

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



PLANNING BOARD
5 ROUTE 31
P. O. BOX 568
JORDAN, N.Y. 13080

*County of Onondaga
State of New York*

TOWN OF ELBRIDGE ZONING BOARD OF APPEALS

March 16th, 2011

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

ALSO PRESENT: No one present

CORRESPONDENCE:

- ZBA Minutes of February 16th, 2011
- Codes Report from CEO R. Herrmann-February, 2011
- Letter from C.E.O. R. Herrmann to Mr. David Dominick verifies that parcel 040.-03-36.0 does in fact have a use variance to permit used car sales. Included a copy of the ZBA minutes of 2/19/1976 stating the variance to be granted to Fredrick Gansert with a list of provisions.
- Zoning proposal from ZBA Attorney Scott Chatfield

Chairman John Moorehead called the meeting to order at 7:01 p.m. With no one present to speak at tonight's meeting, the board went into a review and discussion on the revised Town of Elbridge zoning chapter #30. ZBA Attorney Scott Chatfield explained his comments on the proposed zoning laws and counseled the board. The board questioned the issue of home occupations since Attorney Oudemool stated that there are twenty or more residents operating illegally in the Town of Elbridge. The Town Board intends to send them to the ZBA. 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. ZBA Attorney Scott Chatfield suggested that the Town Board may wish to utilize the provision of "Certificate of non conformity" in the revision of chapter #30. This would require the Town of Elbridge to Published broadly the date that the ordinance will go into effect and announce that there would be a time frame opened which gives the residents with a home occupation a specific time frame to approach the Code Enforcement Officer R. Herrmann and receive a certificate of non conformity if their use is not in accordance with the new code. This puts the burden of proof on the land owner to check the code and what they are zoned for. The land owner will have to come into the codes office and prove to the C.E.O. that their business predates the code and that they were legal when established. If the C.E.O. is satisfied with the proof, then he can issue the certificate of non conformity. He may also wish to include a list of what the allowable use is and a map etc within the certificate. This then becomes a permanent record as of a certain date forward as to what uses are permissible on that parcel. If it is determined that the use was illegal at the time of establishment, the applicant can decide if they should apply for a use variance or if it's a use which could be permissible upon the issuance of a special permit. The ZBA will then have to decide. The certificate of non conformity is designed to create a database as of a stated time. If the land owner fails to approach the C.E.O within that time frame and it later surfaces, the land use will be considered illegal. This gives bases to prosecute them at a later time for failure to proceed.

Chairman John Moorehead requested the board members to forward by E-mail, any and all comments to the ZBA secretary in order to combine and compose a list of concerns to be forwarded to the Town Board's Attorney Dirk Oudemool and Counselor Dygert

APPROVAL OF MINUTES: The board reviewed the previous month draft minutes of February 16th, 2011. A motion was made by Robert Decker and seconded by Lorraine Morris to adopt the minutes as unchanged. It passed with all in favor at 8:10 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.

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 Robert Decker and seconded by Bruce Foote, the meeting was adjourned with all in favor at 8:45 p.m.

Respectfully Submitted
Paige Boratko, Secretary



County of Onondaga
State of New York

Office of
CODES ENFORCEMENT

P.O. Box 568, 5 Route 31 West
Jordan, New York 13080-0568

Telephone (315) 689-6667
Fax (315) 689-3122

March 14, 2011

David R Dominick
6515 Stevens Rd
Jordan, NY 13080 9704

RE: 1116 Rte 5 Variance

Mr. Dominick:

Per your request, this letter is to verify that 1116 Rte 5 East in fact has a use variance to permit sales of used cars on the parcel tax map # 041.-03-36.0.

The attached meeting minutes of the Town of Elbridge ZBA February 19, 1976, contains 6 Zoning Board provisions that must continue to be complied with.

Very Truly Yours,

Robert G Herrmann, Jr.
Code Enforcement Officer

Cc: Paige E Boratko ZBA Secretary

TOWN OF ELBRIDGE - ZONING BOARD OF APPEALS - MINUTES OF MEETING February 19, 1976
7:30 P.M.

