

TOWN OF ELBRIDGE  
TOWN BOARD MEETING  
November 10, 2021

The Town Board of the Town of Elbridge met to conduct their regular meeting on Wednesday, November 10, 2021 at 7:00 PM at the Town Municipal Building, 5 Route 31, Jordan, N.Y. Supervisor Richardson opened the meeting at 7:00 PM and led the Pledge of Allegiance.

**PRESENT:** Councilor Todd Platten, Supervisor Vern Richardson, Councilor Doug Blumer, Councilor Floyd Duger (via speaker phone)

**OTHERS PRESENT:** Town Attorney Timothy Frateschi, Codes Officer Howard Tanner, Brian Skidmore Barton & Loguidice, Tim Burns, Town Clerk Danielle Karlik

**ADOPT MINUTES:** On a motion by Councilor Platten, seconded by Councilor Blumer, the minutes from October 28, 2021 were approved.

**GUESTS:** Brian Skidmore from Barton & Loguidice addressed the Board in regards to the Joint Sewer System Project. During the week of November 1, 2021 the commit held a meeting to continue discussions. Brian presented the Board with a handout, on file in the Clerk's office, laying out the Project Development Schedule, the Estimated Annual User Cost Summary, and a Public Informational Flyer. Mr. Skidmore would like to set dates for two public informational meetings and suggested the first one be set for a date in December, 2021.

At this time Councilor Duger inquired about the ability to add more areas in the future. Mr. Skidmore stated there was some ability to add, perhaps roughly 150 more units, give or take. Councilor Platten inquired in regards to the numbers currently included. Mr. Skidmore stated there were 170 units in the Town of Elbridge, with 550 units in the entire project. Councilor Platten also inquired as to how the grinders would be powered. Mr., Skidmore informed the Board that grinders would be powered from the individual residential homes. Councilor Platten then asked about which side the system would cover on Brutus Road. Mr. Skidmore answer was, both sides. Supervisor Richardson wanted to know if the system would extend past the Jordan Pool. Mr. Skidmore informed him it would extend up to the Jordan Pool area.

**OLD BUSINESS:**

- Marijuana opt out Public Hearing was discussed with resolutions to follow.
- Local Law 2021-5 Amending Chapter 265 EAF was conducted by the Town Board, with resolutions to follow.

**NEW BUSINESS:** Councilor Blumer informed the Board of an empty seat on the Board of Assessment Review.

**RESOLUTIONS:**

On a motion by Councilor Blumer, seconded by Councilor Platten, the following Resolution was

ADOPTED: 4 AYES Richardson Duger Platten Duger  
0 NAYS

**Resolutions 101/21**

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The **TOWN BOARD OF THE TOWN OF ELBRIDGE (the “Board”)**, in the County of Onondaga, State of New York, met in regular session at the Town Hall in the Town of Elbridge, located at 5 Rt. 31, Village of Jordan, County of Onondaga, State of New York, on the 10th day of November, 2021, at 7:00 p.m. The following resolution was moved, seconded and adopted:

**WHEREAS**, the Town Board has held informational meetings regarding the State’s Marijuana Regulation and Taxation Act (the “MRTA”), which was signed into law on March 31, 2021;

**WHEREAS**, the MRTA provides the Town with the authority to “opt-out” of allowing marijuana dispensaries and/or on-site consumption businesses in the Town;

**WHEREAS**, the State of New York has not developed any rules or regulations or other guidance related to the MRTA, thus leaving the Town with several questions about how the licensing process would be administered and how it would function in the Town;

**WHEREAS**, if the Town does not opt out by December 31, 2021, it will not be able to opt out in the future;

**WHEREAS**, if the Town does opt out by December 31, 2021, it will be able to monitor how the sale and on-site businesses are operating throughout other parts of the State and will be able to opt back in, in the future to allow the sale and on-site consumption of cannabis;

**WHEREAS**, at this time, the Town Board believes it is in the best interest of the Town of Elbridge to opt out of allowing cannabis retail dispensaries and onsite cannabis consumption sites from being established and operated within the Town’s jurisdiction for the reasons state herein;

**WHEREAS**, Local Law 2021-6 has been introduced before the Town Board as set forth below:

**LOCAL LAW 2021-6, A LOCAL LAW CREATING  
CHAPTER 170 OF THE TOWN OF ELBRIDGE CODE  
ENTITLED “MARIJUANA OPT-OUT”:**

**Be it enacted by the Town Board of the Town of Elbridge, Onondaga County, New York as follows:**

Section 1. That a new Chapter 170 be created as follows:

CHAPTER 170  
MARIJUANA OPT-OUT

**Section 1. Legislative Intent**

It is the intent of this local law to opt out of allowing cannabis retail dispensaries and on-site cannabis consumption sites in the Town of Elbridge that would otherwise be allowed under the Marijuana Regulation and Taxation Act (the “Cannabis Law”).

**Section 2. Authority**

This local law is adopted pursuant to Cannabis Law § 131 which expressly authorizes the Town Board to adopt a local law requesting the Cannabis Control Board to prohibit the establishment

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of cannabis retail dispensary licenses and/or on-site consumption licenses within the jurisdiction of the Town and is subject to a permissive referendum, the procedure of which is governed by Municipal Home Rule Law § 24.

**Section 3. Local Opt-Out**

The Town Board of the Town of Elbridge hereby opts out of allowing cannabis retail dispensaries and onsite cannabis consumption sites from being established and operated within the Town's jurisdiction.

**Section 4. Severability.**

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

**Section 5. Permissive Referendum/Referendum on Petition**

This local law is subject to a referendum on petition in accordance with Cannabis Law § 131 and the procedure outlined in Municipal Home Rule Law § 24.

**Section 6. Effective date.**

This local law shall take effect on December 31, 2021.

**WHEREAS**, the Town Board desires to hold a public hearing to hear those who support or oppose Local Law 2021-6;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Elbridge, County of Onondaga, State of New York, shall hold a Public Hearing on said proposed Local Law 2021-6, and that such Hearing shall be held at the Town Hall of the Town of Elbridge, located at 5 Rt. 31, Village of Jordan, County of Onondaga, State of New York, on December 9, 2021 at approximately 7:00 p.m. and be it further

**RESOLVED**, that the Town Clerk give notice of such Public Hearing by the publication of a notice in at least one newspaper circulated in the Town, specifying the time when and the place where such Public Hearing will be held, and in general terms, describing the proposed Local Law. Such notice shall be published once at least five (5) days prior to the Public Hearing.

On a motion by Councilor Blumer, seconded by Councilor Platten, the following Resolution was

ADOPTED: 4 AYES Richardson Duger Platten Duger  
0 NAYS

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**Resolutions 102/21**

The Elbridge Town Board resolves to become the Lead Agency for the Onondaga County Planning Board GML 239 Referral Notice in regards to Local Law 2021-5 amending Chapter 265 of the Elbridge Town Code, moving Special Permits from the Zoning Board of Appeals to the Planning Board.

On a motion by Councilor Blumer, seconded by Councilor Duger, the following Resolution was

ADOPTED: 4 AYES Richardson Duger Platten Duger  
0 NAYS

**Resolutions 103/21**

The Elbridge Town Board approves a negative declaration for the amendment of Chapter 265 of the Elbridge Town Code based on the SEQR information.

On a motion by Councilor Duger, seconded by Councilor Blumer, the following Resolution was

ADOPTED: 4 AYES Richardson Duger Platten Blumer  
0 NAYS

**Resolutions 104/21**

**WHEREAS** on September 9, 2021 the Elbridge Town Board resolved to conduct a Town wide revaluation commencing on January 2022 thru December 2024, and

**WHEREAS** the Town Board has determined that the cost of this re-valuation will have a negative impact on the 2022 Property Tax Cap, and

**WHEREAS** the Town Board further determines that it is not financially feasible to conduct a revaluation in the 2022 budget and not go over the Property Tax Cap,

**NOW THEREFORE BE IT RESOLVED** the Elbridge Town Board rescinds Resolution 88-21, made at its September 9, 2021 Board meeting and any spending associated with said resolution shall be removed from the 2022 Fiscal Year Budget, as an amendment to said Budget.

On a motion by Councilor Duger, seconded by Councilor Blumer, the following Resolution was

ADOPTED: 4 AYES Richardson Duger Platten Blumer  
0 NAYS

**Resolutions 105/21**

The Elbridge Town Board, on this day November 10, 2021, having held a Public Hearing on October 14, 2021 for the Preliminary Budget approved by this Board and filed with the Town Clerk for the fiscal year 2022, and having allowed for public comment, for or against, on the matter of the Budget,

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**RESOLVES** that the Preliminary Budget be adopted and established as the Final Budget, with any amendments made after October 14, 2021, for the Town of Elbridge for the fiscal year beginning January 1, 2022, and

**BE IT FURTHER RESOLVED**, that the Town Clerk shall prepare and certify, as provided by law, duplicate copies of said Annual Budget hereby adopted, and shall deliver them to the Supervisor of the Town of Elbridge, who shall deliver one copy to the Onondaga County Legislature for the levy of taxes.

On a motion by Councilor Platten, seconded by Councilor Blumer, the following Resolution was

ADOPTED: 4 AYES Richardson Duger Platten Blumer  
0 NAYS

**Resolutions 106/21**

The Elbridge Town Board resolves to cancel the Special Meeting and Public Hearing scheduled for November 16, 2021 at 7:00 PM, at 5 Route 31 Jordan, New York.

On a motion by Councilor Blumer, seconded by Councilor Platten, the following Resolution was

ADOPTED: 4 AYES Richardson Duger Platten Blumer  
0 NAYS

**Resolutions 107/21**

The Town of Elbridge Tow Board resolves to advertise for one Board of Assessment Review vacancy, with letters of interest being accepted until December 8<sup>th</sup>, 2021.

On a motion by Councilor Blumer, seconded by Councilor Platten, the following Resolution was

ADOPTED: 4 AYES Richardson Duger Platten Blumer  
0 NAYS

**Resolutions 108/21**

The following resolution was moved, seconded and adopted by the Elbridge Town Board

**WHEREAS**, a Local Law has been introduced before the Board, to wit: Local Law 2021-5, entitled “**A LOCAL LAW AMENDING CHAPTER 265**”, “**ZONING**” **OF THE CODE OF THE TOWN OF ELBRIDGE**, the text of which is as follows:

**LOCAL LAW 2021 -5, AMENDING CHAPTER 265  
“ZONING” OF THE CODE OF THE TOWN OF  
ELBRIDGE:**

**Be it Resolved by the Town Board of the Town of Elbridge, Onondaga County, New York as follows:**

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Section 1. That Chapter 265, Article XIII, entitled Zoning Board of Appeals, Section 265-86, of the Code of the Town of Elbridge, be repealed in its totality.

Section 2. That Chapter 265, Article XII, entitled Planning Board, Section 265-81, of the Code of the Town of Elbridge, be amended as follows.

§ 265-81\_\_\_**Special use permits.**

**A.** The Planning Board may grant special use permits as hereinafter authorized. A land use activity that requires a special use permit is not automatically approved. An applicant only becomes entitled to a special use permit to conduct the desired use if the applicant demonstrates to the Planning Board that the proposed use will be conducted in accordance with the following standards, and only after the Planning Board has made findings determining that:

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

**B.** Professional fees. The Planning Board is authorized to engage any professional it deems necessary to assist it in the review of the application. The applicant shall reimburse the Planning Board for any such fees incurred and shall require the applicant to make a deposit in advance on account of such fees. In the event such a deposit is not paid, the Planning Board shall suspend its review of the application until such deposit is made.

**C.** The Planning Board is also authorized to impose any conditions on the grant of the special use permit that are reasonably necessary to insure that the proposed use will satisfy the standards and criteria set forth in this chapter or are otherwise reasonably necessary considering the facts and circumstances of the case.

**D.** In an agricultural zoning district, special use permits may be granted for the following uses:

- (1) Public service and utilities;
- (2) Outdoor recreation;
- (3) Home occupation, which shall comply with the following conditions and restrictions:
  - (a) The lot must be one or more acres;
  - (b) The occupation shall be conducted entirely within a building at the residence;
  - (c) There shall be no external evidence of the alteration of the residence for business purposes. Any alterations to the residence to accommodate the home occupation shall be architecturally consistent with the preexisting residence. Any other building on the premises which is used for the home occupation shall appear externally to be residential accessory in its attributes;

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(d) There shall be no outside storage or display of home occupation goods in front of the residence on site. However, the Planning Board may vary this requirement upon presentation of special circumstances;

(e) No exterior advertisement, sign or display shall be allowed on the premises except a two-foot-square business identification sign attached to the front elevation of a building or freestanding 15 feet off of the highway right-of-way;

(f) Only one nonresident of the household may be employed in the home occupation;

(g) All commercial motor vehicles must be parked in the least intrusive area of the premises;

(h) All equipment used in the home occupation must be located or stored out of sight from the public highway;

(i) No activity which is offensive by reason of odor, noise, dust, smoke, hours of operation, debris, noxious fumes, vibration, excessive lighting or manner of operation shall be allowed;

(j) The home occupation shall not occupy an area exceeding 25% of the first floor area of the residence;

(k) Any additional parking spaces shall be located behind the residence;

(4) A noncommercial wind energy conversion system (WECS) which shall comply with the following conditions:

(a) A site plan drawn by a licensed professional shall show the following:

[1] Location of the tower on the site and the tower height, including blades, rotor diameter and ground clearance;

[2] Utility lines, both above and below ground, within a radius equal to the proposed tower height, including blades;

[3] Property lot lines and the location and dimensions of all existing structures and uses on site within 300 feet of the system;

[4] Surrounding land use and all structures within 500 feet of the WECS location;

[5] Dimensional representation of the various structural components of the tower construction, including the base and footing;

[6] Design data indicating the basis of design, including manufacturer's dimensional drawings and installation and operation instructions;

[7] Certification by a registered professional engineer or manufacturer's certification that the tower design is sufficient to withstand wind-load requirements for structures as established by the New York State Uniform Fire Prevention and Building Code;

[8] Evidence from a qualified individual that the site is feasible for a WECS;

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(5) Bed-and-breakfast;

(6) Outdoor wood boiler located at least 200 feet from all property lines.

**E.** In a rural residential district, special use permits may be granted for the following uses:

(1) Home occupation which shall comply with Subsection **D(3)**, with the exception that the lot size specified in Subsection **D(3)(a)** may be two or more acres;

(2) Bed-and-breakfast;

(3) Private boarding of farm livestock, subject to the restrictions contained in § **265-10B(3)**;

(4) Religious institutions;

(5) Public service and utilities;

(6) Outdoor wood boiler located at least 200 feet from all property lines;

(7) Commercial animal boarding on three or more acres;

(8) A noncommercial wind energy conversion system which shall comply with Subsection **D(4)**;

**F.** In a R-1 District, special use permits may be granted for the following uses:

(1) Two-family dwelling;

(2) Adult housing facilities;

(3) Public service and utilities;

(4) Religious institutions;

(5) Crop farming on five or more acres;

(6) Bed-and-breakfast on two or more acres;

(7) Home occupation limited to only service businesses and which shall comply with Subsection **D(3)(c), (e), (f), (j)** and **(k)**. No goods may be stored or delivered on the premises.

**G.** In a R-3 District, special use permits may be granted for the following uses:

(1) Home occupation which shall comply with Subsection **D(3)**, with the exception that the lot size specified in Subsection **D(3)(a)** shall be two or more acres;

(2) Bed-and-breakfast on two or more acres;

(3) Religious institutions;

(4) Public service and utilities;

(5) Outdoor wood boiler located at least 200 feet from all property lines.

**H.** In a service district, special use permits may be granted for the following uses:

(1) Public service and utilities;

(2) Fuel stations and car washes;

(3) Restaurant and tavern not to exceed 3,000 square feet;

(4) Indoor sales not to exceed 3,000 square feet.

**I.** In a Business (B-1) District, special use permits may be granted for the following uses:

(1) Outdoor sales;

(2) Public service and utilities.



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**J.** In an industrial district a special use permit may be granted for an outdoor wood boiler located 200 feet from all property lines.

**K.** In the Eno Point Planned District a special use permit may be granted for all year residential use only if it is proven by competent professional evidence that the sewage disposal system is adequate and that there is a potable water supply each of which is approved by the Onondaga County Department of Health. Before the special permit is granted, the application shall be referred to the Eno Point Campers Association for comment.

**L.** Religious institutions residence. Wherever a religious institution is an allowed use or it is a preexisting nonconforming use, a special use permit may be granted to allow on site a residential use unit in an existing building which may be used only for the residence of an employee of the religious institution and his family.

Section 3. That Chapter 265, Article XII, entitled Planning Board, Section 265-81, of the Code of the Town of Elbridge, be amended as follows.

§ 265-82 Outdoor lighting regulations.

Section 4. That Chapter 265, Article XII, entitled Planning Board, Section 265-82, of the Code of the Town of Elbridge, be amended as follows.

§ 265-83 Effect and Duration.

Section 5. That Chapter 265, Article XIII, entitled Zoning Board of Appeals, Section 265-83, of the Code of the Town of Elbridge, be amended as follows.

§ 265-84 Membership and term of office.

Section 6. That Chapter 265, Article XIII, entitled Zoning Board of Appeals, Section 265-84, of the Code of the Town of Elbridge, be amended as follows.

§ 265-85 Qualification of Board members.

Section 7. That Chapter 265, Article XIII, entitled Zoning Board of Appeals, Section 265-85, of the Code of the Town of Elbridge, be amended as follows.

§ 265-86 Appellate Power.

**BE IT FURTHER RESOLVED**, the Town Board believes it would be more efficient for the Planning Board to consider Special Use permits rather than the Zoning Board of Appeals, given their respective responsibilities.

**COMMITTEE REPORTS:**

Councilor Blumer: The Planning Board met on Tuesday, November 9, 2021. They discussed two preliminary sub divisions on Route 31, scheduling Public Hearings for both. A preliminary site plan was submitted for the Coffee Barn on Route 5, and a Public Hearing is scheduled for that as well. There is interest at the Feed Mill to install solar panels, and a renewed interest for the old Family Dollar property on Route 5 for a proposed mini-mart and gas station, however this is yet undetermined as it has not come before the Town Board.

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The Historian's office has determined they will have enough funds to replace the secretary's computer this year.

Councilor Duger: The Highway is working on equipment and road maintenance, as well as preparing for snow with 800 ton of salt delivered. The Recreation and Senior programs are active. There is a theme this winter of Health and Wellness, and a yoga class for all ages in the works. Lunches are averaging 35 participants and the Onondaga County Office for the Aging is pleased with the Program's progress. 50 participants are resisted for the December trip to Lancaster PA. A Christmas Luncheon will be held on December 14; Board members are invited. Residents aware of the informal discussions for a future gymnasium in the proposed new building see supportive. Joe Patrick is working with the school to potentially have an informal basketball local league, as the regular program has been cancelled for the second year. The School and the Highway are working together to make the necessary repairs to Hill #1 and to skim the softball field in preparation for the ball mix.

Councilor Platten: It has been pretty quiet. The Environmental Commission met by Zoom. The Commission discussed the Manure Lagoon on Gorham Road, options available for these types of lagoons, the ramifications of them, and the concerns of residents in the area. At this time Councilor Blumer asked why the Environmental Commission would be concerned. Councilor Platten that they are looking at these lagoons from an environmental impact stand and the results on the community as a whole. It does not hurt to be better informed. Councilor Platten still plans to meet with Scott Miller from Speedy's landscaping, even though mowing has come to an end for the year.

Supervisor Richardson: Solar panels have been delivered to the landfill with hopes to begin work there soon. The Supervisor's report will be available on Friday 11/13/21.

**MONTHLY REPORTS ON FILE:** Highway, Codes

**AUDIENCE PARTICIPATION:** Codes Officer Tanner suggested that with the proposed sewer project, the Town may want to speak with the owners of property on Hamilton Road in regards to not placing the land under Forever Green. With sewer available it may be better suited for parties to sell for housing in the future.

Tim Burns addressed the Board in regards to progress of the manure lagoon on Gorham Road. The excavation is nearly completed. There is concern for the large berm on the north side of the lagoon. It will reroute water runoff and create a pond. Mr. Burns asked if any of the Board took up the invite to visit the site. Supervisor Richardson, Councilor Blumer, and Councilor Platten all affirmed that they had. Mr. Burns inquired if they had gotten any answers to his previously proposed questions. Councilor Blumer stated that the monitoring and leak detection system was addressed, and that final grading and top soil replacement were scheduled to occur, though no vegetation would be seeded until the warmer seasons, leaving the lagoon at only 50% operational capacity until it was established.

Mr. Burns asked would the lagoon be in use this winter. Councilor Blumer informed him that due to DEC regulations it would be. He also stated that the size of the lagoon was down sized from original plans. Mr. Burns further inquired to fencing for safety purposes. Councilor Blumer informed him that the fire departments would be receiving training for rescue in these particular circumstances. At this point Mr. Burns suggested that meter reading be taken for base gas levels and checked periodically for surrounding residents so that mitigation could take place if levels

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were unsafe. Councilor Blumer stated that it would be under the authority of the DEC not the Town. Mr. Burns will be looking at the codes for the Town of Hamilton and their requirements for CAFO buffers and setbacks, and he would like the Town to take a look at them as well.

**ADJOURNMENT:** On a motion by Councilor Blumer, seconded by Councilor Platten, the Elbridge Town Board meeting was adjourned at 8:36 PM.

Respectfully Submitted,

Danielle Karlik  
Elbridge Town Clerk