

Town of Elbridge Zoning Board of Appeals



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TOWN OF ELBRIDGE ZONING BOARD OF APPEALS

Reorganizational Meeting Minutes

January 17th 2024

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

Others Present: Colleen Dine, Charles Honeywell

Staff Present: T.O.E Councilor Doug Blumer – ZBA Liaison

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.
- Harris Beach, 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. Tracy Resch seconded the motion followed by a unanimous vote.

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

J. Spoto Decker- A, Chairman T. Gannon- A, T. Resch- A, J. Tambroni- A,

A motion was made by Chairman Timothy Gannon and seconded by Tracy Resch to open the hearing for Colleen Dine & Charles Honeywell/Peru Rd in Jordan NY. The motion passed with all in favor.

Chairman Timothy Gannon read the legal notice posted on 01/04/2024 in the Post Standard and then requested Colleen Dine & Charles Honeywell to come forward and explain to the board the reasons for this application.

HEARING#1

Area Variance of 25-ft

TM #028.-01-38.2.

Colleen Dine & Charles Honeywell

Peru Rd in Jordan NY, 13080

Z=R-1, 1.11 acres

Publish Date – 01/04/2024

GML-239 = N/A

Chapter 265-12(1)

Minimum lot size: lots shall not be less than one acre in area, and the minimum width shall be 150 feet if without public water and sewer. Where either a public water system or a public sewer system is available the lots may be 30,000 square feet in area with a minimum lot width of 100 feet.

[Amended 8-23-2018 by L.L. No. 6-2018]

Chapter 265-12(3)

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.

An Area variance is needed due to the property being just over 1 acre without public utilities; which has a front yard setback minimum of 75ft. in an R1 zone. The parcel contains 1.11 acres.

Applicant Christine Dine (CD): I have taken pictures of places down road where a lot of the houses are a lot closer than what we are proposing. In the back of property there's a lot of heavy brush and a Verizon line towards the back of the lot.

Chairman Timothy Gannon: What's the offset off the back line?

Chairman Timothy Gannon: We need to know at least what the setback will be? their rear yard is a 40ft. setback.

Chairman Timothy Gannon: So, a 25 ft. relief from the 75 ft. setback.

Applicant Charles Honeywell (CH): It was 55ft. off the road.

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

Chairman Timothy Gannon made a motion seconded by Tracy Resch to close the hearing for Colleen Dine & Charles Honeywell/Peru Rd in Jordan NY. It passed with all in favor.

Open meeting /SEQR Determination

Environmental Assessment: If this is a Type I or unlisted action, discuss the potential

Type I ___ Type II X, Unlisted ___

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

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 25ft. from the Town of Elbridge Zoning Laws Chapter 265-12(3); to be located at Colleen Dine & Charles Honeywell/Peru Rd in Jordan NY.

AREA VARIANCES. Town Law Chapter 265-49 & 265-50; 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: **No, undesirable change in the neighborhood.**

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: **- layout of the necessities/mechanicals, placement of the house in this location with the frontage.**

3. Whether the requested area variance is substantial.

Response **- looking for a 25- ft variance from a 75-ft front yard minimum requirement. Numerically it is substantial.**

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, none determined**

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: **- yes, but not the determining factor**

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

ZBA DECISION VOTE: -Area Variance –25-ft

Requesting an area variance to be located at Peru Rd in Jordan NY.

Town of Elbridge Zoning Laws Chapter 265-12(3)

Peru Rd in Jordan NY, 13080

Z=R-1, 1.11 acres

Publish Date – 01/04/2024

GML-239 = N/A

Z=AG

Area variance of 25-ft. from 75ft minimum front yard Setback requirement

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 detriment to the applicant outweighs the detriment to the neighborhood and that the relief petitioned for by Colleen Dine & Charles Honeywell/Peru Rd in Jordan N.Y. be granted with the following conditions:

- 1) The applicant must obtain a building permit for this project within 30 days of this hearing.

- 2) The project must be completed in accordance with the plan and specifications submitted with the application and as amended at the public hearing with the town of Elbridge zoning Board of appeals.

John Tambroni made a motion seconded by Tracy Resch to:

X *Approve* __ *Amend* __ *Deny* X *Area Variance* __ *Use Variance* __ *Interpretation*

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

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

J. Spoto Decker-A, **Chairman T. Gannon-**A, **T. Resch-**A, **J. Tambroni-**A

Approval of Minutes – 11/15//2023

A motion to approve the November 15th, 2023 minutes was made by Joanne Spoto Decker and seconded by John Tambroni. It passed with all in favor.

DISCUSSIONS: *None*

OLD BUSINESS: *None*

ADJOURNMENT: With no further business on the agenda, a motion was made by Chairman Timothy Gannon and seconded by John Tambroni to adjourn tonight's meeting. The meeting was adjourned with all in favor at 7:40 pm.

Respectfully Submitted

Paige Boratko- Secretary/Alt. member