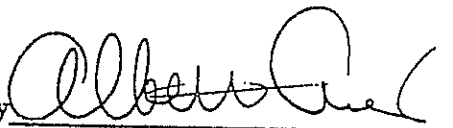
Present: Bunts
Jones
McCormack
Arnold

Motion was made by McCormack, seconded by Jones, as follows:

Be it Resolved that variance be granted to Frederick Gansert in accordance with his application as submitted and with the following provisions:

1. Conform to setback requirements for arterial roads of the Zoning Ordinance as to placement of vehicle on the site excepting that one vehicle may be displayed within the setback area, but not closer than 30' from the Highway R.O.W.
2. No more than 12 cars be displayed on the site at any one time, all in condition as to be capable of being operated on public highways.
3. No repair or maintenance whatsoever to be done out of doors.
4. No banners or other visual distractions, i.e.: flashing or animated signs, be allowed on the subject site.
5. No more than one free standing sign with maximum area of 40 sq. ft. be allowed on the subject site.
6. Curbing be established to channel traffic entering or leaving the site. Further, that no more than one curb cut be allowed for Route 5 access, (when and as Route 5 is furnished with curbing.)

Motion passed unanimously.
Meeting adjourned.

By 
Albert H. Arnold, Chairman, Town of Elbridge
Zoning Board of Appeals

cc: C. Bond, Enforcement Officer
H. Kellogg, Building Inspector
SOCPA
Town Files

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From Chairman John Moorehead
Town of Elbridge Zoning Board of Appeals

- 1) I oppose changing my farm on Case Rd from Agriculture to R-1 (working farm land, no services, no access)
- 2) I oppose the "spot" zoning on the Fletcher property on Jordan Rd.
- 3) 30.100 this should have a Time period to allow people to come forth and resolve any issues.
- 4) 30.101 "Shall be merged" Why?? except for a possible sale
- 5) 30.105B 30 day time period" What about sickness, call to military service, vacation. Intent??
- 6) 30.107 Again "Intention"?
- 7) 30.121 Qualifications for ZBA members: "shall attend annually at least two meetings of the OCPF" Omit this stipulation

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*County of Onondaga
State of New York*

Town of Elbridge Zoning Board of Appeals
April 5th, 2011
Re: Zoning Proposal

Dear Board Members,

The following is a list of comments on the proposed Zoning Law:

From ZBA Attorney Scott Chatfield:

- 1) The color distinction between ENO Point PD & R-1 is insufficiently distinct on the Zoning Map.
- 2) **30.26** - Add "or use" to paragraph "2".
- 3) **30.26(3)** - While perhaps advisable is of questionable enforceability.
- 4) **30.30 B2** - Some of these restrictions are unenforceable if the farm is in an Ag District under Ag & Markets Law.
- 5) **30.31(7)** - This restriction has been shown to be very problematic where the principle structure is way back from the street, especially in the case of large lots.
- 6) **30.38, 30.39 and 30.42** - While in the minority, I'm of the opinion that including a procedure for Planned Districts creates more problems than it solves. By definition, Planned Districts are zoning by legislative fiat. Accordingly, other than adherence to general zoning requirements - i.e. public hearing, General Municipal Law, etc., there is no mandatory process.
- 7) **30.41D** - Unenforceable if the entity is a State, Federal or Town of Elbridge.
- 8) **30.50** - Probably should read....adjacent uses from negative impacts.
- 9) **30.64** - In all zones?
- 10) **30.65** - Unenforceable, in conflict with the non-conforming use principal - at least without a period of amortization.
- 11) **30.80** - Do you really want to regulate to this extent?
- 12) **30.100** - Generally - may want to consider a period of time within which to acquire a certificate of non-conformity as a pre-condition to the continuation of non-conforming uses.
- 13) **30.105** - **Extremely** short period. Consider whether to use abandonment or discontinuance. May wish to include non-conforming lot of record exception.
- 14) **30.107** - Probably not enforceable.
- 15) **30.120(B)** - If two year term - can't appoint annually.
- 16) **30.121** - The Onondaga County Planning Federation has an intermittent history. The reason for this requirement is questionable. Although the idea of frequent interaction with other Zoning Board of Appeals people is a good one, I'm not sure it should be a requirement.

BLUME AGAIN DAIRY, LLC

Paige - FY1

**617 WHITING ROAD
JORDAN, NY 13080
315-689-3176**

RECEIVED

MAR 23 2011

**TOWN OF ELBRIDGE
CODES OFFICE**

March 23, 2011

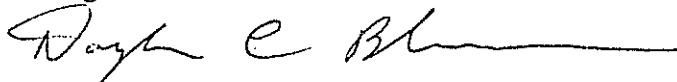
Town of Elbridge
Office of Code/Zoning Enforcement
5 Rte. 31
P.O. Box 568
Jordan, NY 13080

Dear Codes Enforcement Officer

This certifies that David Lavancha residing in the mobile home located at 6750 River Road, Jordan, NY 13080 is employed by Blume Again Dairy, LLC, 672 Whiting Road, Jordan, NY 13080.

Whereas Blume Again Dairy, LLC's primary business is in production agriculture.

Douglas C Blumer



Member