

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



PLANNING BOARD  
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TOWN OF ELBRIDGE ZONING BOARD OF APPEALS  
SUMMARY OF DECISION  
October 14th, 2010

MEMBERS PRESENT: John Moorehead  
Robert Decker  
Bruce Foote  
Lorraine Morris  
Dan Leary  
ZBA Secretary/Alternate Paige Boratko

ALSO PRESENT: William and Rebecca King, Mr. Douglas Blumer

CORRESPONDENCE:

- ZBA Minutes of September 2010
- Codes Report from CEO R. Herrmann– September, 2010
- Planning Board Minutes for June, July, August 2010 including Special Meetings
- Town Board Minutes for September 2010
- Onondaga Planning Board Resolution of Rebecca King 's Area Variance Application
- Letter Attorney Patrick Britt requesting to postpone tonight hearing until next month meeting of 11/9/10
- Application for a Use Variance from Mr. Steven Morgan - 5210 Campbell Rd, Elbridge (#043.-02-12.0) additional office and equipment/storage space
- Application for an Area Variance from Mrs. Rebecca King – 5860/5870 Valley Dr. Jordan (#032.-03-27.0/1) Reduction in Front Yard Minimum Depth

CALL TO ORDER – 7:00 PM EST  
DETERMINATION OF QUARUM

Chairman John Moorehead called the meeting to order at 7:00 p.m. and since all ZBA board members were present, an alternate was not appointed for tonight's meeting.

**APPROVAL OF MINUTES:** The board reviewed the previous month draft minutes of September 9<sup>th</sup> 2010. A motion was made by Dan Leary and seconded by Robert Decker to adopt the minutes with a change from Stone Quarry to Stone World properties. It passed with all in favor at 7:08 p.m.

Chairman John Moorehead continued the regular meeting with a review of the Onondaga County Planning Board Resolution of Rebecca King's Area Variance application which stated "No adverse effect" but did offer two comments in regards to the parcel. The ZBA secretary then read the legal notice posted in the Post Standard Newspaper.

A Motion was made by Robert Decker seconded by Dan Leary to open the hearing for Mrs. Rebecca King. It passed with all in favor at 7:15 p.m.

**HEARING#1 - Mrs. Rebecca King**

**5860/5870 Valley Drive, Jordan**

**REFERENCE: ZBA FILE TM (#032.-03-27.0/1)**

Application from Mrs. Rebecca King for an Area Variance from the provisions of the Town of Elbridge Zoning Law Chapter 30.32, Article III, and Paragraph "3" For a reduction of front yard minimum depth to be located 5860/5870 Valley Drive, Jordan N.Y. William and Rebecca King were present before the board. Douglas Blumer was present and requested to speak in favor of the king's application. He stated two reasons why he felt that the king's application should be approved.

- 1) The kings submitted plans to codes department that were approved which they built according to those plans and were not aware that they were in violation until they were ninety percent done with their house when they received the violation letter from the T.O.E. Codes.
- 2) The King's house is the third to the last house on Valley Drive which is a dead end road and next to a bridge. There is close to no chance that the road will ever be widened or altered for traffic.

He stated that the planning board has no say on the placement of housing on a single family dwelling and that the planning board is only responsible for subdivision lots and making sure that the lots that are being created are big enough to meet the standards within that zoning district. Unless the use is commercial or business, the planning board has no decision on the placement of the buildings.

Dan Leary questioned if the follow up of the planning board required a current map indicating the boundaries and location of the flood plain and the offsite septic system as well as the location of the setbacks lines on the property. The king's submit a newly revised map of the parcel from the American Group I.P.C. of Skaneateles, N.Y. dated October 12<sup>th</sup>, 2010 which showed the amended set back of twenty one point four feet as well as the flood plain. Mr. Douglas Blumer answered that the septic and flood plain are the responsibility of the County Planning Board but the T.O.E. Planning Board did require the kings to include an easement in the deed that is filed with the County for the septic and utilities.

Lorraine Morris asked if any of the neighbors had any issues. The Kings stated that they had spoken to their surrounding neighbors and to their knowledge there were no issues. Chairman John Moorehead asked if any one present was opposed to the Kings request for an area variance. No one spoke in opposition.

Rebecca king stated that her mother will have life use of the house and upon her passing the house will be removed within ninety days. The house is not permanent. The house will allow the Kings to be able to manager her care as she ages.

