeting. The motion was seconded by Member Tom Anthony, all were in favor without further discussion and the motion carried.

**Resolution # 2023-01**

*BE IT RESOLVED, by the Planning Board for the Town of Granby, upon the facts presented and the determination made, upon adequate and substantial evidence presented by the applicant, the Planning Board does find that the proposed 2-Family Dwelling is an allowed use within the A/R Zoning District, that the existing structure is considered to be non-conforming due to insufficient structure side and front yard setbacks, and that the application by James Burke for a Site Plan Review for the conversion and operation of a 2-Family Residential Apartment Building located at 689 County Route 8, Fulton, NY 13069; Tax Map #269.00-08-11, is hereby **GRANTED** with the following express conditions:*

1. *The Applicant shall maintain the property so as to be within compliance of all Town of Granby Codes, and NYS Building and Fire Codes.*
2. *The Town of Granby Codes Officer is to be granted access to the Property, without prior notice, during business hours to ensure compliance with the conditions of this Site Plan Approval.*
3. *An annual Fire Inspection shall be performed by the Granby Codes Office, with the issuance of an Annual Operating Permit.*
4. *The Applicant shall obtain updated septic system in accordance with the Oswego County Health Department.*
5. *The asphalt paved parking area located on the north side of building will be reduced to a 45-foot width along the roadway, and the excess pavement material shall be removed and the ground seeded into lawn space.*
6. *The existing shed structure in the northeast corner of the property shall be moved to the rear of the property and placed outside of the required yard setbacks.*
7. *The existing barrels and chains along the roadway shall be removed entirely.*
8. *Decorative whiskey barrels for the planting of flowers that are located directly in front of the building are allowed.*
9. *The six utility meter boxes located on the exterior of the building shall be updated with the removal of the excess meters for a total of three-meter boxes.*
10. ***NO further changes to the property are allowed without Site Plan Modification Approval from the Granby Planning Board.***

Roll call vote was taken:

Jane Crego, Chairman,	Aye
Carl Nysten, Member	Aye
David Crockford, Member	Aye
Rhonda Nipper, Member	Aye
Erin Palmitese, Member	Absent
Tom Anthony, Member	Aye
Lori Blackburn, Member	Absent

**5 AYES 0 NAYES 0 ABSTENTIONS – APPROVED.**

**PUBLIC HEARING**

Special Use Permit with Site Plan Review

**Taylor & Ethan Dashnau**

*Proposal to 'homestead' their residential property with farm animals and crops to sustain their family only, and located within the A/R zoning district.*

Property address – 1103 State Rt. 176, Fulton, NY

Tax Map #269.00-03-17.0

Chairman Jane Crego reopened the tabled Public Hearing for the Dashnau matter and asked Taylor Dashnau to explain her application. Mrs. Dashnau presented a new site plan drawn to scale with dimensions on a survey map with a written narrative to clarify her family's plan for homesteading their residential property. The plan depicted existing and proposed structures and uses - the 30'x30' building east of the house, the pool, and the 50'x50' barn are all proposed; and some of the small animal sheds are also either not existing yet or can be moved. The members were favorable to the site plan and the written narrative that defined the kind of livestock, expected numbers and caging sizes.

239 GML Review:

A 239-Review referral was submitted to County Planning which was triggered by the property location on a State Road; and a determination letter dated 12/19/22 was received no significant intercommunity or countywide impacts were anticipated by this project.

SEOR:

Member Carl Nylén read aloud Part 1 of the short EAF that had been completed by the applicant. An EAF Mapper summary had also been provided by the clerk to verify environmental information collected by the DEC databases. Some of the answers provided were changed after discussion amongst the members with the applicant.

Question # 3 – The total property size is 6.5-acres with disturbance of less than an acre.

Question # 5 – Yes, the project is consistent with the Comprehensive Plan.

Question # 10 – The applicant uses an existing well on the property, but it is noted that public water is available along the road.

Question #15 – Yes, the project contains species listed as threatened or endangered – the Bald Eagle.

Part 2 was completed aloud by the Board with no impact or a small impact determined as occurring by the actions of the proposed project. In Part 3 the project was determined to have no significant adverse environmental impacts, also known as a Negative Declaration.

Chairman Jane Crego opened the Hearing to public comments – there were none. Without any further discussion from the Board members, Chairman Crego closed the Hearing at 8:22 pm. A motion was moved by Member David Crockford to approve the Special Use Permit with Site Plan Review application by Ethan & Taylor Dashnau to ‘homestead’ their property with the exclusion of the 30’x30’ building and the 50’x50’ barn, the applicant will need to return for Modification approval to add these or other items to property. The motion was seconded by Member Tom Anthony, all were in favor without further discussion and the motion carried.

Resolution #2023-02

*BE IT RESOLVED, by the Planning Board for the Town of Granby, upon the facts presented and the determination made, upon adequate and substantial evidence presented by the applicant, that the application by Ethan & Taylor Dashnau for a Special Use Permit with Site Plan Review to ‘homestead’ their property with farm animals and crops to sustain their family only, on A/R zoned property located at 1103 State Route 176, Fulton, NY 13069; Tax Map #269.00-03-17.0, is hereby **GRANTED with the following express conditions:***

1. *The Applicant shall maintain the property so as to be within compliance of all Town of Granby Codes, and NYS Building and Fire Codes.*
2. *The Town of Granby Codes Officer is to be granted access to the Property, without prior notice, during business hours to ensure compliance with the conditions of this Site Plan Approval.*
3. *At this time, the 30’x30’ building east of the house and off of the driveway is not approved, and the 50’x50’ barn east of the pig pens is not approved.*
4. ***NO further changes or revisions to the property are allowed without Special Use Permit and Site Plan Modification Approval from the Granby Planning Board.***

Roll call vote was taken:

Jane Crego, Chairman,	Aye
Carl Nylén, Member	Aye
David Crockford, Member	Aye
Rhonda Nipper, Member	Aye
Erin Palmitese, Member	Absent
Tom Anthony, Member	Aye
Lori Blackburn, Member	Absent

**5 AYES 0 NAYES 0 ABSTENTIONS – APPROVED**

**PRIVILEGE OF THE FLOOR**

~ The Clerk updated the members that Hogan Engineering PC had received an area variance application to increase the lot coverage from 35% to 76% for the development of the car wash project. They had also requested an Interpretation of the yard setback requirements for a parcel within two municipalities. The ZBA determined that the municipal line bisecting the lot would not determine yard area, instead the street in Fulton would comply with Fulton front setback, rear yard to comply with Granby rear setback, and the sides exceed both, therefore no further ZBA action required.

~ The Clerk updated members that *Pat Furlong* was planning to attend the April 4<sup>th</sup> meeting to review the expansion of the mobile home park on Furlong Drive. Updated materials have not been received to date, but his Office is planning to deliver them in the next week or so.

**MINUTES**

A **motion** to approve meeting minutes for February 7, 2023 was **moved** by Carl Nylen and seconded by David Crockford, all were in favor, and the **motion carried**.

**ADJOURN**

With no other business before the Board a **motion** to adjourn at 8:39 pm was **moved** by Tom Anthony and seconded by David Crockford, all were in favor, and the **motion carried**

Respectfully submitted by:



Lisa Somers  
Planning Board Clerk