

REGULAR ZONING BOARD OF APPEALS MEETING
July 9th, 2009

MEMBERS PRESENT: Dan Leary
Rick Stevens
Robert Decker
ZBA Secretary/Alternate Paige Boratko

ALSO PRESENT: Mr. Ralph Singh Rakieten, Fred Weisskopf

CORRESPONDENCE:

- ZBA Minutes of June 11th, 2009
- Codes Report from CEO R. Herrmann –June, 2009
- Amended Application from Mr. Ralph S. Rakieten for Special Permit (#042.-02-23.1)
Chapter 30.2, paragraph B – W.E.C.S.
- Application from the Village of Elbridge for Use Variance (#044.-05-06.0)
U. V. Water Treatment Facility

Deputy Chairman Rick Stevens called the meeting to order at 7:00 p.m .and appointed ZBA Secretary Paige Boratko as the alternate member for tonight's meeting. Robert Decker made a motion to open the Hearing for Mr. Ralph S. Rakieten. Dan Leary seconded the motion and it passed with all in favor.

HEARING#1 - Mr. Ralph S.Rakieten – 1736 State Rte 5 East, Elb. #040.-02-23.1

REFERENCE: ZBA FILE TM #038.-02-12.0

Mr. Ralph Rakieten was present for an amendment to the previous months approved application for a special permit to erect a W.E.C. system to be located at 1736 State Rte 5 East, Elbridge NY. Deputy Chairman Rick Stevens briefly reviewed the previous month's application in which Mr. Rakieten stated that he had complied with the conditions of the criteria as stated in 30.42.6 "B. Mr. Rakieten stated that N.Y.S.E.R.D.A. changed their requirements for the baseline adding 20ft. to the height requirements based on the average wind speed of the site. The height of the tower is to be 114ft. rather than 94ft. Mr. Rakieten is seeking relief from 30.42 article 3, paragraph 6. B. #X which state the tower height to be 100ft. for 10 acres. The board reviewed the fall distance from the property lines.

On a motion made by Rick Stevens and seconded by Robert Decker the following resolution was

ADOPTED: 4 - AYES

0 – NAYS

Resolved: That the Town of Elbridge Zoning Board of Appeals approves the amendment to the Special Permit for Mr. Ralph S. Rakieten to construct a Wind Energy Conversion System to be located at 1736 State Rte 5 East, Elbridge NY. With a height change

of 94ft. to 114ft with the following contingency. That the turbine placement be moved 15ft. directly east, to allow clearance from the nearest property lines. It passed with all in favor at 7:25p.m.

Deputy Chairman Rick Stevens continued the regular meeting and opened the second hearing for the Village of Elbridge.

HEARING#2 - Mr. Fred Weisskopf – Trustee - Village of Elbridge - 4969 Kingston Rd, Elb. #044.-05-06.0

REFERENCE: ZBA FILE TM #044.-05-06.0

Chapter 30, Article 3 paragraph B

The ZBA secretary read the legal notice posted in the Post Standard newspaper. Mr. Fred Weisskopf was present before the board in favor of the federally mandated water treatment facility to be located at 4969 Kingston Rd, Elbridge, NY. The Village of Elbridge is requesting a Use Variance to construct a non conforming building in an Agricultural District. The U/V water treatment facility will be used to treat the water coming in from Skaneateles Lake to treat the "LT2" bugs in the water. The village is constructing a 15 X 60ft. building where the water will run through a clear pipe and be exposed to surrounding variable ultraviolet lights. The water pipe will be completely enclosed with a shield around it. None of the lights will be visible and the whole system will be self cleaning and completely computer generated. Mr. Weisskopf stated that the windows in the drawing are fake with shutters to make it look as though it blends with the area houses in the community. The structure will be placed one hundred and fifty feet from the nearest house. The landscaping is questionable at this point due to the structure being placed between family members (mother and daughter) in the area and they would like to be able to see each other. The Village of Elbridge is hoping to start construction by January 2010 in order to take advantage of Stimulus funding. If this deadline date of March, 2012 is missed the Village will be fined Twenty five thousand dollars per day. The Planning Board is the lead agency so the ZBA will not do the E.A.F. The property currently belongs to the Armstrong family and Mr. Weisskopf is acting as Power of Attorney and produced a legal contract. The ZBA obtained a copy for the file. Dan Leary questioned the noise level of the generator and stated that the generator should be on the farm side of the building instead of the residence side of the structure. Dan Leary requested that it be noted that a utility building in an agricultural district has no impact on farming or the values of the property. The use is critically appropriate.

A motion was made by Robert Decker and seconded by Dan Leary to close the meeting. It passed with all in favor at 8:10 p.m. Deputy Chairman Rick Stevens continued the regular meeting.

On a motion made by Dan Leary and seconded by Robert Decker the following resolution was

ADOPTED: 4 - AYES
0 - NAYS

Resolved: That the Town of Elbridge Zoning Board of Appeals approves the application for Use Variance for the Village of Elbridge to build a non conforming building in an Agricultural District with the recommendation to the Town Of Elbridge Planning Board to move the generator to the North side of the building facing the barn to buffer the noise.

Deputy Chairman Rick Stevens continued the regular meeting with a review of the previous month's minutes of June 11th 2009.

APPROVAL OF MINUTES:

A motion was made by Dan Leary and seconded by Robert Decker to approve the minutes as corrected. It passed with all in favor at 8:20 p.m.

NEW BUSINESS: None

OLD BUSINESS:

- 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 8:300 p.m.

Respectfully Submitted
Paige Boratko, Secretary

