

# Town of Elbridge Zoning Board of Appeals



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## TOWN OF ELBRIDGE ZONING BOARD OF APPEALS Reorganizational Meeting Minutes February 16<sup>th</sup>, 2022

**MEMBERS PRESENT:** Deputy Chairman John Tambroni, Joanne Spoto Decker, Eric Matthews, Tracy Resch, Paige Boratko ZBA Secretary/Alternate, ZBA Attorney Joe Frateschi

Others Present: Jill Bilodeau, TOE CEO Howard Tanner, TOE Councilman Doug Blumer  
[Open meeting](#)

### DETERMINATION OF QUORUM AND CALL TO ORDER – 7:00 PM EST

**Deputy Chairman John Tambroni** called the meeting to order at 7:00 p.m. and after the Pledge of Allegiance, announced the first order of tonight's agenda to be the reorganization of the Town of Elbridge's Zoning Board of Appeals.

### Reorganization:

- The Town of Elbridge Zoning Board of Appeals will continue to meet on the third Wednesday of each month at 7:00 pm at the Town Hall located at 5 Rte 31, Jordan, NY 13080, and will continue in the consecutive years to follow unless otherwise stated.
- The ZBA secretary will publish a legal notice stating the above
- Baldwin, Sutphen & Frateschi, PLLC. Is appointed as the Town of Elbridge Zoning Board of Appeal's Attorney.
- Paige Boratko has been appointed by the Town of Elbridge Town Board as the ZBA secretary and also as an alternate voting member in a situation of conflict of interest or in the absence of regular board members to maintain a quorum
- Deputy Chairman John Tambroni hereby accepts the appointment of Deputy Chairman.
- The first ZBA meeting of each calendar year is a reorganization meeting for the Town of Elbridge Zoning Board of Appeals (1/20/23)

**Joanne Spoto Decker** motioned to accept the reorganization of the Town of Elbridge Zoning Board of Appeals. **Eric Matthews** seconded the motioned followed by a unanimous vote.

A motion was made by Eric Matthews and seconded by Joanne Spoto Decker to open the hearing for Jill Bilodeau/6909 Stevens Rd in Jordan N.Y. Deputy Chairman John Tambroni read the legal notice that was posted in the Post Standard news publication on 02/10/2022.

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## HEARING#1

### *Area Variance of 39ft*

TM #032.-02-05.0

Jill Bilodeau

6909 Stevens Rd

Jordan, New York 13080

**Zoned – R-1, GML-239- Required & submitted to OCPB 01/28/2022**

The applicant is requesting an area variance to construct a 26' X 28' attached garage with a 36' front yard setback where 75' is required on a 1.17-acre parcel in a Residential (R-1) zoning district. The site contains a 1 3/4 story house with attached one stall garage and back deck, as well as a shed; both the house and shed have a separate driveway onto Stevens Road. The proposed project is for an addition to the existing garage to construct a 26' by 28' two bay garage with two offices upstairs; current zoning mandates a 75' front yard setback and the project is requesting an area variance of 39' for the garage to be placed with a 36' front yard setback; per the submitted survey, the existing house is set back 36.09' from the front of the parcel. The existing garage and proposed garage both appear to be less than 36' from the front yard parcel line. A hand drawn rendering of the proposed addition and a hand altered survey was submitted with the application. Elevations are not provided and the site quickly slopes down toward Cross Lake at the rear of the house, as well as in the location of the proposed garage, and is largely encumbered by a Floodplain; the owner cites this grade change as the reason for the variance request. The site is served by an individual well and septic system; the site plan shows there would be 6' between the end of the proposed garage and the existing well; the septic system is located directly behind the house; no new connections are proposed. Since this application is for a two bay garage; it is unclear whether additional driveway access is proposed onto Stevens Road, a county road.



Joanne M. Mahoney  
County Executive

# Onondaga County Planning Board

## RESOLUTION OF THE ONONDAGA COUNTY PLANNING BOARD

Meeting Date: February 09, 2022  
OCPB Case # Z-22-28

NOW THEREFORE BE IT RESOLVED, that the Onondaga County Planning Board recommends the following MODIFICATION(S) to the proposed action prior to local board approval of the proposed action:

- 1.The applicant is required to coordinate Stevens Road access plans with the Onondaga County Department of Transportation. The municipality must ensure any mitigation as may be determined by the Department is reflected on the project plans prior to, or as a condition of, municipal approval.
- 2.The applicant must contact the Onondaga County Health Department's Bureau of Public Health Engineering to confirm the location of the existing sewage disposal system to ensure it will not be impacted by the proposed garage addition.

