

# Town Of Elbridge Zoning Board of Appeals



Office Location  
5 State Route 31, PO Box 568, Elbridge, NY 13080  
Ph. 315/689-9031 Ext#6 \* Fax: 315/689-3122  
Web Site: townofelbridge.com  
E-mail: pboratko@twcny.rr.com

## TOWN OF ELBRIDGE ZONING BOARD OF APPEALS

August 19<sup>th</sup>, 2020

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

Others Present: Gary Goodrich

[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. After the Pledge of Allegiance; a motion was made by Chairman Timothy Gannon and seconded by John Tambroni to open the hearing for Mr. Gary Goodrich/1108 Whiting Rd in Elbridge New York. Chairman Timothy Gannon read the legal notice that was posted in the Post Standard news publication on 07/16/2020.

---

### HEARING#1

#### *Area Variance*

TM #034.-02-13.2

Mr. Gary Goodrich

1108 Whiting Rd

Elbridge, New York 13080

**Zoned – R-R, GML-239- Not Required due to Exempt Agreement W/OCPB dated 1/15/2016**

Mr. Goodrich is proposing to construct a pole barn on a 1.36 irregular shaped lot with wooded area at the left and rear sides of the parcel. There is also a very large drop in both those areas. The Town of Elbridge code Chapter #30.31 in an R-R zone states “An Accessory Building shall have a front yard setback of 75ft. Such a building may be located anywhere up to within 15 feet of a side or rear property line, except that for each foot the height of such building exceeds 15 feet, the offset from the side or rear line shall be increased by one foot”. The offset for this building; which is to be 20ft. in height, is 5ft. The setback is then 20ft. The pole barn is to be placed at a 4ft side yard setback. The applicant is requesting a variance of 16ft. Chairman Timothy Gannon requested Mr. Gary Goodrich to come forward and explain to the board the reasons for this application.

**Mr. Gary Goodrich:** Hello, I’m proposing to do basically just that. I have brought pictures of the property and as you can see that that I am restricted with the way the property is and with the well right behind the house and the septic lines going out to the leach fields, it allows me a given small area to the left side of the property to put up any sort of pole barn/garage. The back of the house goes downhill quite a bit which we would have to have a great deal of fill brought in to level. After measuring out that area we found the pole barn/garage would have to be placed directly behind the house. Due to these restrictions I am asking if we could keep it somewhat Left justified and somewhat behind the house. To the rear and

left side of me is all woods and drop off. There is also a stream that runs behind all the neighbors so nothing can be built around me.

**Chairman Timothy Gannon:** How far off the road (centerline) is the pole barn to be placed?

**Mr. Gary Goodrich:** It will be placed 107ft. back from the center line of the road.

**Chairman Timothy Gannon:** what is your intention with the overhang? It's generally 1 ft.

**Mr. Gary Goodrich:** Let me know what you're comfortable with

**Chairman Timothy Gannon:** We will address it in the resolution.

**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*

Chairman Timothy Gannon made a motion seconded by John Tambroni to close the hearing for Mr. Gary Goodrich. It passed with all in favor at 7:35 p.m.

---

### Open meeting /SEQR Determination

After a brief discussion the ZBA attorney Tim Frateschi stated that this action is 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**  
*ZBA: Due to a pole barn in a rural area that will not affect the neighboring parcels and will be more than the required 75ft. back from the road.*
- 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**  
*ZBA: No based on the lay out of the land, and location of the well an septic.*
- 3) Whether the requested area variance is substantial; **YES,**  
*ZBA: Yes in the sense of numbers but not necessarily in the sense of detriment to the town or community*
- 4) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; **NO**  
*ZBA: Rural area more than 100 ft off the road.*
- 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: This variance is of substantial benefit to the applicant and has very little impact on the community.*

**ZBA DECISION VOTE: - A reduction of 16ft**

Requesting a side yard setback of 4ft to be located at 1108 Whiting Rd. in Jordan New York Chapter 30 section 30.31, states: An Accessory Building shall have a front yard setback of 75ft. Such a building may be located anywhere up to within 15 feet of a side or rear property line, except that for each foot the height of such building exceeds 15 feet, the offset from the side or rear line shall be increased by one foot. The setback for this application is 20ft. A reduction of 16ft.

