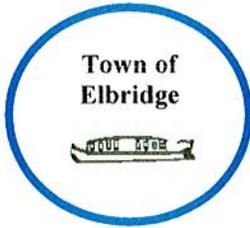


Town Of Elbridge Zoning Board of Appeals



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TOWN OF ELBRIDGE ZONING BOARD OF APPEALS Reorganizational Meeting Minutes February 19th, 2020

MEMBERS PRESENT: Chairman Tim Gannon, Deputy Chairman –Deputy Chris Beane, John Tambroni, Eric Matthews, Paige Boratko ZBA Secretary/Alternate, ZBA Attorney Scott Chatfield

Others Present: T.O.E. C.E.O. Howard Tanner, Bernie and Lynne Loperfido

Open meeting

- Mr. Scott Chatfield's resignation
- Welcome to the TOE ZBA's newly appointed board member Eric Matthews

Chairman Tim Gannon 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 every 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.
- Mr. Scott Chatfield is appointed as the Town of Elbridge Zoning Board of Appeal's Attorney until March 31st 2020 and then Baldwin, Sutphen & Frateschi, PLLC. will be appointed for the remainder of the year.
- 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 member to maintain a quorum
- Chairman Timothy Gannon hereby designates Mr. Christopher Beane to be appointed Deputy Chairman.
- The first ZBA meeting of each calendar year is a reorganization meeting for the Town of Elbridge Zoning Board of Appeals (1/20/21)

Timothy Gannon – Chairman, Town of Elbridge Zoning Board of Appeals

Chairman Timothy Gannon made a motion seconded by Eric Matthews to accept the reorganization of the Town of Elbridge Zoning Board of Appeals:

It passed with all in favor at 7:20 pm.

HEARING#1

TM#037.1-02-01.0

Bernie & Lynne Loperfido
5636 River Rock Dr.
Elbridge New York 13060

Area Variance - A Reduction of 10ft - Zoned – R-1

GML-239-N/A

Chairman Timothy Gannon requested Mr. & Mrs. Loperfido to come forward and explain to the board their reasons for this application. Mr. Loperfido stated that they recently purchased the property in the Cobblestone subdivision and would like to construct a 1720 square foot house on the lot. They are proposing a front yard setback of 40ft. Chapter 30, section 30.32, C-3 requires a 50ft setback. This application is for a reduction of 10ft. The driveway will come from River Rock Drive. The driveway will be L-shaped

Chairman Timothy Gannon: the code states: is a 50ft. front yard setback, so we're looking at 40 feet which is a relief of 10 feet from the code.

Scott Chatfield: the question that is not resolvable is what the appropriate setback is for Sandbank Rd. The only evidence we have is what the plat map states. The plat map clearly establishes along Sandbank Road that there's 25 feet. The planning board and the code do not address the three streets. We will address it in the resolution so there will be no questions.

Chairman Timothy Gannon: asked the following questions:

Are there any other questions from the board?

None

Does the board have enough information to make a determination on all three issues?

Yes

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

No one

Chris Beane made a motion seconded by John Tambroni to close the hearing for Bernie & Lynne Loperfido for 5636 River Rock Dr. in Elbridge New York. It passed with all in favor at 7:45 p.m.

Open meeting /SEQR Determination

After a brief discussion, the Town of Elbridge Zoning Board determined that this application is listed as a type II action therefore a SEQR is not required. Individual residential setback variances are considered a type II.

Criteria Review: Area Variance - A reduction of 10ft.

The Board then applied the five Area Variance criteria one at a time for the all variances requested.

- 1) Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; **NO**
- 2) Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance; **NO**
- 3) Whether the requested area variance is substantial; **NO, 10ft.**
- 4) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; **NO**
- 5) Whether the alleged difficulty was self- created, which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the Area Variance; **NO**

ZBA DECISION VOTE: - A reduction of 10ft.

Requesting a front yard setback of 40ft to be located at 5636 River Rock Dr. in Elbridge New York Chapter 30 section 30.32, C-3 requires a 50ft setback. A reduction of 10ft.

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 relief petitioned for by Mr. & Mrs. Loperfido be granted.

The ZBA reviewed the old subdivision maps dated 5/27/2003 and concluded that the appropriate setbacks from sandbank Rd are 25ft. The Zoning Board of Appeals hereby grants a minimum front yard reduction from 50ft to 40 ft. off of River Rock Dr. An area variance of 10ft. The other setbacks between lot #22 and # 23 appeared to be in compliance.

John Tambroni made a motion seconded by Chris Beane to:

X *Approve* Amend Deny Special Permit X *Area Variance* Use Variance Interpretation

It passed with *4Aye(s) and 0 Nay(s)* at 8:01p.m.

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

J. Spoto Decker__, **Chairman T. Gannon** A, **C. Beane** A, **E. Matthews** A, **J. Tambroni** A

Approval of Minutes – 11/20/19

A motion to approve the November 20th, 2019 minutes as written was made by Chairman Timothy Gannon and seconded by John Tambroni. It passed with all in favor at 8:30 pm.

DISCUSSIONS: Upcoming training

OLD BUSINESS: *None*

ADJOURNMENT: With no further business on the agenda, a motion was made by Chris Beane and seconded by Chairman Timothy Gannon to adjourn tonight's meeting. The meeting was adjourned with all in favor at 8:40pm.

Respectfully Submitted

Paige Boratko- Secretary/Alt. member

