

Lerner

TOWN OF LYSANDER
ZONING BOARD OF APPEALS

APPLICATION

Application Number 2014-007 Date 7-14-2014 Fee \$50.00

Type of Application

- ( ) Special Use Permit
( ) Permit for Temporary Structure/Occupancy (explain need on page 2)
( ) Extension of Permit for Temporary Structure/Occupancy (explain need on page 2)
(X) Appeal of Decision made by the Code Enforcement Officer
(X) Area Variance (provide details on page 2)
( ) Use Variance (use requested )
( ) Informal Interpretation (describe issue on page 2)
( ) Other

Applicable Sections of the Zoning Ordinance

139-16, 2a

Review by Onondaga County

(X) Planning Board Required ( ) Not Required

Review by Town of Lysander

( ) Planning Board Required (X) Not Required

Applicant

Name JOHN S. LERNER
Street Number 4344 MILLWOOD DR. Municipality LIVERPOOL
State NY Zip Code 13090

Property

Street Number 7213 FARNHAM RD. Municipality TN OF LYSANDER
State NY Zip Code 13112 (MEMPHIS, NY)
Tax Map Number 037-01-19.0
Owner (if different than applicant) Name -SAME-
Address

Zoning District R-20 Overlay Control RIVERFRONT OVERLAY DISTRICT

Size of Property .73 acres
Existing Structures/Uses (X) Conforming ( ) Nonconforming

EXISTING USE- SINGLE FAMILY RESIDENCE
PROPOSED USE- SINGLE FAMILY RESIDENCE

**Need and Description**

For temporary permits, explain why a permit is needed. For area variances, attach a copy of a current survey and any drawings or plans - if reducing or enlarging documents that **do not** include a graphic representation of scale indicate the percentage of reduction or enlargement. Attach additional pages if necessary.

SEE SITE PLAN, SURVEY & NARRATIVE

**Area Variances**

- Residential
- Nonresidential
- Principal Structure
- Accessory Structure

- Front Yard Setback
  - Required Setback 50.0 feet
  - Variance Requested 20.5 feet
- Individual Side Yard Setback
  - Required Setback N/A feet
  - Variance Requested N/A feet
- Lot Dimensions/Coverage/Floor Area
  - Type \_\_\_\_\_
  - Requirement N/A
  - Variance Requested \_\_\_\_\_
- Rear Yard Setback
  - Required Setback N/A feet
  - Variance Requested N/A feet
- Total Side Yard Setback
  - Required Setback N/A feet
  - Variance Requested N/A feet
- Other
  - Type \_\_\_\_\_
  - Requirement N/A
  - Variance Requested \_\_\_\_\_

**Alternatives**

Explain in detail why the proposed action cannot be conducted where a variance would not be required, or where a smaller variance would be required (attach additional pages if necessary).

SEE NARRATIVE

Sworn this 14 day of September, 2014

*[Signature]*

Notary Public

*[Signature]*

Applicant/Representative Signature

Owner/Representative Signature

**KAREN A. RICE**  
Notary Public, State of New York  
Qualified in Onondaga County  
No. 4855987  
Commission Expires May 12, 2018

September 15, 2014

Town of Lysander ZBA  
8220 Loop Road  
Baldwinsville, NY

RE: John S. Lerner  
7213 Farnham Road  
Tn of Lysander, NY  
Tax ID # 037.-01-19

### **NARRATIVE**

The property at 7213 Farnham Road is 31,653 SF with 100.0 FT lake front of shoreline on Cross Lake and 100 FT of lot width. It currently has a 4 bedroom house and a shed.

John Lerner purchased the property in 2008 as a summer cottage to use with his family. John and his family have since decided to move permanently to Cross Lake. The existing house on the property is underbuilt, has significant structural issues both with the roof and the existing piers and does not meet the family needs. John has decided to remove the existing house and shed and construct a modest 1,702 sf house with attached garage that meets the needs of his family.

