

ZONING BOARD OF APPEALS
5 ROUTE 31
P. O. BOX 568
JORDAN, N.Y. 13080



PLANNING BOARD
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TOWN OF ELBRIDGE ZONING BOARD OF APPEALS

December 9,th, 2010

MEMBERS PRESENT: John Moorehead
Dan Leary
Bruce Foote
ZBA Secretary/Alternate Paige Boratko

CORRESPONDENCE:

- ZBA Minutes of October 14, 2010
- Codes Report from CEO R. Herrmann–October and November, 2010
- Application for a Use Variance from Mr. Steven Morgan - 5210 Campbell Rd, Elbridge (#043.-02-12.0) additional office and equipment/storage space

**CALL TO ORDER – 7:00 PM EST
DETERMINATION OF QUARUM**

Chairman John Moorehead called the meeting to order at 7:00 p.m. and designated ZBA secretary Paige Boratko as an alternate voting member for tonight’s meeting due to absent board members.

A Motion was made by Dan Leary seconded by Bruce Foote to establish the regular monthly meeting day as the third Wednesday of the month. The meeting day and time will be made official at the January reorganizational meeting.

It passed with all in favor at 7:15 p.m.

APPROVAL OF MINUTES: The board reviewed the previous month draft minutes of October 14th, 2010. A motion was made by Dan Leary and seconded by John Moorehead to adopt the minutes with a modification to the information on the King parcel to state that the position of the house on the King parcel is located outside of the flood plane. It passed with all in favor at 7:25 p.m.

HEARING#2 - Mr. Steve Morgan
5210 Campbell Rd, Elbridge
REFERENCE: ZBA FILE TM (#043.-02-12.0)
8/12/10, 9/9/10, 10/14/10, 12/9/10

Application from Mr. Steven Morgan for a Use Variance from the provisions of the Town of Elbridge Zoning Laws Chapter 30.31, Article III, Paragraph “B” for an addition to the existing structure to allow for office space and equipment/truck storage to be located at 5210 Campbell Rd, Elbridge.

* *Italicize print is historical data*

8/12/10 Minutes Recap:

It was determined at this time that the Town of Elbridge Zoning Board of Appeals does not have enough information to make a decision on the Morgan hearing. A motion was made by Robert Decker and seconded by Bruce Foote to adjourn the hearing until the next month's ZBA meeting to allow Mr. Steve Morgan to provide the following requested information:

- 1) The flood plain to be defined. The base flood elevation and limits, and the flood plain to be established as well as the boundary of adjoining wetlands on or near the property.*
- 2) Substantial financial evidence as to not being able to realize a reasonable return of the property.*

*Next month's ZBA meeting will be held on December, 2010 9th, 2010 at 7:00 p.m.
It passed with all in favor at 8:25 p.m.*

9/9/10 Minutes Recap:

Patrick Britt: Attorney for Mr. Steve Morgan approached the board for the second time. No one was present to speak in opposition of the applicant. Attorney Britt provided the board with a detailed survey showing the boundary lines of flood zone which did address the boards concerns from the previous months meeting. He also provided copies of an appraisal showing the value of the acreage lot size including the house, with a resale value of sixty nine thousand, nine hundred dollars. Mr. Morgan's investment is about \$110,000.00 for a 6-acre lot, thus addressing the first criteria of the use variance of showing Substantial financial evidence as to not being able to realize a reasonable return of the property.

During discussions it was determined that a review of the March 2008 resolution was necessary in order for the board to adequately consider what relief the applicant is requesting and to figure out what land usage rights Mr. Morgan inherited from the 2008 use variance and also what he wishes to establish with the new application. Several of the attending board members present at tonight s meeting were also present at the 2008 hearings for the Stone World which was at the time under different ownership. The applicant at that time requested the use variance mainly to facilitate the sale of the property to Mr. Morgan. Due to the language of the former resolution, the board constructed a baseline of the parcel for uses which were likely to have been approved as it was unclear as to what was/is a permissible use.

The land use of the Stone World was as follows:

- "Stone" sign*
- Barn*
- Shed w/concrete pad*
- Another shed*
- Metal building which housed a small showroom w/a desk & filing cabinets*
- Trucks, 2-mack boom, 2-forklifts, 1-backhoe, 1-company driving truck*
- 2-stone cutters*
- Storage of stone, some retail and some wholesale.*
- Small 200 gal fuel tank*

Steve Morgan has added to the property:

- Mobile Trailer*
- Concrete pad*
- 9-Truck hookups*
- Fuel tank*
- Gate*
- Residential structure has been converted to commercial*
- Parking of trucks*

Chairman John Moorehead stated that the board is uneasy about granting the use variance due to the unresolved issues of the changes that were made to the property. There was a variance granted with a specific use. Mr. Morgan has gone way beyond the use in several areas which never came before the ZBA. Chairman John Moorehead also stated that the smell of the garbage is also an issue.

Dan Leary questioned if Mr. Morgan has any future plans for the residential structure that was converted to a commercial use? Steve Morgan replied that he has no present plans for the house at this time.

