

TOWN OF LYSANDER
ZONING BOARD OF APPEALS
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, that pursuant to Section 267-a(12)Town Law, a Public Hearing will be held by the Town of Lysander Zoning Board of Appeals on Monday, December 4, 2017 at 7:30 p.m. at the Town of Lysander Town Offices, 8220 Loop Road, Baldwinsville, New York, for the purpose of considering the following:

The application of Douglas Whitney, for an Area Variance for property located at 9170 River Road, Phoenix, New York, Tax Map No. 022.-03-07.7 to allow the construction of a Single Family residence, in accordance with Article V, Section 139-14, Paragraph A(1)(b) and Article XXI, Section 139-60, Paragraph A(1)(2) and D(1)(a) and (2)(b) of the Lysander Town Ordinance.

Dated: November 14, 2017

Richard Jarvis, Chairman
Lysander Zoning Board of Appeals

TOWN OF LYSANDER
ZONING BOARD OF APPEALS

APPLICATION

Application Number 3017006 Date 11-13-17 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 V § 139-14 A(1)(b) ARAO DIST. LOT WIDTH
ARTICLE XX(§ 139-60 A(1)(2) DIXA)(2)(b) MAJOR HWY COVERLAYS
CONTROLS

Review by Onondaga County
Planning Board

Required Not Required

Review by Town of Lysander
Planning Board

Required Not Required

Applicant

Name DOUGLAS R. WILKINSON, JR.
Street Number 9170 RIVER RD Municipality PHOENIX, NY
State NY Zip Code 13135

Property

Street Number 9170 RIVER RD Municipality PHOENIX
State NY Zip Code 13135
Tax Map Number 22-03-07.7
Owner (if different than applicant)
Name _____
Address _____

Zoning District AR40 Overlay Control MAJOR HIGHWAY
Size of Property 10.00 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.

SEE ATTACHED

Area Variances

- Residential () Principal Structure
() Nonresidential () Accessory Structure

- () Front Yard Setback () Rear Yard Setback
Required Setback _____ feet Required Setback _____ feet
Variance Requested _____ feet Variance Requested _____ feet
() Individual Side Yard Setback () Total Side Yard Setback
Required Setback _____ feet Required Setback _____ feet
Variance Requested _____ feet Variance Requested _____ feet
 Lot Dimensions/Coverage/Floor Area () Other
Type LOT WIDTH Type _____
Requirement 2 LOTS 20 FT EACH Requirement _____
Variance Requested 2 LOTS 125' EACH 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).

THERE IS NO ALTERNATIVE. THERE IS ONLY 30 FEET OF TOTAL LOT WIDTH TO WORK WITH WHICH WAS ACCEPTABLE AT THE TIME (1999) OF THE SUBDIVISION OF THE GLINTENKAMP PROPERTY.

Sworn this 13 day of November, 20 17

[Signature]
Notary Public

[Signature]
Applicant/Representative Signature

[Signature]
Owner/Representative Signature

KAREN A. RICE
Notary Public, State of New York
Qualified in Onondaga County
No. 4855987
Commission Expires May 12, 20 18

APPLIED EARTH TECHNOLOGIES

STEPHEN SEHNERT, LAND SURVEYOR

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

WHITNEY – ZBA
NOVEMBER 7, 2017
892.73

NEED AND DESCRIPTION

Mr. Whitney, owns Lot 5 of the Glintenkamp, No. 3, Amended subdivision located at the above address. The lot is 10.06 acres in size. A copy of the subdivision is attached as Exhibit A. The northerly 30 foot strip of land is part of Lot 5. That 30 foot strip is encumbered by an access and utility easement that contains the drive that serves all lots in the subdivision except Lot 9B. See the access note on map wherein one drive serves all of those lots.

Exhibit B is an individual survey map of Lot 5 showing the location of Mr. Whitney's house.

Mr. Whitney would like to downsize his residential need and remain in the same area. He has the land within Lot 5 to create a second lot and build a new house. Exhibit C is his proposed division of Lot 5 to accomplish this. Two new lots are proposed. One, Lot 5A of 5.15 acres. The second, Lot 5B of 5.10 acres. Each lot is more that adequate in area and would use the existing drive for access. No additional driveway cuts would be required and the drive is of substantial construction, see Exhibit D, to handle the additional traffic including emergency vehicles.

