

# Town Of Elbridge Zoning Board of Appeals



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## TOWN OF ELBRIDGE ZONING BOARD OF APPEALS Reorganizational Meeting Minutes June 17<sup>th</sup>, 2020

**MEMBERS PRESENT:** Chairman Tim Gannon, Deputy Chairman Chris Beane, John Tambroni, Eric Matthews, Joanne Spoto Decker, Paige Boratko ZBA Secretary/Alternate, ZBA Attorney Tim Frateschi

Others Present: Tracy Tanner, CEO Howard Tanner

### Open meeting

- Welcome to the TOE ZBA's newly appointed Attorney Tim Frateschi

**Chairman Tim Gannon** called the meeting to order at 7:00 p.m. After the Pledge of Allegiance; a motion was made by Chairman Timothy Gannon and seconded by John Tambroni to open the hearing for Tracy Tanner/5839 Hamilton Rd. in Jordan, New York. Chairman Timothy Gannon read the legal notice that was posted in the Post Standard news publication on 06/04/2020.

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### HEARING#1

#### *Special permit*

TM #032.-02-20.1

Tracy Tanner

5839 Hamilton Rd.

Jordan, New York 13080

#### **Zoned – R-1, GML-239-Required**

Tracy Tanner is requesting a Special Permit for a home occupation intended for a hair salon on a 6.90-acre parcel in a Residential (R-1) zoning district. The site has frontage on Hamilton Road, a county road, and contains an existing house and two existing barn structures at the rear of the site; there is an existing u-shaped gravel driveway with two access points onto Hamilton Road; the driveway extends to the rear of the site to serve the barn structures. The property and surrounding lots have residential and agricultural farm uses. The site is served by public drinking water and has an individual septic system; no changes to the existing infrastructure are proposed.

**GML-239 Referral:** General Municipal Law Section 239-m allows the County Planning Board to review issuance of special permits and the site is located within 500 feet of Hamilton Road (Route 271), a county highway, and a farm operation located in a NYS Agricultural District; and offered the following recommends the following MODIFICATION(S) to the proposed action prior to local board approval of the proposed action:

The applicant must contact the Onondaga County Health Department's Bureau of Public Health Engineering to ensure the existing septic system can adequately serve the additional use of the site prior to, or as a condition of, municipal approval of the special permit request.

The OCPB also offers the following comment:

The Onondaga County Department of Transportation advises the Town and applicant that any future increase to the intensity of the home occupation, number of employees or customers, will require a commercial driveway to serve the property, which should be coordinated with the Department.

Chairman Timothy Gannon requested Tracy Tanner to come forward and explain to the board the reasons for this application.

**Tracy Tanner:** Hello, I'm proposing to open a salon and it's just me no other employees, I've been a hairdresser since 1998. I'm bringing a list of my own clients with me. I am finding that a lot of people do not love what's going on right now with too many people crowded in salons and how they have to be run. In the salon I'm in right now we have a lot of people and I'm finding it would be nice to be in a smaller setting. I have people in my neighborhood that have signed a piece of paper stating that it would not be a problem. I also have multiple clients in Jordan so it's not like I would be taking from any other area salons. I'm selling a product as well which is environmentally conscious, and biodegradable. It's mostly based on aloe so nothing that would hurt the environment.

**Chairman Timothy Gannon:** Is it just going to be you working the salon?

**Tracy Tanner:** Yes, it's going to be just me and I do have the product that I'm selling.

**Chairman Timothy Gannon:** Do you know if the septic is going to be able to handle the new application?

**Tracy Tanner:** Yes.

**Chairman Timothy Gannon:** Do you know how many people that you will have a day coming in?

**Tracy Tanner:** they will be one at a time so about 4-5 a day.

**Chris Beane:** Is the one at a time due to the current Covid situation or just how you plan on doing business?

**Tracy Tanner:** The whole point is so people can feel comfortable as opposed to being in a large salon where there is multiple people right next to each other. If it's a family like two kids and a mom that's a little bit different but my existing clients will be able to be schedule with some room between them.

**Howard Tanner CEO:** Just to let you know she will be working out of her basement, it used to be a drive in basement. She has adequate space with a little bit of reconstruction and plumbing as it used to be a garage.

**Eric Matthews:** What is the closest major intersection to you?

**Tracy Tanner:** Brutus Road.

**Paige Boratko ZBA Sec.:** The reason for the GML referral was because of the two working farms located within 500 ft. One is across the street to and the other is behind the Tanner property. The property is located on a county owned Road.

**Chairman Timothy Gannon:** My biggest concern when I went by the property, I see all the pine trees.

**Tracy Tanner:** We plan on trimming those trees back and I can trim them more.

**Chairman Timothy Gannon:** That would be my recommendation.

**Chris Beane:** Is there any information on signage?

**Tracy Tanner:** Just one small unlit sign to let people know where it is.

**Tim Frateschi - ZBA lawyer:** I think the code requires no more than 2 x 2.

**John Tambroni:** For fire purposes, are there at least two exits fire exits?

**Tracy Tanner:** There are two, and two entrances into the driveway so there will be plenty of parking as well.

**Tim Frateschi - ZBA Atty.:** stated that this will be an unlisted action and the SEQR still has to be done.

**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 Tracy Tanner. It passed with all in favor at 7:35 p.m.

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### Open meeting / SEQR Determination

After a brief discussion the Town of Elbridge Zoning Board of Appeals did a SEQR review for Tracy Tanner for a Special Permit – Home Occupation to be located at 5839 Hamilton Rd in Jordan New York. A motion was made by Chairman Timothy Gannon seconded by Chris Beane to issue a:

*Negative declaration* \_\_ *Positive declaration*. It passed with 5 Aye(s) and 0 Nay(s) at 7:50 p.m.