The Board provides the following additional comments:

- 1.The Town is encouraged to require additional information regarding proposed use of office space (as a home office or as commercial office space), driveway access, and proximity to onsite infrastructure as part of the local review.

2. The Town is encouraged to confirm the location of existing and proposed structures and extent of the setback and variances proposed, as the setback appears to be less than the house, which is 36' from the front of the parcel. The Town and applicant should also confirm the right-of-way of Stevens Road with the Onondaga County Department of Transportation prior to municipal approval.

3. The proposal contains an unauthorized site survey. The applicant should provide an alternate survey with appropriate parameters for the proposal.

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Deputy Chairman John Tambroni requested Jill Bilodeau to come forward and explain to the board the reasons for this application.

**Jill Bilodeau:** Currently our existing garage is a one car garage which is really small and I'd really love to park in my own garage in the wintertime. We are looking to build an additional two bay garage with some office and storage space above it. We are hoping to come out about 4 feet closer to the road than the existing structure so we could put a man door on that side. Our house is on quite a steep slope. With the floodplain in the back; the further back we go the more concrete we will have to pay for. The existing garage that's there is already five or 6 feet above ground of concrete. It would be very nice to have a man door facing the house so that we can get into it easily.

**Deputy Chairman John Tambroni:** my first question is what is the second story going to be used for?

**Jill Bilodeau:** it will be for Office space and storage currently I work at home. Our house is small and were running out of room and we have a second child on the way. We are also renovating one of the upstairs bedrooms to accommodate our child that's on the way and we are out of bedrooms in the house.

**Tracy Resch:** just confirming it is just personal office space correct?

**Jill Bilodeau:** yes

**Deputy Chairman John Tambroni:** Ok, you're asking for a variance of 36 feet?

**Jill Bilodeau:** the corner of the house is 41 feet I apologize I think the dimensions I put in the application are not 100% correct. I re-measured after speaking to the CEO and I'm not sure how old this deed is. When I re-measured the corner of the house of the existing structure it was actually 41 feet from the road not 36. The existing opposite garage corner to the road is 36 feet. That makes it to come 4 feet closer. That would put us at about 32 feet from the road instead of 36 feet.

**Howard Tanner:** do you have survey pins in the front yard?

**Jill Bilodeau:** no, I believe the pins are not in the front yard anymore. But there is actually already an existing driveway, it's stone not concrete possibly there from two owners ago. It's like a Parkway and I usually park there. I have a large SUV.

**Deputy Chairman John Tambroni:** she's actually going to be 4 feet closer to the road so the variance would be for 43 feet.

**Jill Bilodeau:** there are definitely other houses on the street that are measuring closer to where we want to go. Four houses down there's a garage that sits 10 feet off the road.

**Deputy Chairman John Tambroni reviewed with the board the County's concerns from the GML 239.**

**Jill Bilodeau:** the septic tank is behind the house. when we put our deck on the house we found that.

**ZBA Attorney Joe Frateschi:** The County does want you to submit accurate plans and as you stated they're not accurate. It shows a 36ft frontage being requested were as its actually 32 foot is being requested. We have requirements where we have to notify the public and tell them exactly what you're looking for. So technically we really should've said 32 foot of frontage. Everything that the County's requesting can be overwritten by this board with two thirds of the vote as far as what the County is suggesting. It's really up to the board to decide what they want to do tonight. If they want the applicant to submit corrected plans as far as what she's actually trying to do. That's fine and I'm okay with that decision as she is pretty close to what she did submit. I'm okay with ruling on a

43 ft. variance as it is substantially correct in the notice. The County is requesting a lot more information from the applicant. If the board wanted to approve the variance as submitted, you don't have to comply with everything the county is recommending.

**Howard Tanner:** I don't think we should override the driveway permit. It's just a simple process. I would decide I would just make it the approval contingent upon the county driveway permit.