The Lysander Planning Board would not accept the Exhibit C plans as the current zoning regulations make both the current lot configuration of Lot 5 and the proposed subdivision lots nonconforming. As stated above there is only a total of 30 feet of lot width at the 100 building line whereas 200 feet is required for each lot by the current zoning regulations for the AR40 zoning plus the Major Highway Overlay Controls.

Denial of a variance or variances to allow the land to be subdivided and used as proposed would require Mr. Whitney to look elsewhere for a parcel to build on at a substantial cost that need not occur. Mr. Whitney, had Lot 5B appraised (Exhibit E) by Ron France of CNY Signature Properties. His value was \$100,00. The parcel at 9216 River Road that this board recently acted on a variance was purchased by the new owners for \$130,00. This lot has a full 200 feet of river frontage. Mr. Whitney's cost for this lot compared to purchasing a new lot in this area is ZERO.

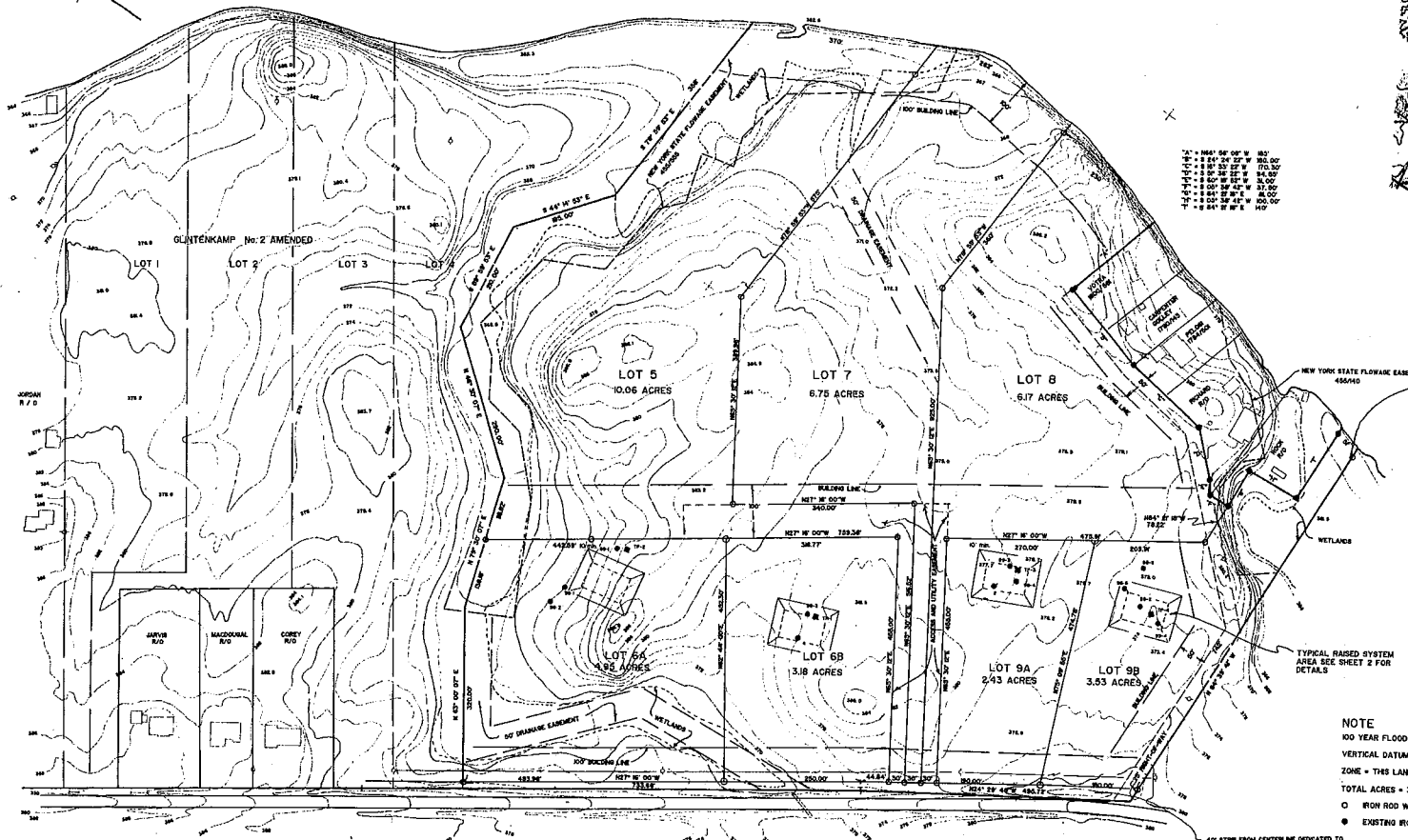
Granting the requested variance will not create a lot and home site that is out of character with the neighborhood.