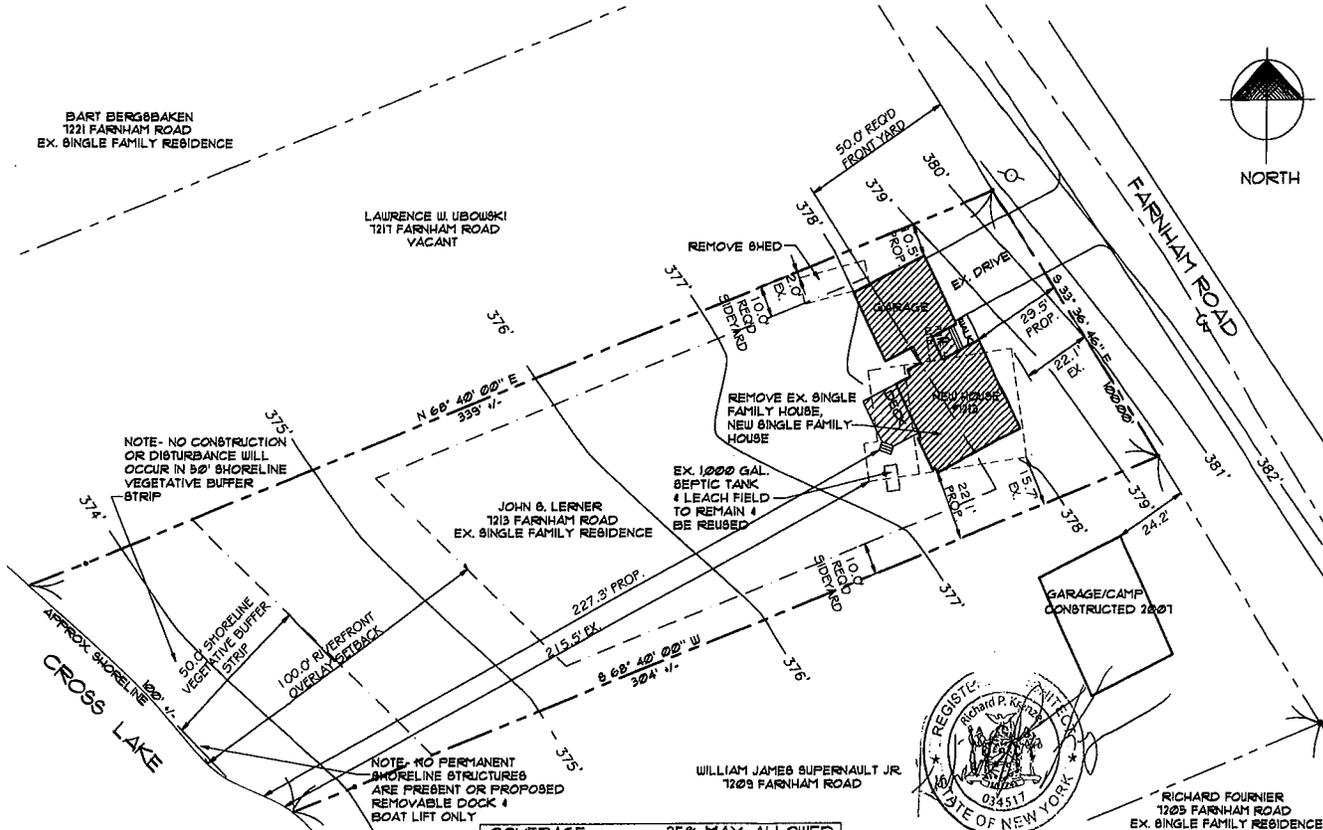
The property is located in the R-20 zoning district and meets required lot area and lot width.

The proposed house will be located where the existing house is. This location will require a front yard variance in that the new house will be 29.5' off the road line where 50.0' is required. The existing house is 22.1' off the road line. All other setbacks will be conforming.

