

ZONING BOARD OF APPEALS
March 11th, 2010

MEMBERS PRESENT: John Moorehead
Robert Decker
Bruce Foote
ZBA Attorney Scott Chatfield

Lorraine Morris
Dan Leary
ZBA Secretary/Alternate Paige Boratko

CORRESPONDENCE:

- ZBA Minutes of 02/11/2010
- Codes Report from CEO R. Herrmann – 02/2010
- Application for a Use Variance from Mr. Steven Morgan - 5210 Campbell Rd, Elbridge (#043.-02-12.0) additional office and equipment/storage space

Chairman John Moorehead called the meeting to order at 7:00 p.m. The meeting began with a review of the previous month's minutes.

APPROVAL OF MINUTES: The board reviewed the previous month draft minutes of February 11th, 2010. A motion was made by Robert Decker and seconded by Lorraine Morris to adopt the minutes with a correction to the fourth paragraph under the Hartwell hearing and a change to the 13th paragraph under the hearing decision for Mr. William May. It passed with all in favor at 7:45p.m

HEARING#1 - Mr. Steve Morgan
5210 Campbell Rd, Elbridge

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

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 board's 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 8th, 2010 at 7:00 p.m. It passed with all in favor at 8:00 p.m.

Robert Decker made a motion seconded by Lorraine Morris that the ZBA secretary shall send the applicant and his Attorney a letter indicating that the Zoning Board of Appeals will deny the application for a use variance at the next meeting of April 8, 2010, based on the applicant's failure to appear. It passed with all in favor at 8:10 p.m.

DISCUSSIONS:

- ZBA's Attorney Scott Chatfield counseled the board on the rights of a contract vendee under the alleged hardship criteria of a use variance and a review of the circumstances of a re-hearing after some questions were raised about last month's Hartwell's hearing. There was also a discussion on the Statutes of Limitation.

- Dan Leary requested that the ZBA secretary obtain a copy of the conditional contract between the Hartwell's and the Deyetts from C.E.O. R. Herrmann since the ZBA's decision was based upon the closure of the conditional contract.
- Bruce Foote requested to have the final motions re-read back to the board when the ZBA votes on a motion. The ZBA Attorney suggested that the chairman construct a summary form and write out in detail the exact motions and conditions stated and read back to the board before the final vote for clarity.

NEW BUSINESS: None

OLD BUSINESS: Summarization of the March 8th, 2004 resolution for an extension of a use variance on an already existing non-conforming commercial use on Campbell Rd prior to Mr. Steve Morgan purchasing the property

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 8:55 p.m.

Respectfully Submitted
Paige Boratko, Secretary