

ZONING BOARD OF APPEALS  
5 ROUTE 31  
P. O. BOX 568  
JORDAN, N.Y. 13080



PLANNING BOARD  
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## **Town of Elbridge Planning Board**

**November 10, 2020**

### **Approved Minutes**

**Members Present:** Chairman, Marc Macro, John Stevenson, Patrick Svanson, Steve Walburger, Cindy Weirs, Sec/Alt Member

**Absent:** Tim Sullivan

**Staff Present:** Councilor Doug Blumer, Howard Tanner, CEO, Attorney Tim Frateschi

**Others Present:** Eireann Govern, Sharon Hopley

### **OLD BUSINESS:**

<b>Eric Richards</b>	Blessed Hope Church Site Plan	TM # 029.-01-35.4
Ron Falsey - owner	Rte. 31, Jordan	Zoned: Industrial
Not Present		

<b>Jerry &amp; Lynee Hamm</b>	Site Plan Review Minor SD	TM # 030.-01-02.0
Not Present	6607 River Road, Jordan	Zoned: Ag

Chairman Macro asked Howard Tanner, CEO if he heard from Mr. Hamm; Howard met with him once and he has to meet with him again, he is going to send him to the ZBA first. Mr. Hamm can change some of the lines on the SD again, but until we get by the building being too small and the utilities on the other lot and no driveway, the applicant cannot move forward.

<b>George M. Daniels</b>	Daniels Major SD Review	TM # 041.-02-07.1
Not Present	Kingston Road, Elbridge	Zoned: Ag

Approved September 10, 2019; maps were never filed with county.

Chairman Macro asked Howard Tanner, CEO if Mr. Daniels ever submitted his map; Howard stated he had to come back and get them signed and he never did. Now he cannot file them at the county until they have the driveway location on the site plan. He thought he had them all done today, but he did not get a copy of them yet. They have been approved; the maps just need to be signed.

**OLD BUSINESS:** (Cont'd)

**Eireann Bennett Govern**  
Sharon Hopler, Realtor

Town Board Referral – Zone Change  
NYS Route 31, Jordan

TM # 029.-01-36.0  
TM # 029.-01-34.1  
Zoned: RR/Ag

The Town Board (TB) is the only board that can change the zoning; they are looking at the Planning Board (PB) for a recommendation regarding Ms. Govern's request for a zone change from Rural Residential/Agricultural to Light Industrial. Changing the zone of a partial is a legislative type action, a legal action that the Town Board has to do.

Ms. Govern discussed with the PB at the October 13<sup>th</sup> meeting that most of the inquiries for this property are for businesses such as: a dog rescue boarding facility, auto mechanic, retreat, restaurant, wedding venue, winery and a bed and breakfast.

The board does not have any objections to change the agricultural lot (TM# 029.-01-34.1) to Light Industrial, because the location of this partial is between Route 31 and the NYS Thruway. The board is concerned with changing the residential partial (TM# 029.-01-36.0) to Light Industrial not knowing what the property is going to be used for. If Ms. Govern has someone that makes her an offer she could do a sale contingent upon PB approval. The board would entertain what/who was going to go in there.

The applicant had an open house and had different buyers come in, four out of five buyers all want to put businesses on the residential partial and they asked about the zoning. They were told we are trying to get that done and two of the four buyers have already gone elsewhere. No one can see the house, so if we can't get it approved then they are going to be afraid to even put an offer in. The neighbors are light industrial. What is going to happen to those properties like the one across the street? They just sold all that land on Route 31 once it was zoned Industrial and they are going to build. The PB explained that there are not any residences on those properties and the buyers came before the PB. Ms. Govern is trying to be proactive and market it as Light Industrial, because if we can advertise it as Light Industrial the property is much more marketable to sell and they will get more people coming from out of town who will be interested.

The PB discussed at length with Ms. Govern and Ms. Hopler the board's concern of changing the residential partial to Light Industrial. If the zone is changed to Light Industrial everything is allowed only subject to site plan (SP) approval, which includes everything in the (Ag, B1, B2 and Light Industrial). Once the zone is changed to Light Industrial, the property can be used for all of the zones listed, subject to site plan approval; unless there is something completely drastic where through the SEQRA process it is determined that it is going to have a significant environmental impact.

The applicant has a potential buyer coming tomorrow morning for the third time. He is interested in living in the house and would like to use the garage for his business. The board suggested if the applicant makes an offer or has a question, the board is willing to meet with him or have a conference call. Attorney Frateschi stated this would have to be publicly advertised within 72 hours' notice (3 days). The board would have to do this as quickly as possible and that would help the PB make a decision to the TB if it makes sense to the PB. Town Board meets Thursday, November 12<sup>th</sup>. If the applicant gets an offer tomorrow and wants to attend the Town Board meeting call the Town Clerk to see if they can be put on the agenda. Ms. Govern said it would not be this week, probably at their next meeting.

**OLD BUSINESS:** Eireann Bennett Govern (Cont'd)

The PB members discussed that if they are not willing to approve this tonight with a positive recommendation to the Town Board, that they make no recommendation at all. All the board members agreed that they are unable to make a positive recommendation to the Town Board.

