

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 Planning Board
Minutes
August 12, 2009, 7 PM

Members Tim Filkins, John Stevenson, Karen Carney and Doug Blumer were present. Secretary/Alternate Member, Liz Foster, Attorney Dirk Oudemool and Town Board Member, Rita Dygert, were also present. Floyd Duger was absent.

Approval of Minutes:

A motion was made by Carney and seconded by Blumer to Approve the minutes from the July 8, 2009 meeting. The motion passed at 7:01 PM.

Public Hearings:

None

Old Business:

Village of Elbridge:

The Planning Board received a letter from the ZBA with regard to this project. They approve the project, but recommend moving the generator to the north side of the building. A discussion was held regarding this issue. First, the Armstrongs and the Morgans desire the present location of the generator. The decimal level of the generator is rated to be between 65-80 and that is without any insulating factors. Affectively, the generator should cause no more noise than the local traffic. Further, with the current location of the pits, road cuts and overhead doors, the only logical place for the generator is it's current proposed location.

Attorney Oudemool brought to the Board's attention that the ZBA acted improperly and that their Decision is suspect.

With respect to Site Plan Review, §30.41 of the Town Law states, in part, that "no building or zoning permits shall be issued for any use or structure until a site plan has been reviewed and approved by the Planning Board."

In addition, with respect to actions by a governmental service, agency, etc., §30.42 (c), states, in part, “ An application for the Zoning Board of Appeal’s approval under this section shall be immediately referred to the Planning Board which may submit such report and recommendations as it deems proper for the consideration of the Board of Appeals in its determination of the above findings. The Zoning Board of Appeals shall not take final action upon the application until receiving such report and recommendation or thirty (30) days have passed since such reference.”

Attorney Oudemool expressed concern that our record reflect, that, notwithstanding that we feel there was a defect in the proceedings, we undertake to do a site review plan for referral from the ZBA.. Further, the ZBA should vacate its’ decision and re-approve at their next meeting. Attorney Oudemool with discuss with counsel for the ZBA.

Discussion was held as to what maps, plans, etc. were supplied to the Planning Board. Discussion was also held with respect to the proposed landscaping.

Upon reviewing the following documents in conjunction with this project: Drawings dated August 2009 and known as File #046.048-01F, sheets G2, A2 and E1, a Resolution was made by Karen Carney and seconded by John Stevenson that the Planning Board recommends that the ZBA approve the exterior color of the building and further suggests considering earth tones or barn red. Further, the Board recommends that the ZBA approve the landscaping as is consistent with that of the neighborhood. The Resolution passed at 7:45.

New Business:

Yawney/Rogers

A discussion was held with regard to whether or not it was necessary to supply a full survey for the property in which the 0.257 acre parcel was to be removed. While the Town, along with other governmental offices, will require information as to the amount of land “given up” and “received”, it was decided that the impact was truly to the receiving land. Therefore, it was requested of the applicant that he provide the following: (1) application; (2) fee; (3) deed description for the 0.257 acres being transferred; (4) the letter to the assessor requesting the parcels be merged signed by the Rogers; and (5) a copy of the tax map showing the land owned by the Yawneys.

Mr. Yawney proposed a question with regard to a fence encroachment on his land on the other side of Brutus Road. After some minor discussion, he was referred to the Village Planning Board since the subject property lies within the Village limits.

Tessy

Tessy came forward, very informally, to advise us of an upcoming application for an addition. There was great discussion regarding the parking, green space and impact on traffic/accidents. We will be receiving a full application and supporting documents in the next few weeks.

Public Comment:

None

Attorney Oudemool requested that the Board members review the proposed new subdivision regulations that had previously been sent to everyone. He would like to spend 15 or 20 minutes at the end of the next meeting to review.

A motion was made by Stevenson and seconded by Carney to adjourn the meeting at 8:37 PM. A unanimous vote passed the motion.

Respectfully Submitted,

Liz Foster
Secretary