

Town of Elbridge Zoning Board of Appeals



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TOWN OF ELBRIDGE ZONING BOARD OF APPEALS Reorganizational Meeting Minutes April 19th, 2023

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

Others Present: David Jewell, Phyllis Jewell

Open meeting

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

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.
- 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
- Chairman Timothy Gannon hereby designates Mr. John Tambroni 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.

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

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

J. Spoto Decker A, Chairman T. Gannon A, E. Matthews A, J. Tambroni A

A motion was made by John Tambroni and seconded by Eric Matthews to open the hearing for David Jewell/1056 Old Route 31 in Jordan N.Y. Chairman Timothy Gannon read the legal notice that was

posted in the Post Standard news publication on 04/06/2023, then requested David Jewell to come forward and explain to the board the reasons for this application.

HEARING#1

Area Variance of 19ft

TM #027.-01-16.0

David Jewell

1056 Old Route 31

Jordan, New York 13080

GML-219-Not Required per

Chapter 265-11(C7)

Residential (R-R) Front yard: each lot shall have a front yard with a minimum depth of 75 feet.

The applicant is requesting an area variance of 19ft to construct a pole barn 40' X 48' pole barn style garage in an RR zone where 75' is required. on a 1.17-acre parcel in a Residential (R-R) zoning district. The site contains 1 3/4 story house with an unattached garage. The unattached Garage which is set at 53.56 feet from the road/front yard setback; was built in 1982 and predated the Town code. For the proposed project the applicant would like the pole barn to be somewhat in line with the already existing garage.

David Jewell: I'm doing a second garage as a hobby garage I had the property excavated and did some clearing/cleaning out to accommodate the garage before I knew that we actually had to have a 75-foot setback. I came in and spoke to the code's office and found that out so we're here to talk about having the new garage placed in line with existing building at 53.56 for setback. We were trying to follow the same line across the property for building that's going to be a 40 x 48 with an 8-foot overhang.

Tim Gannon; The reason for keeping it forward is the overhead power lines?

David Jewell: Well we've had to excavated some of the hill out on the back side of the house and current existing garage because the property slopes up right directly behind the garage. Yes, the power lines are there and then it goes uphill at that point. I will have to reduce the size of the building for the current setback.

Tim Gannon: So the easiest thing to do is to move it forward, now I see in the plans you have placement for the overhead doors overhead doors; what are your plans for the driveway to get to that building/doorways?

David Jewell: My initial access is my driveway. If you're looking at the map to the right is my driveway is my existing garage. There's a turnaround in front of my garage you can essentially access that building when you're facing the road. At the edge of the property there's a utility driveway and access driveway that we cleaned up in my intent was to use for the construction equipment as needed. But not to use that as a regular driveway whatsoever. Whether it's a tractor or a car or something in there, it's not to be in and out all the time. It will be parked and polished and whatever it is I can do in there.

Tim Gannon; so, the plan is to use your existing driveway and not the utility access? no plans for a second driveway?

David Jewell; that is correct.

John Tambroni: Are you planning on water access to the building? Any living space?

David Jewell: No water just concrete and electric.

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?

Yes

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

No one

ZBA Attorney Joe Frateschi: in ruling on a variance what we are 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 19ft. from the Town of Elbridge Zoning Laws Chapter 265-11(C7); to be located at 1056 Old Route 31 in Jordan, NY.

AREA VARIANCES. Town Law Section 265-11(C7); 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: - The applicant already has a garage that is placed at the same distance so it would not be out of place in terms of context of the detriment to the neighborhood. There are similar barns and buildings in the neighborhood that are closer to the street. There are some that are even closer if you go down to Eno Point so it wouldn't be out of character with the neighbor.

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: -it would be difficult because of the topography of the land and because of the power lines.

3. Whether the requested area variance is substantial.

Response: A 19-foot variance which is where the existing garage is at the same distance from the road, it's in line with the other garage

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, for the reasons set forth above. 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: - The benefit to the applicant will outweigh the detriment to the community

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

Chairman Timothy Gannon requested a motion to close the hearing.

Joanne Spoto Decker made a motion seconded by John Tambroni to close the hearing for David Jewell. It passed with all in favor at 7:25 p.m.

Open meeting /SEQR Determination

After a brief discussion the Town of Elbridge Zoning Board of Appeals determined that this was a type II action and no impact no seeker determination needed.

ZBA DECISION VOTE: -Area Variance -19ft

Requesting a area variance to be located at 1056 Old Route 31 in Jordan, Town of Elbridge Zoning Laws Chapter 265-11(C7) Residential (R-R)

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 David Jewell be granted with the following conditions:

- 1) No new curb cuts.

Chairman Timothy Gannon made a motion seconded by Joanne Spoto Decker to:

XApprove Amend Deny XArea Variance Use Variance Interpretation

It passed with 4 Aye(s) and 0 Nay(s) at 7:33 p.m.

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

J. Spoto Decker- A, Chairman T. Gannon- A, E. Matthews - A, J. Tambroni A

Approval of Minutes – 12/21/22

A motion to approve the December 21st, 2022 minutes as written by John Tambroni and seconded by Eric Matthews. 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