Planning Board members agreed to move this to the Town Board with no recommendation of NO POSITION. The Planning Board bases their position of "No Position" on the information that was provided to the board. A no position letter neither for nor against will be emailed to the Town Clerk for the Town Board regarding Eireann Governs request for a zone change.

**NEW BUSINESS:** None

**Approval of Minutes:** October 13, 2020 Draft Minutes

John Stevenson motioned to approve October 13, 2020 draft minutes as presented. Steve Walburger seconded the motion and followed unanimously by all members present.

**APPROVED**

**DISCUSSION:** Don Petrocci's Property

Mr. Petrocci called because he has someone that wants to buy the property. Howard hasn't given him a Certificate of Occupancy (CO) because he didn't do what he was supposed to do back in 2019 that we all agreed to after numerous meetings and back and forth with him including planting the lawn that was supposed to be done by June 1, 2019.

Chairman Macro is in favor of making him do everything that we agreed to 18 months ago on March 12, 2019 and he agreed to do. The date of the map is March 12, 2019; Project #17068 from Robert Eggleston dated March 12, 2019.

Howard Tanner, CEO met with Mr. Petrocci last week so he knows what needs to be done. The sign is gone and Howard thinks the grass was growing just to about the door over to the edge of the handicap parking. He has three parking spots the first one is handicap and then there are two customer parking spots that are 20 feet deep off the edge of the building. He never ripped up the blacktop in front of the building and there is supposed to be barriers between his property and Anthony Demarco's property, because they were using the back and front corner driving through the two properties continuously. Demarco moved one barrier over there to stop them from doing that. Howard will try to meet with him out there on Thursday.

There are restrictions on this property, the board thinks Howard may want to give the buyer a copy of the restrictions. If he puts another sign up he has to go to Howard to get a permit. Howard will send him back for site plan approval because we do not have any idea of what the sign is on the map, he thinks that is a proposed sign. Chairman Marco told Mr. Petrocci we were going to discuss it tonight and he can reach out to Howard tomorrow.

**Dennis & Patricia Hoe Property - (Steve Holmes)**

Ms. Hoe wants to review the site plan. Howard spoke with Steve Holmes when he went there. Howard stated from the ramp right to the sidewalk is only 31 feet now that the state is done which is what the PB thought. This is not going to require a lot of change but there is no way you are going

**DISCUSSION:                   Hoe Property                   (Cont'd)**

to back a car out there now. Howard thinks we are going to have to send this back to Bob Eggleston to update the site plan to what the state left behind. Howard does not know what the boards' preference would be angled parking in here or backing out into the driveway. The board was concerned was cars backing out into the entrance of the building. This property requires two handicap parking spaces because of the size lot. The PB confirmed that the asphalt exists for the handicap parking and it is going to be striped. Maybe Bob Eggleston can figure out something in front of the building that doesn't impede on coming in off the highway.

Howard believes the way it was left, there was a portion that had to be done in 2019 then you wanted to revisit the site plan when the state completed the sidewalk. The applicant agreed that the signage, lighting and dumpster enclosure would be completed by August 1<sup>st</sup> 2019, everything but the ROW and paving.

The PB didn't want people driving from one property to the other. Howard said it is fenced now and they did change the lighting that the PB required on the site plan. One section of fence needed to be moved back to the sign post; no banners.

There is no outside storage in the front or either side of the building which includes all the tires that are piled up. The site plan clearly says no outside storage right on it. Howard spoke with him about the tires stored outside. The dumpster enclosure needs to be fenced in and it has to be done with a man-door with 2 gates. The fence needs to extend down to screen the dumpster.

The private driveway was supposed to be paved 24 feet down the ramp with a private driveway sign. This is not on the site plan, but it is stated in the minutes.

The sign on the building is not to code, it is too big for the square footage. It has to be reduced to 40 square feet. The existing standing sign is still there they did not make any changes to it. Howard did not measure that to see how far off the ROW it was when he was out there.

Howard said we are probably going to need to put some barriers up on the end of the parking lot too, before we are done because now they drive out at the end where the state filled it in.

**Cassie Osgood:** Not Present

Howard explained Ms. Osgood wants to buy to building and put a residence in the back and an insurance office in the front. The property is in a B1 zone. Howard just talked this over with the Attorney Frateschi, both uses are allowed with subject to SP approval, but he cannot find anything in the zoning that says NO, even though he told her no, there is actually nothing in the zoning that he can point to that says you cannot have two uses in the same building, subject to SP approval. Attorney Frateschi thinks you have to have a primary purpose in every facility that you have, you can't have 2 primary purposes unless you have a mix use type of zoning that allow mixed uses; Howard and we don't. Chairman Macro thinks tonight is a good example that our zoning needs to be tuned up in a few areas.

Adjournment: Pat Svanson motioned to adjourn at 8:06 pm, seconded by Steve Walburger.

Respectfully submitted  
Cynthia Weirs, Sec/Alt Member

**Next Meeting: December 8, 2020**