

REGULAR ZONING BOARD OF APPEALS MEETING
October 8th, 2009

MEMBERS PRESENT: Chairman John Moorehead
Dan Leary
Lorraine Morris
Robert Decker
Rick Stevens
ZBA Attorney Scott Chatfield
ZBA Secretary/Alternate Paige Boratko

ALSO PRESENT: C.E.O. Robert Herrmann, Ruth Kinch

CORRESPONDENCE:

- ZBA Minutes of September, 2009
- Codes Report from CEO R. Herrmann –September, 2009
- Formal letter of interpretation from CEO R. Herrmann to Mr. William May
- Application for use variance from Mr. William May- 189 State Rte 5 West, Elbridge (#040.-06-04.0)

Chairman John Moorehead called the meeting to order at 7:00 p.m. On a motion made by Robert Decker and seconded by Rick Stevens the hearing for Mr. William May was reopened.

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

Reference Minutes of September 10th, 2009

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.

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 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.

Chairman John Moorehead continued the regular meeting.

APPROVAL OF MINUTES:

The board members reviewed the previous month's minutes. A motion was made by Dan Leary and seconded by Robert Decker to approve the minutes as unchanged. It passed with all in favor at 7:40 p.m.

NEW BUSINESS: SBA Towers Cell Tower 035.-01-01.0 application forth coming

OLD BUSINESS:

- 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 Rick Stevens, the meeting was adjourned with all in favor at 7:40 p.m.

Respectfully Submitted

Paige Boratko, Secretary