**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. Goodrich be granted with relief of 16ft. The side yard setback on the Easterly line will be 4'ft. The eve shall be measured 4' from the easterly line of the property of 1108 Whiting Rd in Jordan New York.

Chairman Timothy Gannon made a motion seconded by John Tambroni to:

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

It passed with 4Aye(s) and 0 Nay(s) at 7:35p.m.

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

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

---

**Approval of Minutes – 06/17/2020**

A motion to approve the June 17<sup>th</sup>, 2020 minutes with grammatical corrections was made by Joanne Spoto Decker and seconded by Chris Beane it passed with all in favor at 7:50pm.

**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 8:05 pm.

Respectfully Submitted

Paige Boratko- Secretary/Alt. member

TM #034.-02-13.2

RECEIVED  
TOWN OF ELBRIDGE  
Filed W/Town Clerk  
Date AUG 21 2020  
Signed \_\_\_\_\_  
TOWN OF ELBRIDGE  
TOWN CLERK



Town of Elbridge Zoning Board of Appeals

**NOTICE OF DECISION**

Hearing/Decision Date: 08/19/2020

Applicant:  
Mr. Gary Goodrich  
**Area variance**—to be located at:  
TM #034.-02-13.2  
1108 Whiting Rd  
Jordan, New York 13080  
**Zoned – R-R, GML-239- Not Required due to Exempt Agreement W/OCPB dated 10/14/2016**

**ZBA DECISION VOTE: - A reduction of 16ft**

**Requesting a side yard setback of 4ft to be located at 1108 Whiting Rd. in Jordan New York Chapter 30 section 30.31, states:** An Accessory Building shall have a front yard setback of 75ft. Such a building may be located anywhere up to within 15 feet of a side or rear property line, except that for each foot the height of such building exceeds 15 feet, the offset from the side or rear line shall be increased by one foot. **A reduction of 16ft.**

**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. Goodrich be granted with relief of 16'. The side yard setback on the easterly line will be 4'ft. The eve shall be measured 4' from the easterly line of the property of 1108 Whiting Rd in Jordan New York.

Chairman Timothy Gannon made a motion seconded by John Tambroni to:

X Approve    Amend    Deny    Special Permit X Area Variance    Use Variance    Interpretation  
It passed with 4 Aye(s) and 0 Nay(s) at 7:35p.m.

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

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

*Bnatke*

*8/21/2020*

T.O.E. ZBA Secretary Signature

Date

Town of Elbridge Building Department

5 Route 31 PO Box 568

Jordan, NY 13080

(315)689-9031

Area Variance Form

Property:

Location: 1108 Whiting Rd

Tax Map#: 034.-02-13.2

Class: 210

Front: 0.00 Zone: RR

Depth: 0.00 Lot: ?

Acres: 1.36 Subdivision: ?

Owner:

Goodrich James L

1108 Whiting Rd

Jordan NY

Applicant Type :  Owner  Contractor  New

Fee: 0

Applicant: Goodrich James L

1108 Whiting Rd

Jordan NY 13080

3017038752

STATUS: APPROVED

Payment: 0

Date Approved: 08/19/20

Date Denied: //

Date Expires: //

Planning/Zoning#: 20-0001

Application Date: 08/20/20

Building Permit#: 20-0058

Grounds for Rejection of Building Permit:

Description of Need for Planning/Zoning Action: ZBA Area Variance approved w/4ft side yard setback - Eave overhang to be placed 4ft from the Easterly property line. Relief of 16'.

Conditions\Notes:

Actions: