

REGULAR ZONING BOARD OF APPEALS MEETING  
December 10th, 2009

**MEMBERS PRESENT:** John Moorehead  
Robert Decker  
ZBA Attorney Scott Chatfield

Lorraine Morris  
ZBA Secretary/Alternate Paige Boratko

**ALSO PRESENT:** Ruth Kinch, Norman Chirco, Attorney for Ruth Kinch/Mr. W. May, Robert McMahan

**CORRESPONDENCE:**

- ZBA Minutes of November 12<sup>th</sup>, 2009
- Codes Report from CEO R. Herrmann – November, 2008
- Application for use variance from Mr. William May- 189 State Rte 5 West, Elbridge  
(#040.-06-04.0) B.T. Zone
- Application for a Use Variance from Mr. Steven Morgan - 5210 Campbell Rd, Elbridge  
(#043.-02-12.0) Non Conforming Use

Chairman John Moorehead called the meeting to order at 7:00 p.m. and requested that the record reflect that he will be exercising his prerogative to appoint the ZBA Secretary Paige Boratko as the alternate to handle tonight's cases. He then continued the previously adjourned hearing for a use variance from Mr. William May.

**HEARING#1 - Mr. William May – 189 State Rte 5 West, Weedsport, N.Y.**

**REFERENCE: ZBA FILE TM #040.-06-04.0**

**REFERENCE: Minutes from 09/10/09, 10/8/09, and 11/12/09**

**Reference Minutes of September 10<sup>th</sup>, 2009, October 8th, 2009, November 12<sup>th</sup> 2009-RECAP**

*Application from Mr. William May for Use Variance from the provision of the Town of Elbridge Zoning Law Chapter 30.2, Article III Sections 30.35, paragraph "B" for a residential expansion/garage construction in a Business Transitional Zone to be located at 189 State Rte 5 West, Weedsport NY. Ruth Kinch was present before the board on behalf of William May. Mr. May was cited for having six unregistered cars on both of his properties, house and business. After being non-compliant, he went before the Judge and was ordered to clean up the property by Spring. Mr. May wishes to keep the cars even though they are inoperable. To rectify the situation, Mr. May would like to build a 24X40ft. structure as residential storage to place the cars in. The house was built in 1954. The board reviewed Town Law 30.35 (B) (1) (2) permitted Structures and Usage and "C" Specific District Regulations. Rick Stevens questioned if a use variance is needed or if this is a questioning of the interpretation of the Town Law. After a discussion with the ZBA Attorney Scott Chatfield, Robert Decker made a motion seconded by Dan Leary to adjourn the hearing to allow the applicant to gather more information such as a site plan and pending a formal written interpretation of the Town of Elbridge Zoning Laws from C.E.O Robert Herrmann. It passed with all in favor at 8:02pm.*

**October 8th, 2009**

*Ruth Kinch was present before the board on behalf of Mr. William May for a second time. The board reviewed the formal letter of interpretation from C.E.O. Robert Herrmann. The ZBA determined that the original application was still before the board as there was not a new application or modification to the existing application. Mr. May did not appeal the decision of Mr. Herrmann's determination. The Board*

and ZBA Attorney Scott Chatfield reviewed Mr. May's options, which would be to satisfy the use variance criteria with the required submitted proof or to appeal C.E.O. R. Herrmann's interpretation of the code. The ZBA Attorney Scott Chatfield suggested that Mr. May obtain a Lawyer. After this discussion Ruth Kinch requested to have the meeting adjourned so that she would have the time to discuss with Mr. May his options and/or retain a lawyer as she did not fully understand the entire process from the previous meeting. On a motion made by Robert Decker and seconded by Rick Stevens the meeting was adjourned with all in favor at 7:30 p.m.

**November 12<sup>th</sup> 2009**

Ruth Kinch was present before the board on behalf of Mr. William May for a third time. Ms. Kinch requested to have a continuance on the hearing, as her Attorney was unable to be present at tonight's meeting.

**December 10<sup>th</sup> 2009**

Ruth Kinch was present before the board on behalf of Mr. William May for a fourth time. Attorney Norman Chirco was present representing Ruth Kinch and William May. After a summarization of the hearings which have taken place in the past few months and a discussion of the Town of Elbridge laws, Attorney Chirco requested to have a copy of the Town of Elbridge Laws which were referenced in C.E.O. Robert Herrmann's letter of interpretation and then requested that the hearing be adjourned. No one spoke in favor or in opposition.

On a motion made by Robert Decker and seconded by Lorraine Morris the meeting was adjourned until January 14<sup>th</sup>, 2010. It passed with all in favor at 7:24 p.m.

Chairman John Moorehead continued with the regular meeting. Robert Decker made a motion to open hearing #2, seconded by Alternate Paige Boratko. It passed with all in favor, the hearing opened at 7:26 p.m.

**HEARING#2 - Mr. Steve Morgan – 5210 Campbell Rd, Elbridge**

**REFERENCE: ZBA FILE TM (#043.-02-12.0)**

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. No one was present to speak on behalf or in opposition of the applicant. Robert Decker made a motion seconded by Lorraine Morris to adjourn the hearing until January 14<sup>th</sup>, 2010 at 7:00 p.m. It passed with all in favor at 7:30 p.m.

Chairman John Moorehead continued the regular meeting. Mr. Robert McMahon was present before the board for informational purposes. He resides at 6356 South McDonald Rd. His property is located in an Agricultural district and he is interested in a use variance to open a mechanics garage/workshop. He has resided at this location for the past seven years. The board informed Mr. McMahon of the criteria of the use variance. The other option is to purchase a parcel in another area that is zoned for this permissible use.

**APPROVAL OF MINUTES:** The board reviewed the previous month draft minutes of November 12,<sup>Th</sup> 2009. A motion was made by Robert Decker and seconded by Lorraine Morris to adopt the as unchanged. It passed with all in favor at 7:50p.m.

**NEW BUSINESS:** Application for Use Variance from Mr. Richard Hartwell - 028.-01-02.2 for an accessory Building on Powerhouse Rd.

**OLD BUSINESS:** Creation of the new Zoning Application is in the works.

**ADJOURNMENT:** With no further business, on a motion made by Lorraine Morris and seconded by Robert Decker, the meeting was adjourned with all in favor at 7:25 p.m.

Respectfully Submitted  
Paige Boratko, Secretary

