

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

**APPLICATION**

Application Number 2017-003 Date 8-21-17 Fee \$50-

**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 XXII RIVERFRONT DEVELOPMENT OVERLAY  
CONTROLS 139-61 B(1)(b)

**Review by Onondaga County  
Planning Board**

Required  Not Required

**Review by Town of Lysander  
Planning Board**

Required  Not Required

**Applicant**

Name SCOTT MERLE  
Street Number 8233 PARK RIDGE PATH Municipality LIVERPOOL, NY 13090  
State NY Zip Code 13090 SUITE 2

**Property**

Street Number 9216 RIVER ROAD Municipality PHOENIX  
State NY Zip Code 13135  
Tax Map Number 22-03-12  
Owner (if different than applicant)  
Name CECILE MARNELL  
Address 333 OAKLEY DRIVE  
SYRACUSE, NY 13205  
Zoning District R40 Overlay Control RIVER FRONT  
Size of Property 5.44 acres  
Existing Structures/Uses  Conforming  Nonconforming

**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.

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

**Area Variances**

Residential  
 Nonresidential

Principal Structure  
 Accessory Structure

Front Yard Setback  
Required Setback \_\_\_\_\_ feet  
Variance Requested \_\_\_\_\_ feet  
 Individual Side Yard Setback  
Required Setback \_\_\_\_\_ feet  
Variance Requested \_\_\_\_\_ 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 RIVERFRONT OVERLAY  
Requirement 100 FT.  
Variance Requested 25 FT.

**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 ATTACHED

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

Sworn this 18<sup>th</sup> day of August, 2017  
Dina M. Falcone  
Notary Public

[Signature]  
Applicant/Representative Signature  
[Signature]  
Owner/Representative Signature

**DINA M. FALCONE**  
Notary Public, State of New York  
No. 01FA6344258  
Qualified in Onondaga County  
Commission Expires June 27, 2020

# APPLIED EARTH TECHNOLOGIES

STEPHEN SEHNERT, LAND SURVEYOR

8 Canton Street  
Baldwinsville, NY 13027  
Ph. (315) 635-5197  
Fax (315) 303-5433

**ZBA APPLICATION  
SCOTT MERLE  
9216 RIVER ROAD  
AUGUST 18, 2017**

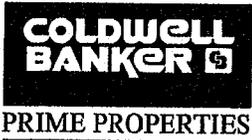
## **ALTERNATIVES**

Referring to the enlarged attached map it is noted that the proposed house cannot be built between the required 100 foot riverfront set back and the existing power line and its easement. To build the proposed house in conformance with the requirements it would need to be placed to the west of the power line creating an undesirable view of the river, and as Mr. Kane, states in his attached letter, "waterfront homes and their value are 'all about' their unobstructed views and proximity to the waterways". Please refer to that letter for additional comments on the placement of this house.

The riverfront overlay was not part of the town's zoning at the time of the construction of the power line in 1954 when there was limited interest in riverfront homes.

The 75 foot set back resulting from a 25 foot variance would not be out of character with the neighborhood as the four houses to the northwest are setback less than 100 feet from the river.

WHEN EXPERIENCE MATTERS



8233 PARK RIDGE PATH  
LIVERPOOL, NY 13090

BUS (315) 622-0161  
FAX (315) 622-4613

August 16, 2017

Zoning Board of Appeals  
Town of Lysander  
8220 Loop Rd  
Baldwinsville, NY 13027

To Whom It May Concern:

I've been requested to provide an opinion on 9216 River Road Phoenix, NY 13135

For 30+ years I have been involved in local real estate and over 1500 real estate transactions. The question of powerlines is, and always has been a concern in value.

Waterfront homes and their value are "all about" their unobstructed views and proximity to the waterways.

In requesting the variance regarding the home being closer to the river at the 75' setback mark thereby allowing maximum aesthetics and value is dramatic and significant.

At the 100' setback the home would have to be moved further from the river on the other side of the powerlines. The result is both aesthetically less pleasing and will reduce the value of the land & home.

Lastly, given the greater scope of the home, tax revenues generated by granting the variance, the benefit to the municipality far exceed the \$100 the utility company paid for the routing of the lines years ago.

Respectfully,

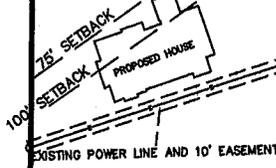
A handwritten signature in black ink, appearing to read 'Bob Kayne', with a large, stylized flourish extending from the end of the signature.

Bob Kayne  
Associate Broker, ABR, CRS, GRI  
Coldwell Banker Prime Properties  
315-345-2778  
[Bob@bobkayne.com](mailto:Bob@bobkayne.com)



OSWEGO RIVER

POOL ELEVATION - BASE FOR RIVERFRONT OVERLAY



CECILE E. MARNELL  
4258/158

5.44 ACRES

S 63°04'50" W  
1166.98'

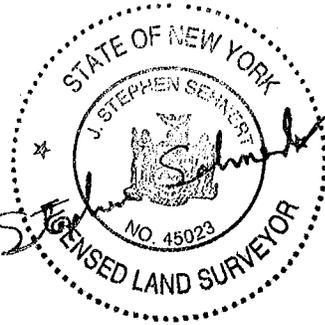
S 63°00'07" W  
1276.55'

200.00'

HIGHWAY BOUNDARY

S 89°47'19" W

RIVER ROAD



# OSWEGO RIVER

