

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

February 16<sup>th</sup>, 2011

MEMBERS PRESENT: John Moorehead  
Robert Decker  
Bruce Foote  
ZBA Attorney Scott Chatfield  
Lorraine Morris  
Marc Macro  
ZBA Secretary/Alternate Paige Boratko

ALSO PRESENT: Ms. Sharon Franza, T.O.E. Attorney Dirk Oudemool, and T.O.E. Councilor Rita Dygert.

CORRESPONDENCE:

- ZBA Minutes of January 19, 2011
- Codes Report from CEO R. Herrmann–January, 2011
- Letter, Revised Town of Elbridge Zoning Chapter #30 and Map; third draft from the Town Board to the ZBA
- Letter of findings from C.E.O. R. Herrmann on the inspection of 5639 Jordan Rd, Tracy property
- Letter from C.E.O. R. Herrmann requesting an informal meeting w/Sharon Franza concerning a storage trailer on her property.

Chairman John Moorehead called the meeting to order at 7:00 p.m. Town of Elbridge Attorney Dirk Oudemool and Town of Elbridge Councilor Rita Dygert were present before the board to explain the Town Boards intent of the newly revised draft of the Town of Elbridge Zoning Chapter #30. Attorney Oudemool stated that their mission was to preserve the rural and agricultural integrity of our Township. They are requesting that the ZBA members review the new Town Statutes and make any suggestions and/or recommendations. The town board is requesting the Planning Board and ZBA's input, support and participation to bring this revision to a conclusion. Attorney Oudemool added that a copy of the revised map and zoning Chapter #30 has already been sent to the Onondaga County planning board Association which will come before them twice. The town board plans to hold a full-blown public hearing on March 24, 2011 in which the town board would like to hear from anyone and everyone on this matter. Attorney Oudemool continued his presentation by informing the ZBA of several older debatable and controversial issues which are present in the town of Elbridge to include Summit Ford Used Car Dealership, Olan, Morgan, Schwarting, Gansert and Lucksinger. Attorney Oudemool feels that these were bad variances which will need to be dealt with at a later time. Atty. Oudemool stated that there should be no more use variances granted. He went on to add that use variances are really a legislative matter and should only be granted under the most extreme circumstance and that the people should come to the town board and request to have the laws changed rather than ask for a use variance.

Atty. Oudemool feels that the farmers are for the most part happy with these zoning changes.

Another issue is with home occupations. Atty. Oudemool stated that there are twenty or more people operating illegally in the Town of Elbridge. The town board intends to send them to the ZBA to apply.

The ZBA is expected to exercise reasonable oversight and make sure that the area neighbors are not offended. The town board wants most of the businesses to remain but wants them to be legal. Rita Dygert requested to have it noted that the town board has been interested in updating the code for many years. They had put together an advisory committee and spent a considerable amount of time on this project and they now feel that they have something that's worth moving forward with. They are looking for our comments, support and input which Councilor Dygert feels will be taken into serious consideration. If changes are warranted, it's not too late to amend this document and she thanked the ZBA for their time. Robert Decker thanked the town board and the attorney for stepping up and making changes as the ZBA has come across many issues where they had no choice but to make certain decisions due to some of the present code being ambiguous. Attorney Oudemool stated that with the amount of use variances which have been granted, it is a clear indication that there's something wrong with the current code. The town board recognizes this and they have tried to address and accommodate virtually every situation possible. Councilor Dygert added that the town board is not trying to put anyone out of business or create problems within the community. The town boards wishes to create compatibility and harmony while preserving the rural integrity of our community. Attorney Oudemool added that the town board wants the ZBA to understand the spirit, background and legislative intent and to keep this in mind when considering any requests for relief.

Chairman John Moorehead continued with the regular meeting. Ms. Sharon Franza was present at tonight's meeting for informational purposes only. Chairman John Moorehead requested that Ms. Franza come before the board and explain her situation. Chairman John Moorehead also explained that the board cannot make any determinations or decisions on her situation. Ms. Franza told the board that she had received a letter from the code enforcement officer stating that she was in violation for having a storage trailer on her property in the town of Elbridge. The storage trailer was placed there around the year 2000. Ms. Franza stated that her basement is flooded and she has no other storage areas. Ms. Franza made it known that she is on a fixed income and cannot afford to build a garage or another shed and that she cannot move the trailer because her neighbor Mr. Olin will have her arrested if she steps foot on his property. Olin's property adjoins her property. Ms. Franza indicated that she does not have the mechanical means to move it as the trailer hitch is facing Olin's property and very close to the property lines. Chairman John Moorehead informed her that she would require an application for a use variance to keep the trailer and also reference the previous conversation with Attorney Oudemool on the town boards feeling for use variances. Chairman John Moorehead then recited the four criteria for the use variance.

Scott Chatfield clarified that the zoning for Ms. Franza's property is agricultural. Ms. Franza stated that it was actually a tractor-trailer without a cement pad and the hookup is facing facing north towards the Olin property. Scott Chatfield informed Ms. Franz that she may need some type of large tractor to turn the trailer to be able to get to the hookup. Attorney Chatfield stated that it is not physically impossible to reorient the trailer to get to the hitch and added that there are such things as garage in the box for extra storage. Clearly accessory structures are permissible in the agricultural district as storage buildings and so forth. A foundation would be needed so that it is no longer a vehicle. Whether or not this trailer would qualifies as an accessory structure is up to the discretion of the codes enforcement officer.. The trailer would need to be made so that it's no longer a portable facility. Ms.Franza would have to check with the codes officers to find out all the ins and outs if that's a reasonable solution

**APPROVAL OF MINUTES:** The board reviewed the previous month draft minutes of January 19th, 2011. A motion was made by Robert Decker and seconded by Bruce Foote to adopt the minutes as unchanged. It passed with all in favor at 8:04 p.m.

Chairman John Moorehead continued the regular meeting with a review of the month's correspondence: Codes report, Planning Board and Town Board minutes,

Chairman John Moorehead continued the regular meeting.

**NEW BUSINESS: None**

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

**DISCUSSIONS:** There was a brief discussion on the revised chapter #30

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**ADJOURNMENT:** With no further business, on a motion made by Lorraine Morris and seconded by Bruce Foote, the meeting was adjourned with all in favor at 8:45 p.m.

Respectfully Submitted  
Paige Boratko, Secretary