On a motion made by Robert Decker and seconded by Bruce Foote, the hearing was closed at 8:02 p.m.

Chairman John Moorehead continued the meeting.

After the boards review, a motion was made by Robert Decker and seconded by Lorraine Morris to approve the area variance as requested by Mrs. Rebecca King with the provided documentation from the County as far as the septic and with the revised map submitted by Mike O'Neal of The American Group I.P.C. of Skaneateles, N.Y. dated October 12<sup>th</sup>, 2010. The revised map satisfies the area variance with an amended set back of 21.4 feet verses the T.O.E. ordinance of 50ft. It passed with four-ayes and one-nay by Dan Leary.

It passed with four ayes and one nay at 8:20 p.m.

JM-AYE RD-AYE LM-AYE BF-AYE DL-NAY

Dan Leary stated that he did not feel that there was adequate information.

Robert Decker made a motion and seconded by Lorraine Morris that the Town of Elbridge ZBA requests that the following information be reflected within the T.O.E. ZBA minutes of October 14<sup>th</sup>, 2010.

The Town of Elbridge ZBA did take note of the O.C.P.B.'s resolution and did use the following information as a determining factor:

- 1) The T.O.E. ZBA is comfortable that the king residence which is located at (032.-03-27.0/1) 5860 Valley Dr. Jordan, N.Y. is not in the flood plain

- 2) The T.O.E. ZBA is satisfied that there is an offsite absorption field and that there is an easement in place within the deed that is filed with the County for the subdivided parcel labeled #1 for the septic system and utilities.

Dan Leary requested that it be noted that the County Planning Board referenced is not a question of whether or not the building is within the flood plain, but whether or not the new construction meets national flood insurance program requirements for drainage patterns in or near the flood plain.

The following issues were not addressed:

- Can't tell if the floor elevation is above the flood elevation due to an inadequate map.
- There is a non flood proof basement construction.
- Easement that is shown on the filed map simply states utilities, it doesn't state what they are for and it doesn't address the requirements outlined by the O.C.P.B.

Chairman John Moorehead stated that these issues should have been addressed by the County.

It passed with four ayes and one nay at 8:24 p.m.

JM-AYE RD-AYE LM-AYE BF-AYE DL-NAY

**HEARING#2 - Mr. Steve Morgan**  
**5210 Campbell Rd, Elbridge**  
**REFERENCE: ZBA FILE TM (#043.-02-12.0)**  
**8/12/10 & 9/9/10**

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. This application has been on the boards agenda since January 2010. The applicant, Mr. Steve Morgan has failed to appear for the past three months. The board voted to adjourn the hearing again until April 8<sup>th</sup>, 2010 at 7:00 p.m. It passed with all in favor at 8:00 p.m.

**8/12/10 Minutes Recap:**

*It was determined at this time that the Town of Elbridge Zoning Board of Appeals does not have enough information to make a decision on the Morgan hearing. A motion was made by Robert Decker and seconded by Bruce Foote to adjourn the hearing until the next month's ZBA meeting to allow Mr. Steve Morgan to provide the following requested information:*

- 1) *The flood plain to be defined. The base flood elevation and limits, and the flood plain to be established as well as the boundary of adjoining wetlands on or near the property.*
- 2) *Substantial financial evidence as to not being able to realize a reasonable return of the property.*

*Next month's ZBA meeting will be held on September 9<sup>th</sup>, 2010 at 7:00 p.m.  
It passed with all in favor at 8:25 p.m.*

**9/9/10 Hearing –**

*Patrick Britt; Attorney for Mr. Steve Morgan approached the board for the second time. No one was present to speak in opposition of the applicant. Attorney Britt provided the board with a detailed survey showing the boundary lines of flood zone which did address the boards concerns from the previous months meeting. He also provided copies of an appraisal showing the value of the acreage lot size including the house, with a resale value of sixty nine thousand, nine hundred dollars. Mr. Morgan's investment is about \$110,000.00 for a 6-acre lot, thus addressing the first criteria of the use variance of showing Substantial financial evidence as to not being able to realize a reasonable return of the property. During discussions it was determined that a review of the March 2008 resolution was necessary in order for the board to adequately consider what relief the applicant is requesting and to figure out what land usage rights Mr. Morgan inherited from the 2008 use variance and also what he wishes to establish with the new application. Several of the attending board members present at tonight s meeting were also*

present at the 2008 hearings for the Stone World which was at the time under different ownership. The applicant at that time requested the use variance mainly to facilitate the sale of the property to Mr. Morgan. Due to the language of the former resolution, the board constructed a baseline of the parcel for uses which were likely to have been approved as it was unclear as to what was/is a permissible use.

