



**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.

Steve Walburger was present before the board for informational purposes. He was inquiring about a use variance. He wishes to construct a single story 40' X 70' pole barn for the purposes of a contractor's workshop and equipment storage to be located at the corner of Old Rte 31 and State Rte 31. The property is owned by Thomas Foote. No money has exchanged hands at this point. The current zoning for this parcel is agricultural. Chairman John Moorehead further clarified that Mr. Walburger is asking for a commercial use in an agricultural zone which is considered spot zoning. Chairman Moorehead continued by summarizing the four major criteria's for use variance and that the burden of proof was on the applicant. The board advised him of his options and since there is no real hardship, it would be more likely to address the Town Board/Planning Board about a possible zone change or consider a different location to meet his needs.

Mr. Ralph S. Rakietan introduced himself and requested to approach the board for informational purposes and to familiarize himself with the board's procedures. Mr. Rakieta had submitted an application for Special Permit (042.-02-23.1) just prior to the meeting and we were unable to meet the deadline for the legal notice to appear in the Post Standard publication. The special permit is to construct a non commercial residential Wind Energy Conversion System to be located at 1736 State Rte 5 East, Elbridge; N.Y. He presented the board with a copy of a study required by the Town and NYSERDA. The board reviewed the application and advised him what he would need to be compliant with the Town Code.

Dan Leary made a motion to set a public hearing date for Mr. Ralph S. Rakieta for Thursday June 11<sup>th</sup>, 2009 at 7:00 p.m. at the Town Hall on Rte 31, Jordan N.Y. Seconded by Rick Stevens, it passed with all in favor at 8:20 p.m.

Tim and Corey LeClair were present to address the board. They had previously received a denial letter from C.E.O. R.Herrmann to run a Lawn Care Business in a R1 District and attended last month's meeting for informational purposes. The board advised them to decide on the type of application to apply for and then submit it to the Town Clerks office. A hearing was scheduled for this month's meeting but after reviewing the Town Codes and finding that they are compliant with the Town Statutes, the LeClairs did not go forward with their application. Chairman Moorehead stated that as long as they do not operate as a commercial enterprise and it is not evident to a neighbor or driven by a complaint they may continue.

**APPROVAL OF MINUTES:** A motion was made by Rick Stevens and seconded by Lorraine Morris to adopt the minutes of April 9<sup>th</sup>, 2009 with an amendment to the date. It passed with all in favor at 7:10 p.m.

**NEW BUSINESS:** None

**DISCUSSIONS:** Chairman John Moorehead continued the regular meeting with a review of the environmental assessment form for Mr. Tracy's application for use variance in the above mentioned hearing. It passed with a negative declaration and with all in favor.

- ZBA Attorney Scott Chatfield will fax over a "Standards of proof" for each type of application (variance permits, use permits, special use permits, and interpretations). The Special permit will need to be tailored for each application.
- Creation of the new Zoning Application is in the works.

**ADJOURNMENT:** With no further business, on a motion made by Robert Decker and seconded by Dan Leary, the meeting was adjourned with all in favor at 8:20 p.m.

Respectfully Submitted  
Paige Boratko, Secretary

