

ZONING BOARD OF APPEALS ORGANIZATIONAL MEETING
January 14th, 2010

MEMBERS PRESENT: John Moorehead
 Robert Decker
 Bruce Foote

Lorraine Morris
Dan Leary
ZBA Secretary/Alternate Paige Boratko

ALSO PRESENT: Richard and Susan Hartwell, Chris Hartwell –Son, Ellen Priest-Hartwell Attorney,
Mandy Saloski of Keller Williams Realty, Catherine Deyett, Rita Dygert

CORRESPONDENCE:

- ZBA Minutes of December 10th, 2009
- Codes Report from CEO R. Herrmann – December, 2009
- S.O.C.P.A. Training Symposium
- 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
- Application for Use Variance from Mr. Richard Hartwell -1182 Powerhouse Rd.
(028.-01-02.2) Accessory Bldg.

Chairman John Moorehead called the meeting to order at 7:00 p.m. and introduce and welcomed new member Bruce Foote. He then began the ZBA reorganizational meeting by announcing:

- Reorganization:**
- 1 The Town of Elbridge will continue to meet on the second Thursday of every month at 7:00 pm at the Town Hall located at 568 Rt 31, Jordan, NY 13080
 - 2 The ZBA secretary will publish a legal notice stating the above.
 - 3 Paige Boratko is appointed as the ZBA secretary.
 - 4 Mr. Scott Chatfield is appointed as zoning board attorney.
 - 5 Paige Boratko is appointed as an alternate voting member in a situation of conflict of interest or in the absence of a regular member.
 - 6 Chairman John Moorehead hereby designates Lorraine Morris to be appointed as deputy chairman.
 - 7 The first ZBA meeting in January of each calendar year is to be recognized as the ZBA's reorganization meeting.

Chairman John Moorehead continued with the regular ZBA meeting and reopened 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 10th, 2009, October 8th, 2009, November 12th 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 12th 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 10th 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 14th, 2010. It passed with all in favor at 7:24 p.m.

January 14th, 2010

Ruth Kinch had called the Town of Elbridge earlier today and informed us that they would not be present for tonight's meeting. Chairman John Moorehead adjourned the hearing until next month's meeting of February 11th, 2010 at 7:00 p.m.

Chairman John Moorehead continued with the regular meeting and reopened the previously adjourned hearing for Mr. Steve Morgan.

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

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

REFERENCE: Minutes from 12/10/09

RECAP-12/10/09

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 14th, 2010 at 7:00 p.m. It passed with all in favor at 7:30 p.m.

January 14th, 2010 No one was present to speak on behalf or in opposition of the applicant. Chairman John Moorehead adjourned the hearing until next month's meeting of February 11th, 2010 at 7:00 p.m.

Chairman John Moorehead continued with the regular meeting. A motion was made by Dan Leary and seconded by Robert Decker to open the hearing for Richard and Susan Hartwell. It passed with all in favor at 7:15 p.m.

HEARING#3 – Richard and Susan Hartwell

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

Application from Richard and Susan Hartwell for a Use Variance from the provisions of the Town of Elbridge Zoning Laws Chapter 30, Article I, Section 30.32 subsection B part-1; to be located at 1182 Powerhouse Road, Jordan N.Y. to allow use of an unauthorized accessory building. Mr. Richard Hartwell, Chris Hartwell (son) and Attorney Ellen Priest came before the board to present their case. Attorney Ellen Priest began by addressing the criteria of the use variance and stated that the proposed site will not be creating capital, hinder or depreciate the value of area properties, that the use will not be detrimental to the neighborhood; the use would not alter the essential character of the neighborhood. The structure would not interfere with vehicular movement as they plan to have a single driveway. Mr. Hartwell came forward and explained that the proposed structure will be used as storage for several boats, trailers and motors as his garage is full and the neighbors are complaining. The Hartwell's have been cited by the Code Enforcement Officer R. Herrmann. Attorney Ellen Priest stated the current owner Catherine Deyett was present tonight and the Deyett's have provided the Hartwell's Attorney with a letter which states that they intended to build a barn to house their horses and the town zoning prevented them from doing so. The letter also states that the Deyett's listed their property for sale in August, 2008 and 2009 which there were no buyers during the entire time. They state in the letter that they are desperate to recoup their investment as the recession has made it difficult for them to pay the taxes. The Hartwell's also provided the board with a petition signed by area neighbors and a letter from Keller Williams Realty stating that the property was listed and their hardship. The Hartwell's included pictures of other properties in the area that have a structure without a primary residence. Chairman John Moorehead explained that one of the criteria of the use variance is to prove an alleged hardship which has not been self created. At this point the Hartwell's do not own the property and the hardship has to apply to the owner and applicant. Dan Leary asked if the Hartwells plan to build a primary residence at the proposed site in the future and the Hartwells said "no". With no further questions from the board, a motion was made by Dan Leary and seconded by Robert Decker to close the hearing for Mr. Richard Hartwell. The board will defer the decision until next month's meeting of February 11th, 2010 at 7:00p.m. in order for the ZBA to consult with the ZBA Attorney. It passed with all in favor at 7:25pm.

APPROVAL OF MINUTES: The board reviewed the previous month draft minutes. A motion was made by Robert Decker and seconded by Lorraine Morris to adopt the as unchanged. It passed with all in favor at 7:30p.m.

NEW BUSINESS: Syracuse Onondaga County Planning Federation training classes scheduled for March 4th, 2010

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

DISCUSSIONS: Rita Dygert of the Town of Elbridge Town Council was present to welcome new ZBA board member Bruce Foote and to thank him for his interest and participation in the Town. She also commended the rest of the board as well for their continuing interest and support for the Town of Elbridge. Councilor Dygert and the ZBA went into some discussions of the town's code.

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 8:25 p.m.

Respectfully Submitted
Paige Boratko, Secretary