***The land use of the Stone World was as follows:***

- “Stone” sign
- Barn
- Shed w/concrete pad
- Another shed
- Metal building which housed a small showroom w/a desk & filing cabinets
- Trucks, 2-mack boom, 2-forklifts, 1-backhoe, 1-company driving truck
- 2-stone cutters
- Storage of stone, some retail and some wholesale.
- Small 200 gal fuel tank

***Steve Morgan has added to the property:***

- Mobile Trailer
- Concrete pad
- 9-Truck hookups
- Fuel tank
- Gate
- Residential structure has been converted to commercial
- Parking of trucks

Chairman John Moorehead stated that the board is uneasy about granting the use variance due to the unresolved issues of the changes that were made to the property. There was a variance granted with a specific use. Mr. Morgan has gone way beyond the use in several areas which never came before the ZBA. Chairman John Moorehead also stated that the smell of the garbage is also an issue.

Dan Leary questioned if Mr. Morgan has any future plans for the residential structure that was converted to commercial. Steve Morgan replied that he has no present plans for the house at this time.

Robert Decker made a motion to adjourn the hearing until next month’s meeting of October 14<sup>th</sup> 2010 to allow the applicant to return with a specific list of rights that he wishes to acquire with the use variance and his proposal on how they might be mitigated. The motioned was seconded by Bruce Foote. It passed with a unanimous vote at 8:40 p.m.

**October 14, 2010** Patrick Britt Attorney for Mr. Steve Morgan telephone the Town of Elbridge earlier today to inform the ZBA that they would not be present at tonight’s meeting.

Robert Decker made a motion to extend the hearing until next month’s meeting of November 11<sup>th</sup> 2010. The motioned was seconded by Bruce Foote. It passed with a unanimous vote at 8:40 p.m.

Chairman John Moorehead continued the regular meeting with a review of the Town of Elbridge board minutes and the codes report from C.E.O. R. Herrmann.

**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 Lorraine Morris the meeting was adjourned with all in favor at 8:45 p.m.

Respectfully Submitted  
Paige Boratko, Secretary

TOWN OF ELBRIDGE ZONING BOARD OF APPEALS

SUMMARY OF DECISION

DATE 10/14/2010

**Mrs. Rebecca King**

**5860/5870 Valley Drive, Jordan, N.Y. 13080**

**Reference: ZBA Minutes 10/14/2010 – TM#032.-03-27.0/1**

After the boards review, a motion was made by Robert Decker and seconded by Lorraine Morris to approve the area variance as requested by Mrs. Rebecca King with the provided documentation from the County as far as the septic and with the revised map submitted by Mike O’Neal of The American Group I.P.C. of Skaneateles, N.Y. dated October 12<sup>th</sup>, 2010. The revised map satisfies the area variance with an amended set back of 21.4 feet verses the T.O.E. ordinance of 50ft.

It passed with four ayes and one nay at 8:20 p.m.

JM-AYE RD-AYE LM-AYE BF-AYE DL-NAY

Dan Leary stated that he did not feel that there was adequate information

Robert Decker made a motion and seconded by Lorraine Morris that the Town of Elbridge ZBA requests that the following information to be reflected within the T.O.E. ZBA minutes of October 14<sup>th</sup>, 2010. This information was used as a determining factor for the ZBA’s decision.

The Town of Elbridge ZBA did take note of the O.C.P.B.’s resolution and did use the following information as a determining factor:

- 1) The T.O.E. ZBA is comfortable that the new residence located on the king Parcel located at (032.-03-27.0/1) 5860 Valley Dr. Jordan, N.Y. is not in the flood plain
- 2) The T.O.E. ZBA is satisfied that there is an offsite absorption field and that there is an easement in place within the deed that is filed with the County for the subdivided parcel labeled #1 for the septic system and utilities.

It passed with four ayes and one nay at 8:24 p.m.

JM-AYE RD-AYE LM-AYE BF-AYE DL-NAY