The proposed house makes most sense to be located in the location as shown on the site plan because with spring snow melt and rain, Cross Lake rises significantly. The spring water level has reached areas near the existing house location. If a new house was constructed 50' off the road line, it would be in Cross Lake spring time flood waters. The new house will be built on concrete piers 2' above 100 year flood level. The grade at the existing house location is also slightly built up- creating a natural location that prevents flood waters from moving farther east toward Farnham Road. Mr Lerner also plans to reuse the relatively new septic system for the new house. That septic location prohibits the new house to be 50' or more from the road line. The garage to the south (Supernault, 7209 Farnham Road) was built in 2007 and is 24.2' off the road line.

To mitigate water run off, gutters will be installed on the new house. Per the riverfront overlay district guidelines, the natural vegetative buffer will be maintained within 50' of Cross Lake during and after construction. To control erosion during construction, a silt fence will be placed west of the house construction site.

# Proposed Single Family



**INHABIT**  
 ARCHITECTURAL DESIGN PLLC  
 4568 LIMELEDGE ROAD  
 MARCELLUS, NY 13108  
 315-679-0771

**SITE PLAN FOR:**  
 JOHN LERNER  
 7213 FARNHAM ROAD  
 TN OF LYSANDER, NY

18 SEPT 2014

1 OF 4



**SITE PLAN**  
 1" = 30'-0"

SITE INFORMATION IS OBTAINED FROM SURVEY  
 DONE BY WARREN-RAMIE SURVEYING

LOT AREA	31,653 SF	20,000 SF MIN. REQ'D
SHORELINE	100 LF	
LOT WIDTH	100 LF	100 LF MIN. REQ'D

	25% MAX. ALLOWED	
	EXIST.	PROPOSED
HOUSE	1,245 SF	1,039 SF
SHED	186 SF	0 SF
GARAGE	469 SF	624 SF
DECK	20 SF	200 SF
PORCH	20 SF	48 SF
TOTAL	1,928 SF	1,911 SF
% COVERAGE	6.1 %	6.0 %

	SETBACKS		
	EXIST.	PROPOSED	REQUIRED
FRONT YARD	22.1'	29.5'	50.0'
SIDE YARDS			
LEFT	15.7'	22.1'	10.0' MIN.
RIGHT	31.7'	10.5'	10.0' MIN.
TOTAL	53.4'	32.6'	30.0' MIN. (PROPOSED)
REAR YARD	215.5'	227.3'	100.0'





Joanne M. Mahoney  
County Executive

# Onondaga County Planning Board

## RESOLUTION OF THE ONONDAGA COUNTY PLANNING BOARD

Meeting Date: October 08, 2014

OCPB Case # Z-14-363

- WHEREAS, the Onondaga County Planning Board, pursuant to General Municipal Law, Section 239 l, m and n, has considered and reviewed the referral for a AREA VARIANCE from the Town of Lysander Zoning Board of Appeals at the request of John Lerner for the property located at 7213 Farnham Road; and
- WHEREAS, the site does not meet jurisdiction requirements under General Municipal Law Section 239-m; and
- WHEREAS, the applicant is requesting an area variance to replace an existing camp with a single-family residence on a 0.7-acre lot in Residential (R-20) zoning district; and

NOW THEREFORE BE IT RESOLVED, that the Onondaga County Planning Board has closed this case for the following REASON(S):

Per a conversation with the Town on September 29, 2014, this project was sent in error and has been removed from the agenda, as it does not meet jurisdiction requirements.

Douglas B. Morris, Chairman  
Onondaga County Planning Board  
Transmittal Date: 10-08-2014

merle / card

**TOWN OF LYSANDER**  
**ZONING BOARD OF APPEALS**

**APPLICATION**

**Application Number** #2014--007      **Date** 9/5/2014      **Fee** \$50.00

**Type of Application**

- Special Use Permit
- Permit for Temporary Structure/Occupancy (explain need on page 2)
- Extension of Permit for Temporary Structure/Occupancy (explain need on page 2)
- Appeal of Decision made by the Code Enforcement Officer
  - Area Variance (provide details on page 2)
  - Use Variance (use requested \_\_\_\_\_)
- Informal Interpretation (describe issue on page 2)
- Other \_\_\_\_\_

**Applicable Sections of the Zoning Ordinance**

Article XX, Section 139-52, Paragraph A(5) and Article VII, Section 139-18, Paragraph A(2)(b)(1) Special Use Permit and Side Yard Setback Required

**Review by Onondaga County  
Planning Board**

Required     Not Required

**Review by Town of Lysander  
Planning Board**

Required     Not Required  
Controlled Site Use/Site Plan

**Applicant**

**Name** Scott Merle, on behalf of Greg Card, Card Holding  
**Street Number** 8735 Gasking Road, Clay, NY      **Municipality** Town of Clay  
**State** NY      **Zip Code** 13041

**Owner (if different than applicant)**

**Name** Gregory Card  
**Street Number** \_\_\_\_\_ **Municipality** \_\_\_\_\_  
**State** \_\_\_\_\_ **Zip Code** \_\_\_\_\_  
**Signature** \_\_\_\_\_

**Property**

2940 Cold Springs Road a/k/a  
**Street Number** NYS Route 370/Springwood Dev.      **Municipality** Town of Lysander  
**State** NY      **Zip Code** 13027  
**Tax Map Number** 059-04018  
**Zoning District** R-12.5      **Overlay Control** Highway  
**Size of Property** \_\_\_\_\_ acres  
**Existing Structures/Uses** (xx) Conforming       Nonconforming

STAMP: TOWN OF LYSANDER ZONING BOARD OF APPEALS

**Need and Description**

For temporary permits, explain why a permit is needed. For special use permits and area variances, describe the project and attach a copy of a current survey and any drawings or plans. If reducing or enlarging documents that do not include a graphic representation of scale, indicate the percentage of reduction or enlargement. Attach additional pages if necessary.

SUBDIVISION SIGN SEE PICTURE / SKETCH

**Area Variances**

- Residential
- Nonresidential
- Principal Structure
- Accessory Structure
- Shoreline Structure

**Front Yard Setback**  
 Required Setback \_\_\_\_\_ feet  
 Variance Requested \_\_\_\_\_ feet

**Individual Side Yard Setback**  
 Required Setback 10 feet  
 Variance Requested 4.4' feet

**Lot Dimensions/Coverage/Floor Area**  
 Type \_\_\_\_\_  
 Requirement \_\_\_\_\_  
 Variance Requested \_\_\_\_\_

**Rear Yard Setback**  
 Required Setback \_\_\_\_\_ feet  
 Variance Requested \_\_\_\_\_ feet

**Total Side Yard Setback**  
 Required Setback \_\_\_\_\_ feet  
 Variance Requested \_\_\_\_\_ feet

**Other**  
 Type \_\_\_\_\_  
 Requirement \_\_\_\_\_  
 Variance Requested \_\_\_\_\_

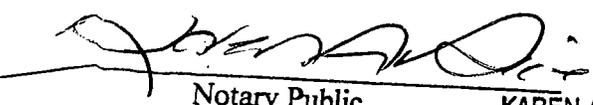
MarketplacePro.com

**Alternatives**

Explain in detail why the proposed action cannot be conducted where an area variance would not be required, or where a smaller area variance would be required (attach additional pages if necessary).

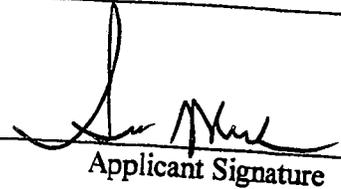
\_\_\_\_\_  
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\_\_\_\_\_  
\_\_\_\_\_

Sworn this 5 day of September, 2011



Notary Public

KAREN A. RICE  
Notary Public, State of New York  
Qualified in Onondaga County  
No. 4855987  
Commission Expires May 12, 2018

  
Applicant Signature

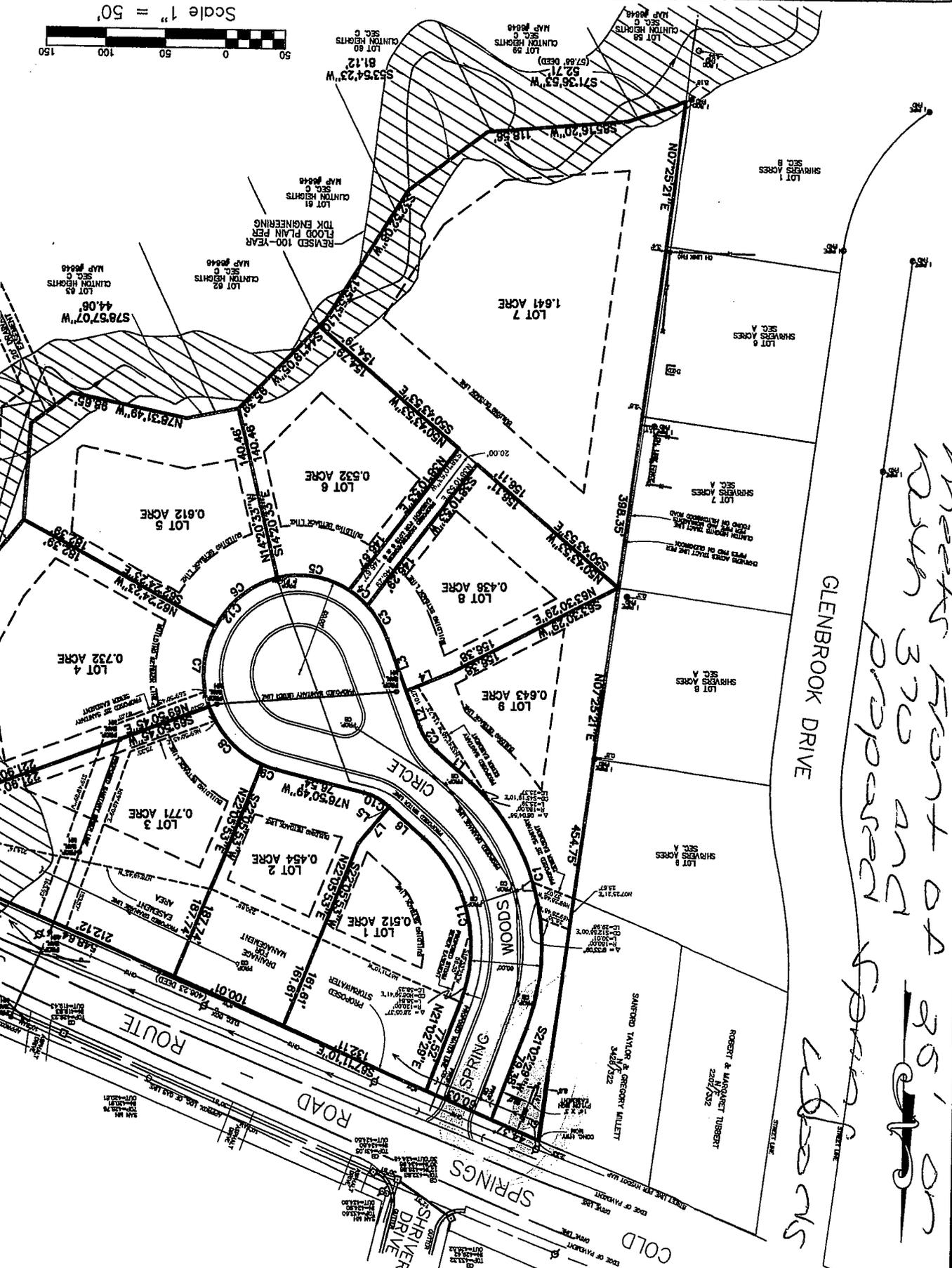
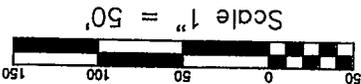
NO ATTEMPTATION PERMITTED HEREON EXCEPT AS PROVIDED UNDER SECTION 2008, SUBDIVISION 2 OF THE NEW YORK STATE EDUCATION LAW.

In Accordance of D.J. REITH  
Prepared by M.R. HUNTER  
Checked by D.J. REITH

THE UNDERGROUND HERBARY CAPSULES THAT THIS IS A CORRECT MAP MADE FROM AN ACCTUAL SURVEY.  
DODD & JAY REITH  
LICENSED LAND SURVEYOR



20  
BA  
(3)



Side yard 10' vegon.  
Vegan 4'4" variance 0 on  
Meds front of 35' on  
Rear 300 and prepared space  
10' vegon





Joanne M. Mahoney  
County Executive

# Onondaga County Planning Board

## RESOLUTION OF THE ONONDAGA COUNTY PLANNING BOARD

Meeting Date: October 08, 2014

OCPB Case # Z-14-364

- WHEREAS, the Onondaga County Planning Board, pursuant to General Municipal Law, Section 239 l, m and n, has considered and reviewed the referral for a SITE PLAN from the Town of Lysander Zoning Board of Appeals at the request of Scott Merle for the property located at 2940 Cold Springs Road; and
- WHEREAS, General Municipal Law Section 239-m allows the County Planning Board to review approval of site plans and the site is located within 500 feet of New York State Route 370, a state highway, and the municipal boundary between the Town of Lysander and the Village of Baldwinsville; and
- WHEREAS, the applicant is proposing an amended site plan for the placement of a subdivision monument sign in the side yard setback on a 7.311-acre lot in a Residential (R-12.5) zoning district; and
- WHEREAS, the Board is concurrently reviewing an Area Variance referral (Z-14-365) for this sign project; per the referral notice, the proposed sign needs a variance to reduce the side yard setback by 4'4" (10' are required); and
- WHEREAS, the Board previously recommended modification of a Preliminary Subdivision referral (S-06-21) for nine lots and a local road, requiring no direct access to Route 370 and a drainage study for the New York State Department of Transportation, permits for drainage into wetlands, and plans for stormwater management area maintenance; the Board subsequently recommended Disapproval of a Final Subdivision referral (S-07-46) and an Area Variance referral (Z-07-137) for four lots with direct access on Route 370, two of which were nonconforming to setback requirements, noting the Board does not endorse the creation of nonconforming lots and that the New York State Department of Transportation required a single access road on Route 370; and
- WHEREAS, the Preliminary Plan dated March 7, 2006 shows the nine-lot version of the subdivision project; per an email from the Town dated September 29, 2014, this plan is the approved plan for the project; the plan shows lots ranging from 0.436 acres to 1.641 acres and a proposed cul-de-sac road (Spring Woods Circle) on Route 370, which must meet the requirements of the New York State Department of Transportation; the sign is located near the intersection of Spring Woods Circle and Route 370, and the plan notes it meets the 25' setback from each of these roads; and
- WHEREAS, sign details submitted with the referral show a 48" x 72" "Spring Woods" sign with a 6" x 60" "Scott Merle Builders" sign underneath, set between two 24" x 72" high tapered posts with a 13' top cap; a rendering shows the base and posts as stone brick surrounded by landscaping; no lighting is shown; and
- WHEREAS, the plan shows a proposed drainage easement for stormwater management located on the rear of proposed Lots 1-3; the proposed project may disturb one acre or more of land and must be covered under the New York State SPDES II General Permit for Stormwater Discharges from Construction Activity (GP-0-10-001) and the applicant must submit a Stormwater Pollution Prevention Plan

(SWPPP) to the municipality and a Notice of Intent (NOI) to the DEC Bureau of Water Permits; and the proposed project is located within a designated Municipal Separate Storm Sewer System (MS4) municipality, and the applicant must consult with the municipal engineer to ensure conformance of construction plans with the municipality's Storm Water Management Plan (SWMP) and submit a MS4 SWPPP Acceptance Form signed by the municipality to the New York State Department of Environmental Conservation Bureau of Water Permits; and

WHEREAS, per an email from the Town on September 29, 2014, a Full EAF was done with the subdivision and one will not be required by the Town for the site plan or area variance applications; the plan shows the location of federal wetland PF01A, stream, and a revised 100-year flood plain running along the rear of proposed Lots 3-7; the New York State Department of Environmental Conservation Environmental Assessment Form Mapper indicates the site contains a tributary of the Seneca River and federal wetlands; per the U.S. Army Corps of Engineers, National Wetland Inventory Maps may not be used to confirm the presence/absence of federal wetlands on a given parcel of land; the applicant must obtain appropriate permits from the U.S. Army Corps of Engineers for any proposed development or drainage in federal wetlands on site; and