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

**J. Spoto Decker A, Chairman T. Gannon A, C. Beane A, B. Foote A, J. Tambroni A**

**Chairman Timothy Gannon** made a motion to overrule the Onondaga County health Department modification due to the limited number of customers she's will be having each day. It passed with all in favor at 7:55 PM to be having.

### Criteria Review: Special Permit –Home Occupation

**The Board then applied the Special Permit criteria one at a time.**

- 1) The use complies with all special requirements of this Chapter. Yes
- 2) The use is appropriate for the particular location Yes
- 3) All potential adverse impacts upon the neighborhood have been mitigated to the extent that is reasonable practicable Yes
- 4) The use would not change the essential character of the neighborhood Yes
- 5) The use is not detrimental to the health, safety and general welfare of the neighborhood: Yes

### ZBA DECISION VOTE: - Special Permit –Home Occupation

**Requesting a Special Permit for Home Occupation-Hair Salon to be located at 5839 Hamilton Rd. in Jordan, New York 13080**

**Resolved:**

Chairman Timothy Gannon made a motion seconded by John Tambroni to adopt the resolution prepared by the Town of Elbridge ZBA Attorney Tim Frateschi with the following conditions:

**RESOLVED AND ORDERED**, that the Applicant be, and hereby is, granted a Special Permit pursuant to the provisions of Section 30.32 and 30.133 of the Town of Elbridge Code for the purpose or operating a hair salon as set forth in the Application, which is incorporated herein with the following conditions

1. Applicant is allowed a 2' x 2' unlit sign to identify the business;
2. The trees at the entrance of the driveway will be trimmed to allow visibility on the road for the traveling public and clients, and be it further

**RESOLVED AND ORDERED** that the Special Permit shall be issued by the Town Clerk upon the agreement in writing by the Applicant to the conditions imposed by Special Permit, if any.

*Approve*    *Amend*    *Deny*    *Other* \_\_\_\_\_

*Special permit*    *Area Variance*    *Use Variance*    *Interpretation*

It passed with 5 *Aye(s)* and 0 *Nay(s)* at 8:01 p.m.

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

T. Gannon    J. Tambroni    C. Beane    E. Mathews    J. Spoto Decker

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### **Approval of Minutes – 02/19/2020**

A motion to approve the February 19<sup>th</sup>, 2020 minutes as written was made by Chairman Timothy Gannon and seconded by Chris Beane it passed with all in favor at 8:05 pm.

### **DISCUSSIONS:**

- Howard Tanner CEO updated the ZBA board members on the March 2020 newly adopted chapter# 30 and the new Industrial zone created along Route 31 as well as the new businesses along that route.
- 2020 ZBA training.

**OLD BUSINESS:** *None*

ADJOURNMENT: With no further business on the agenda, a motion was made by Chairman Timothy Gannon and seconded by Joanne Spoto Decker to adjourn tonight's meeting. The meeting was adjourned with all in favor at 8:15 pm.

Respectfully Submitted

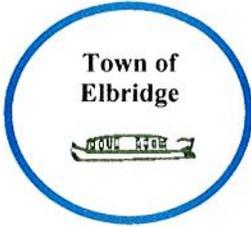
Paige Boratko- Secretary/Alt. member

TM #032.-02-20.1

Filed W/Town Clerk

Date \_\_\_\_\_

Signed \_\_\_\_\_



Town of Elbridge Zoning Board of Appeals

NOTICE OF DECISION

Hearing/Decision Date: 06/17/2020

Applicant:

Tracy Tanner

**Special permit –to be located at:**

5839 Hamilton Rd.

Jordan, New York 13080

**Zoned – R-1**

X O.C.P.B.GML-239 referral required

A Motion was made by John Tambroni and seconded by Joanne Spoto Decker to declare the Town of Elbridge ZBA the lead agency for the SEQR review. This application for a special permit-Home Occupation/Salon is considered an unlisted action. A motion was made by Chairman Timothy Gannon and seconded by John Tambroni to issue a:

X Negative  Positive declaration.

It passed with 5 Aye(s) and 0 Nay(s) at 7:33p.m.

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

X T. Gannon X J. Tambroni X C. Beane X E. Mathews X J. Spoto Decker

ZBA DECISION VOTE: - Special Permit –Home Occupation

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**Resolved:**

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- 3. Applicant is allowed a 2' x 2' unlit sign to identify the business;
- 4. The trees at the entrance of the driveway will be trimmed to allow visibility on the road for the traveling public and clients, and be it further

**RESOLVED AND ORDERED** that the Special Permit shall be issued by the Town Clerk upon the agreement in writing by the Applicant to the conditions imposed by Special Permit, if any.

X Approve  Amend  Deny  Other \_\_\_\_\_

X Special permit  Area Variance  Use Variance  Interpretation

It passed with 5 Aye(s) and 0 Nay(s) at 8:01 p.m.

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

T. Gannon    J. Tambroni    C. Beane

E. Mathews    J. Spoto Decker

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6/17/2020

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T.O.E. ZBA Secretary Signature

Date