Robert Decker made a motion to adjourn the hearing until next month's meeting of October 14th 2010 to allow the applicant to return with a specific list of rights that he wishes to acquire with the use variance and his proposal on how they might be mitigated. The motion was seconded by Bruce Foote. It passed with a unanimous vote at 8:40 p.m.

October 14, 2010 Minutes Recap: Patrick Britt Attorney for Mr. Steve Morgan telephone the Town of Elbridge earlier today to inform the ZBA that they would not be present at tonight's meeting.

Robert Decker made a motion to adjourn the hearing until next month's meeting of November 11th, 2010. The motion was seconded by Bruce Foote. It passed with a unanimous vote at 8:40 p.m.

November 11th, 2010: No meeting was held tonight due to a legal holiday and Attorney Britt's phone call to the T.O.E. stating that they would not be present for tonight's meeting

December 9th, 2010: Attorney Britt phoned the T.O.E and the ZBA secretary and stated that they would not be present for tonight's meeting. No one was present to speak in opposition of the applicant. This application has been on the boards agenda since August, 2010. The applicant, Mr. Steve Morgan has not appeared before the board for the past two monthly meetings. Bruce Foote made a motion to adjourn the hearing until next month's meeting of January 19th 2011. The motion was seconded by Chairman John Moorehead. It passed with all in favor at 7:45 p.m.

Another motion was made by Dan Leary and seconded by John Moorehead to have the ZBA secretary construct a letter to the Town of Elbridge Codes officer, Mr. Robert Herrmann and request that he schedule an inspection of the Morgan property located at 5210 Campbell Rd, Elbridge to ensure that the property is in compliance of the approved March 2004 variance and its specific conditions as well as any new changes to the property thereafter. The ZBA secretary will also construct a letter to Attorney Britt and Mr. Steve Morgan informing them of tonight's decision and meeting date change. It passed with all in favor at 8:00 p.m.

Chairman John Moorehead continued the regular meeting with a review of the Town of Elbridge board minutes and the codes report from C.E.O. R. Herrmann.

NEW BUSINESS: None

OLD BUSINESS: The creation of the new Zoning application still in the works

ADJOURNMENT: With no further business, on a motion made by Dan Leary and seconded by Bruce Foote the meeting was adjourned with all in favor at 8:05 p.m.

Respectfully Submitted
Paige Boratko, Secretary

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*County of Onondaga
State of New York*

PLANNING BOARD
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January 12th, 2011

Dear Mr. Herrmann,

The Town of Elbridge Zoning Board of Appeals is contacting you in the matter of Mr. Steve Morgan who operates Dependable Disposal in the Town of Elbridge. As a result of the last ZBA meeting of December 9th, 2010; a motion was made and passed to request the Town of Elbridge Codes officer to schedule an inspection of the Morgan property located at 5210 Campbell and ensure that the property is in compliance of the approved March 2004 variance and its specific conditions. In addition, please compile a report of any violations in reference to the March 2004 variance as well as any new changes to the property thereafter. As you know, any changes in use or improvements to the property are subject to ZBA site review approval before any permits are issued.

Thank you for your cooperation in this matter. Please contact the ZBA secretary at the number below if you have any questions.

Respectfully,

Paige Boratko
ZBA Secretary
689-6667

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January 12th, 2011

McDermott & Britt, P.C
Attorneys at Law
The Gridley Building
Suite 300
103 E. Water St.
Syracuse, N.Y. 13202-0446

Fax (315)471-0446

Steve Morgan
Dependable Disposal, LLC
5210 Campbell Rd
Elbridge, New York 13060

Mr. Morgan,

This notice is being sent to inform you that the as a result of the October 14th, 2010 hearing, the Town of Elbridge Zoning Board of Appeals had extended your hearing until the next months meeting of November 11th, 2010. Since Attorney Britt's phone call stating that they would not be attending that meeting and the Town of Elbridge was closed due to a Legal Holiday; with nothing else on the agenda the Town of Elbridge Zoning Board of Appeals meeting was cancelled for that night. This change extended your hearing until the December 9th, 2010. Attorney Patrick Britt again notified the ZBA secretary that they would not be attending that meeting. At the December 9th, 2010 meeting a motion was made and passed to again extend the hearing until the next months meeting which will be held on the third Wednesday of January which falls on the 19th of the month at 7: 00 p.m. Another motion was made and passed to request the Town of Elbridge Codes Officer to schedule an inspection of the Morgan property located at 5210 Campbell Rd, Elbridge. As you know, any changes in use or improvements to the property are subject to ZBA site review approval before any permits are issued.

Please contact the Town of Elbridge Codes Enforcement Office or the ZBA secretary to inform us of your intentions for the next meeting and to schedule an appointment for inspection The next hearing will be held on January 19th, 2011 at the Town Hall, Route 31, Jordan, N.Y. at 7:00 p.m.,

Paige Boratko
Secretary, Town of Elbridge ZBA
(315) 689-6667