

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



PLANNING BOARD
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*County of Onondaga
State of New York*

TOWN OF ELBRIDGE ZONING BOARD OF APPEALS

Reorganizational Meeting 20

January 19th, 2011

MEMBERS PRESENT: John Moorehead
Robert Decker
Bruce Foote
ZBA Attorney Scott Chatfield

Lorraine Morris
Marc Macro
ZBA Secretary/Alternate Paige Boratko

ALSO PRESENT: Deb Stapleton, Robert Eggleston, James Tracy, Meg Brooks

CORRESPONDENCE:

- ZBA Minutes of December 9, 2011
- Codes Report from CEO R. Herrmann– December , 2011
- Planning Board Minutes for June, November 10th, January 3rd, 2010 including Special Meetings
- Town Board Minutes for December 1st & 28th, 2010
- Letter from Planning Board Attorney Dirk Oudemool
- Remax marketing paperwork from Meg Brooks - Sales strategy on the Tracy property in Niles
- Letter of expiration of building permit from C.E.O R. Herrmann to Mr. William May
- Letter s from T.O.E. ZBA to Attorney Patrick Britt and Mr. Steve Morgan-Dated 1/12/2011
- Letter of withdrawal from Attorney Patrick Britt representing Mr. Steve Morgan-Dated 1/17/2011
- Application for a Use Variance from Mr. Steven Morgan - 5210 Campbell Rd, Elbridge
(#043.-02-12.0) additional office and equipment/storage space

Town Clerk Deb Stapleton introduced new board member Marc Macro. Mark signed the oath book. Deb gave the board members a copy of the Town of Elbridge zoning map.

Chairman John Moorehead called the meeting to order at 7:00 p.m. and announced that the first item on the board's agenda is the reorganization

Reorganization:

- The Town of Elbridge will continue to meet on the third Wednesday of every month at 7:00 pm at the Town Hall located at 5 Rte 31, Jordan, NY 13080
- The ZBA secretary will publish a legal notice stating the above
- Mr. Scott Chatfield is appointed as zoning board attorney.
- Paige Boratko has been appointed by the Town of Elbridge Town Board as the ZBA secretary and also as an alternate voting member in a situation of conflict of interest or in the absence of regular board member to maintain a quorum
- Chairman John Moorehead hereby designates Lorraine Morris to be appointed deputy chairman.
- The first ZBA meeting in January of each calendar year is a reorganization meeting for the Town of Elbridge Zoning Board of Appeals.

APPROVAL OF MINUTES: The board reviewed the previous month draft minutes of December 9th, 2010. A motion was made by Bruce Foote and seconded by Lorraine Morris to adopt the minutes as unchanged. It passed with all in favor at 7:10 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, letter of expiration for a building permit from C.E.O. R. Herrmann to Mr. William May, and letter from Attorney Patrick Britt requesting a withdrawal without prejudice of the pending use variance application from Mr. Steve Morgan. He then read the letter from the Town of Elbridge Attorney Dirk Oudemool. The letter states that John and Mildred Tracy have applied to the Planning Board for a subdivision of their property located at 5369 Jordan Rd. Questions were raised concerning the May 14th, 2009 use variance passed by the T.O.E. ZBA. The letter also states that Attorney Oudemool required Mr. Tracy to reappear before the ZBA and clarify for the Planning Board with the ZBA exactly what conditions if any were imposed and whether or not Mr. Tracy misrepresented himself regarding the factors underlying his request for a use variance.

** Red Italicize print is historical data*

Mr. John Tracy
5369 Jordan Rd, Elbridge, N.Y
038.-02-12.0

May 14th 2009-Zoning Board's Decision:

Application for Use Variance from Mr. John Tracy to allow use of an unauthorized accessory building located at 5369 Jordan Road, Elbridge N.Y Mr. and Mrs. Tracy were present before the board and answered question on the accessory building and their intentions/time frame of building a primary residence at this location. Mr. Tracy stated that they were seeking the use variance due to the fact that their previously existing building permit had expired causing their barn to become non compliant with the Town Code. Mr. Tracey also stated that he and his wife definitely intend on building their house on this parcel but have had some extenuating circumstances that have delayed the building project. Their existing residence is currently on the market and as soon as their house sells, they will begin building on the site where the barn is located. The house will be located south of the barn. The Tracey's are presently using the barn for storage of personal items. The barn has been built for about one year now and he estimated the cost of the barn to be in the range of thirty to forty thousand dollars. A building permit was issued to the barn subsequent to the permit to the house.

On a motion made by Robert Decker and seconded by Rick Stevens the hearing was closed at 7:15 p.m.

Chairman John Moorehead continued the regular meeting.

On a motion of Robert Decker seconded by Rick Stevens to the following resolution:

***Resolved:** That the Town of Elbridge Zoning Board of Appeals approves the use variance as requested by Mr. John Tracy to allow the accessory building to remain at 5369 Jordan Rd, Elbridge, N.Y. pending the E.A.F, with the condition that the building remain as personal use only, and non commercial.*

*ADOPTED: 5 - AYES
0 - NAYS*

It passed with all in favor at 7:20p.m.

