

TOWN OF GRANBY ZONING BOARD OF APPEALS

Meeting Minutes

August 29, 2023

A regular meeting of the Granby Zoning Board of Appeals was held at the Granby Town Hall, 820 County Route 8, Fulton; and was called to order at 7:12 pm by Chairman Tyler Palmitese.

AGENDA: Brownell Public Hearing

Regular Meeting

MEMBERS: Tyler Palmitese, Chairman

Peter LeoGrande

Melanie Strong

Mallori Stoia

Cheryl Anthony

ALSO PRESENT: Aneissa & Corey Brownell, Rob & Cathy Loperfido, Rebekah Zarnowski, Tom Anthony, and Planning Board Attorney Jamie Lynn Sutphen.

PUBLIC HEARING

Aneissa Brownell

Chairman Palmitese opened the Public Hearing at 7:02 pm, and asked the applicant to present the variance requested.

Requests for relief of Granby Zoning Ordinance Section V-1(k)(3): signage for Home Occupation; and Granby Zoning Ordinance Section V-1(a)(3): Maximum square footage used for Home Occupation, in regards to a Town approved Major Home Occupation known as Pine Creek Canine Kennels located on property located at 154 Ritchie Road, Fulton, NY 13069; Tax Map #300.00-03-02.01.

Aneissa Brownell stated that she operates a dog kennel and boarding facility in an existing pole barn on her residential property located in the A-1 zoning district. The Planning Board approved a special use permit and site plan for the Major Home Occupation recently but the approval is conditional to a ZBA variance approval for the sign. She is requesting a variance to allow continued use of the existing 32 sqft. sign which exceeds the Town regulations of 16 sqft. She is also requesting use of the entire building instead of the limited space of 1,000 sqft of the Home Occupations regulations. Chairman Palmitese interjected that after consultation with the Attorney, the request for use of the whole structure cannot be entertained by the ZBA. Planning Board Attorney Sutphen stated that the dimensional sizing of 1,000 sqft. is a definitional component of the major home occupation use and is therefore not variable. She added that yard setbacks, lot coverage ... are dimensional items that can be variable because they do not directly define a specific 'use' and instead can be applied to a variety of residential structures, accessory structures, and commercial buildings. The applicant's husband, Corey Brownell, stated that the use should be grandfathered because the previous owner ran the same business – boarding and breeding dogs as an agricultural use. He added that the Hafner's were running the business when they purchased the property, and that was a contributing factor to the purchase, because the kennel was already an established business in Onondaga County. Attorney Sutphen replied that the Clerk will pull the property file for investigation of the previous use to determine whether it had been a legal use which could then possibly be allowed to continue as pre-existing and non-conforming. Aneissa Brownell stated that the kennel has been ranked #2 in Onondaga County by social media services, and that the additional space of the barn allows for additional safety and comfort for the animals. She added that she deals with domestic abuse situation dogs and having the larger space aids in their comfort level. She also explained that the space not allowed for use is the center floor area that is only used for the dogs to leave and enter their individual kennels – its wide open and not used for anything else. Member Anthony questioned the Attorney for further explanation of what definitional referred to. Attorney Sutphen explained that being definitional means that the characteristic assists in stating what the land use is, as opposed to a dimensional characteristic which would be a changeable element applicable to a variety of uses. She also stated that the only remedy to impact the issue would be an amendment of the definitional law by the Town Board. The Hearing was opened for public comments as follows:

- 1) Rob & Cathy Loperfido – Neighboring property owners that stated they are in favor of the business. The sign is appropriately sized for the rural area and does a good job of directing people to the kennel, the previous business wasn't advertised and people were always asking for directions. They also stated the area is heavily agricultural and there was always a business there for dog breeding and boarding.
- 2) Rebekah Zarnowski – Customer stated that the large space is wonderful and comfortable for both dogs and owners. She added that preventing use of the large space hampers the safety of all involved.
- 3) Correspondence received:
 - ~ Letter from Jean Magnarelli is a customer and in favor of granting requests.
 - ~ Letter received from Tricia Vivlamore and Corry Zion, also customers in favor of granting requests.
 - ~ Note from neighbor Barbara Reed in favor of granting requests.

Without further public comment, a **motion** was moved by Member Stoia to close the Hearing at 7:15m. The **motion** was seconded by Member Strong; all were in favor and the **motion carried**.

GML 239 Review

It was noted that the project was subject of Oswego County Planning Department review because the property is located within 500-feet of active farming operations. A Determination letter was received dated 8/23/23, in which the County stated that “no significant countywide or intercommunity impact is involved” for this project.

SEQR

Action is classified as a Type II and therefore not requiring review.

Chairman Palmitese prompted discussion of the statutory requirements of a balancing test utilizing five criteria to determine whether the benefit to the applicant outweighs any detriment to the neighborhood or community. He reminded the members that the only request under consideration is for the size of the sign. Member Stoia asked what size sign does the regulation permit, and what size the existing sign is – the regulation allows 16 sqft. and the existing is 32 sqft.

- 1) *Whether an undesirable change produced to the character of neighborhood* – Members agreed that the sign is a large change for the neighborhood. Member Stoia commented that the curves are somewhat dangerous with several accidents occurring every year, the sign could be a bonus by slowing people down and therefore making it a little safer.
- 2) *Whether benefit sought can be achieved by some other method* – Yes, a conforming sign is an option. Chairman Palmitese added that due to the rural nature of the area, a small sign would not be noticed, and that the graphic lettering seemed to be appropriate for the area.
- 3) *Whether request is substantial* – Yes, the existing sign is twice the regulated size. Member Anthony commented that because of the rural context the size doesn't appear too large, however in a denser neighborhood it would be distracting.
- 4) *Adverse impact to the physical environment* – The members stated no impact to the environment by this action.
- 5) *Whether hardship is self-created* – Yes, Chairman Palmitese stated that every application seems to lack due diligence of researching Town regulations on the part of owners during property purchase.

A **motion** was moved by Chairman Palmitese to approve the request and allow the existing 32 square foot business sign to remain as is. The **motion** was seconded by Member Stoia; all were in favor and the **motion carried**.

Resolution #2023-06

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 request to allow the existing 32 square foot business sign to remain as is, on property located at 154 Ritchie Road, Fulton, NY 13069; Tax Map #300.00-03-02.01, is hereby **GRANTED**.

A vote was taken:

Tyler Palmitese, Chairman	Aye
Peter LeoGrande, Member	Aye

Mallori Stoia, Member Aye
Melanie Strong, Member Aye
Cheryl Anthony, Member Aye
5 AYES 0 NAYES 0 ABSTENTIONS – Application APPROVED.

MINUTES

A motion was moved by Chairman Palmitese to approve the meeting minutes for July 19, 2023. The motion was seconded by Member Anthony; all were in favor without further discussion and the motion carried.

ADJOURN

A motion was moved by Chairman Palmitese to adjourn the meeting at 7:31 pm, and seconded by Member Anthony, all were in favor and the motion carried.

Respectfully submitted by:



Lisa Somers
ZBA Clerk