WHEREAS, the current FEMA Flood Insurance Rate Maps (FIRM) indicate that a portion of this parcel is in a Special Flood Hazard Area (SFHA); the Onondaga County Hazard Mitigation Plan has identified flooding as one of five primary natural hazards of local concern, with the potential to cause extensive threat to property and safety; buildings within the floodplain can negatively affect the free flow of nearby waterways and drainage, and building within a floodplain is therefore discouraged; the EAF Mapper also indicates that the site is located over, or immediately adjoining, primary and principal aquifers; and

WHEREAS, the site has access to public water and sewer and is located in the Baldwinsville-Seneca Knolls Wastewater Treatment Plant service area; a 25' sanitary sewer easement and sewer lines are shown on the plan; and

WHEREAS, per the Onondaga County Department of Water Environment Protection, the project shall comply with Local Law #1 of 2011 - A Local Law Establishing a Program to Promote Capacity Management, Maintenance and Operation of the Public Sewers and Related Purposes, where applicable; information regarding this law is available at [www.ongov.net/wep/uselaws.html](http://www.ongov.net/wep/uselaws.html); and

WHEREAS, per GML § 239-nn, the legislative body or other authorized body having jurisdiction in a municipality shall give notice to an adjacent municipality when a hearing is held by such body relating to a subdivision, site plan, special use permit, or a use variance on property that is within five hundred feet of an adjacent municipality; such notice shall be given by mail or electronic transmission to the clerk of the adjacent municipality at least ten days prior to any such hearing; and

NOW THEREFORE BE IT RESOLVED, that the Onondaga County Planning Board has determined that said referral will have no significant adverse inter-community or county-wide implications. The Board has offered the following COMMENT(S) in regards to the above referral:

Given the length of time since Town approval of the subdivision, the Board notes the following recommendations regarding the full subdivision project:

1. Per the New York State Department of Transportation, no direct access shall be permitted on Route 370 from any proposed lots. All access must be from the proposed subdivision road, and the applicant is required to obtain permits for any work in the State right-of-way.
2. The New York State Department of Transportation has determined that the applicant must submit an updated drainage study or Stormwater Pollution Prevention Plan (SWPPP) to meet Department requirements verifying that the proposed development would not create additional stormwater runoff into the State's drainage system and is required to first contact the Department to determine the scope of the study; the applicant must submit the drainage study to the Department for approval and complete any appropriate mitigation as may be determined by the Department.
3. The Onondaga County Department of Water Environment Protection asks that the applicant contact the Department at (315) 435-6820 early in the planning process to determine sewer availability and capacity.
4. The applicant is encouraged to reduce stormwater runoff and improve stormwater quality as much as practical by reducing impermeable surfaces and utilizing green infrastructure. For more information on stormwater management, visit the Onondaga County "Save the Rain Program" web site at <http://savetherain.us> or contact the Onondaga County Department of Water Environment Protection at 315-435-6820.
5. The municipality is encouraged to minimize exposure to damage from natural hazards and uphold local flood ordinance requirements, as required for good standing in the National Flood Insurance Program, by ensuring that any proposed development would not negatively affect drainage patterns in or near the floodplain.
6. The applicant is advised to conduct a formal wetland delineation to determine the presence and location of any federal wetlands on site, and any delineated wetlands must be confirmed by the U.S. Army Corps of Engineers and shown on the plans for the site. The applicant is also advised to obtain appropriate permits from the Corps for any proposed development or drainage into wetlands on site.
7. The Town and applicant are advised to ensure a long-term maintenance plan is in place for the proposed stormwater management area.
8. The Board encourages the Town and applicant to consider decreasing the size of the lots in order to provide greater buffering of the stream and wetlands.



Douglas B. Morris, Chairman  
Onondaga County Planning Board  
Transmittal Date: 10-08-2014