**ZBA Attorney Joe Frateschi:** I think we should have corrected plans for the town's records.

**Deputy Chairman J. Tambroni** asked the following questions:

Are there any other questions from the board?

*None*

Does the board have enough information to make a determination?

*Yes*

Is there any one to speak in favor of or in opposition?

*No on*

Deputy Chairman J. Tambroni requested a motion to close the hearing.

**Tracy Resch** made a motion seconded by **Joanne Spoto Decker** to close the hearing for Jill Bilodeau. It passed with all in favor at 7:25 p.m.

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### Open meeting

**ZBA Attorney Joe Frateschi:** in ruling on a variance what we're considering is whether the benefit to the applicant outweighs the detriment to the neighborhood

### **TOE ZBA THEN REVIEWED THE AREA VARIANCE CRITERIA:**

**Requesting an area variance of 43 ft. from the Town of Elbridge Zoning Laws Chapter 265-12(C3); to be located at 6909 River Rd. in Jordan, NY.**

AREA VARIANCES. Town Law Section 267-b(3)(b); Village Law Section 7-712-b(3)(b); General Cities Law Section 81-b(4).

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created.  
Response: - **no, there are other properties in the area that have front yard setbacks less than what she is requesting so it is not entirely out of character with the neighborhood. There are other variances in this neighborhood.**
2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than by the variance.  
Response: **because of the slope of the property the extension has to go in this exact location. There well and septic are directly behind the house. There really is no other place to put this extension**
3. Whether the requested area variance is substantial.  
Response: **she's looking for a 43 ft variance from a 75 ft requirement. Numerically it is substantial. But the applicant states that there are very few house on that road that might be 75 ft.**
4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.  
Response: **no adverse or physical environmental at impact at all.**
5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision, but shall not necessarily preclude the granting of the variance.  
Response: - **she desires more storage space is the reason for the variance it may be self-created but doesn't preclude her from receiving the variance.**

**\*The benefit to the applicant outweighs the detriment to the neighborhood**

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**ZBA DECISION VOTE: -Area Variance –43ft**

**Requesting a area variance to be located at 6909 River Rd. in Jordan, Town of Elbridge Zoning Laws Chapter 265-12(C3) Residential (R-1) District.(3)**

Front yard: A one-acre lot shall have a front yard with a minimum depth of 75 feet; if less than one acre it shall be 50 feet.

**Resolved:**

It is the decision of the Town of Elbridge Zoning Board of Appeals that with the evidence presented as set forth in the findings of facts and with the review of the area variance criteria that the determent to the applicant outweighs the determent to the neighborhood and that the relief petitioned for by Jill Bilodeau be granted with the following conditions:

- 1) That accurate plans be submitted to the Towns of Elbridge Codes Office. The drawings need to be 32ft from the road rather than 36ft.
- 2) A driveway permit must be obtained from the Onondaga County Dept. of Transportation.
- 3) The work must be completed within one year of the area variance being granted (2/16/2023) w/correct specs. Submitted to the Town of Elbridge Codes Office.
- 4) that the office space will be limited to personal office space only. Not for a commercial business.

Eric Matthews made a motion seconded by Joanne Spoto Decker to:

**X**Approve \_\_\_ Amend \_\_\_ Deny **X**Area Variance \_\_\_ Use Variance \_\_\_ Interpretation

It passed with 0 Aye(s) and 4 Nay(s) at 7:41p.m.

**Recorded Vote:** (A = Aye, N = Nay)

**J. Spoto Decker- A, Deputy Chairman J. Tambroni - N, E. Matthews - N, T. Resch - A**

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**Approval of Minutes – 02/17/2021**

A motion to approve the February 17<sup>th</sup>, 2021 minutes as written by Eric Matthews and seconded by Joanne Spoto Decker. It passed with all in favor at 7:45pm.

**DISCUSSIONS:**

**OLD BUSINESS:** *None*

**ADJOURNMENT:** With no further business on the agenda, a motion was made by Joanne Spoto Decker and seconded by John Tambroni to adjourn tonight's meeting. The meeting was adjourned with all in favor at 7:50 pm.

Respectfully Submitted

Paige Boratko- Secretary/Alt. member