Chairman John Moorehead continued the regular meeting and requested Mr. Bob Eggleston to address the board. Mr. Eggleston was present at tonight's meeting for informational purposed only and on behalf of Mr. John Tracy. Mr. Bob Eggleston is an architect whom Mr. John Tracy has hired to do a two lot subdivision with his parcel located at 5369 Jordan Rd. in Elbridge. The parcel is approximately 35.62

acres. Mr. Tracy desired to break off an acre lot for his grandson to build a house on. After meeting with the planning board, there was a question asked about a use variance previously granted in 2009. The planning board requested the Tracy's return to the zoning board to clarify if the Tracy's were still in compliance of the use variance. Mr. Eggleston summarized that in 2006, the Tracy's received two building permits. One permit was to build a dwelling and other to build a pole barn. He chose to build the pole barn first to have a place to store the materials for building the house. Mr. Tracy was then unable to build the house due to several severer tragedies such as the death of his son and then his grandson's accidental death causing him a set back at that point. The building permits expired causing the barn to be non-conforming. The Tracy's then went before the ZBA to seek relief by requesting a use variance

Bruce Foote asked if the house could be placed on the subdivided section with the barn. Jared; his grandson would then own the barn which is worth somewhere between fifty to \$70,000.00. Mr. Tracy's grandson would have to carry a larger mortgage than he can afford. This option is not desirable for the grandson. Robert Decker stated that the hardship that the Tracy's endured had a lot to do with the decision of the board in May of 2009.

Chairman John Moorehead questioned the use of the property and if the barn was being used to house commercial property. Mr. Eggleston stated that Mr. Tracy is a co-owner of Lake Country Construction. Jim Tracy; Mr. Tracy's son and co-owner of the company, was also present and stated that the items stored in the barn are personal items that have been accumulated over several years. They do have an excavator and a lift as well as a 1921 antique truck stored inside the barn. These items not belong to Lake Country Construction. These items are for his personal use and will be used to build the house with the exception of the antique truck. Jim Tracy also stated that these items are winter storage and if it's a problem they can be removed from the property but, the Tracy's rather keep them inside the barn for appearance purposes. Mr. Tracy's grandson Jared plows the driveway in the winter so there is access to the barn. Mr. Tracy is only at property a few times a month in the winter. If the weather is nice Mr. Tracy may show up two or three times a week. There is no construction or manufacturing taking place on the property. Chairman John Moorehead questioned the timeline on the construction of the new house as conforming to the original plan. Mr. Eggleston stated that Mr. Tracy is property poor and that at this age Mr. Tracy doesn't want a large mortgage so basically, he needs to sell his house in Niles to loosen up the cash to build the house on Jordan road.

Meg Brooks of Remax was present in favor of Mr. Tracy and addressed the board to explain the continuing efforts that the realty company is making to sell the Tracy property in Niles, NY. A package was put together to show the history, incentives and advertising sales strategies that have been used together in an ongoing attempt to sell the property. Ms. Brooks stated that this is a difficult property to sell partially due to the economy. The property has fifty acres and is a 3000 sq. ft. home with 153ft of waterfront with a cliff. The selling price has been reduced. A \$10,000.00 incentive was added as a motivational tool to sell the property.

ZBA Attorney Scott Chatfield stated that the zoning board can only offer their opinion as to the issues associated with the case. The ZBA needs a jurisdictional basis to have the authority to proceed and an interpretation cannot be done unless C.E.O. R. Herrmann has made a ruling. The use variance was to allow an accessory structure in the absence of a principal structure only and was not meant to nor does it authorize any nonresidential use of the property or the subject structure. The use variance does not have a specific time frame associated with it.

A motion was made by Robert Decker and seconded by Marc Macro to have included in the January 19th, meeting minutes that the T.O.E. Zoning Boards of Appeals intention of May 14th, 2009 decision regarding the use variance for Mr. John Tracy continues to authorize the assessor building to exist at 5369 Jordan Rd in the absence of a principle use. The variance was not meant to authorize the use of the structure for any purposes other than those permitted by the zoning ordinance of that district. The motion passed with all in favor at 7:35 p.m.

Chairman John Moorehead continued the regular meeting.

NEW BUSINESS: None

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

DISCUSSIONS: None

ADJOURNMENT: With no further business, on a motion made by Robert Decker and seconded by Bruce Foote, the meeting was adjourned with all in favor at 8:15 p.m.

Respectfully Submitted
Paige Boratko, Secretary

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Town of Elbridge Zoning Board of Appeals

NOTICE IS HEREBY GIVEN that the Town of Elbridge Zoning Board of Appeals will hold their annual re-organizational meeting on Wednesday January 19th, 2011 at 7:00 p.m. at the Town Hall located at 5 Rte 31, Jordan, N.Y 13080. The monthly meetings for the Town of Elbridge Zoning Board will be moved to the third Wednesday of every month at 7:00 p.m. at the Town Hall located at 5 Rte 31, Jordan, NY 13080 and will continue in the consecutive years to follow unless otherwise stated. John Moorehead, Chairperson, Town Of Elbridge Zoning Board of Appeals.

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