WHEN EXPERIENCE MATTERS

OSWEGO RIVER



LOCATION PLAN
1" = 2000'



1" = 100' 00" W 80'
 1" = 100' 00" W 80'
 1" = 100' 00" W 80'
 1" = 100' 00" W 80'
 1" = 100' 00" W 80'
 1" = 100' 00" W 80'
 1" = 100' 00" W 80'
 1" = 100' 00" W 80'

APPROVED:
 HERMAN GLINTENKAMP
 P. O. BOX 406
 EAST SETAUKET, NEW YORK 11733

NOTE
 100 YEAR FLOOD ELEVATION = 367
 VERTICAL DATUM = NAVD 83
 ZONE = THIS LAND AND ADJACENT LAND AR-60 & NYS FLOWAGE EASEMENT
 TOTAL ACRES = 37.3
 ○ IRON ROD WITH YELLOW CAP MARKED "SEHNET SURVEY"
 ● EXISTING IRON

RIVER ROAD

LEGEND
 ——— BOUNDARY LINE OF TRACT
 - - - - - LOT LINE
 - - - - - TWO FOOT CONTOUR LINE
 - - - - - FEDERAL FRESHWATER WETLANDS LINE

ACCESS TO ALL LOTS TO BE FROM
 ACCESS EASEMENT
 AND 25' RIGHT-OF-WAY ALONG
 NORTHERLY LINE OF LOT 9B

THE PURPOSE OF THIS AMENDMENT IS TO
 DIVIDE LOTS 6 & 9 GLINTENKAMP No. 3
 INTO LOTS 6A, 6B, 9A & 9B

LOTS 5, 7 & 9B ARE NOT RESIDENTIAL BUILDING LOTS UNDER
 ONONDAGA COUNTY HEALTH DEPARTMENT REGULATIONS
 AND THEREFORE ARE NOT APPROVED FOR RESIDENTIAL USE.
 AN INDIVIDUAL SEWAGE DISPOSAL PLAN MUST BE APPROVED
 BY THE ONONDAGA COUNTY HEALTH DEPARTMENT PRIOR
 TO CONVERSION TO RESIDENTIAL BUILDING LOTS AND
 ISSUANCE OF BUILDING PERMITS.

THE UNDERSIGNED SURVEYOR HEREBY CERTIFIES THAT THIS MAP
 IS MADE FROM AN ACTUAL SURVEY COMPLETED—FEBRUARY 23, 1999
 J. STEPHEN SEHNETT, LAND SURVEYOR No. 45023


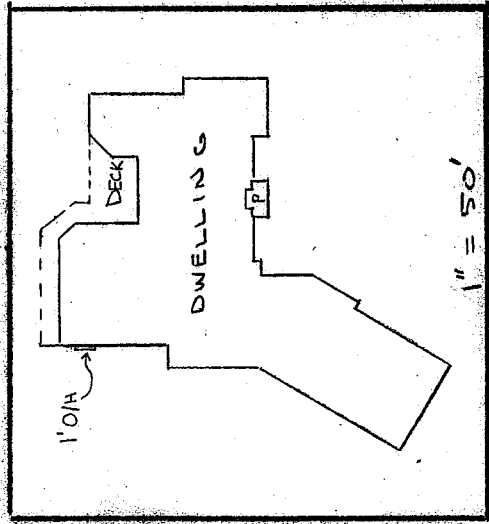
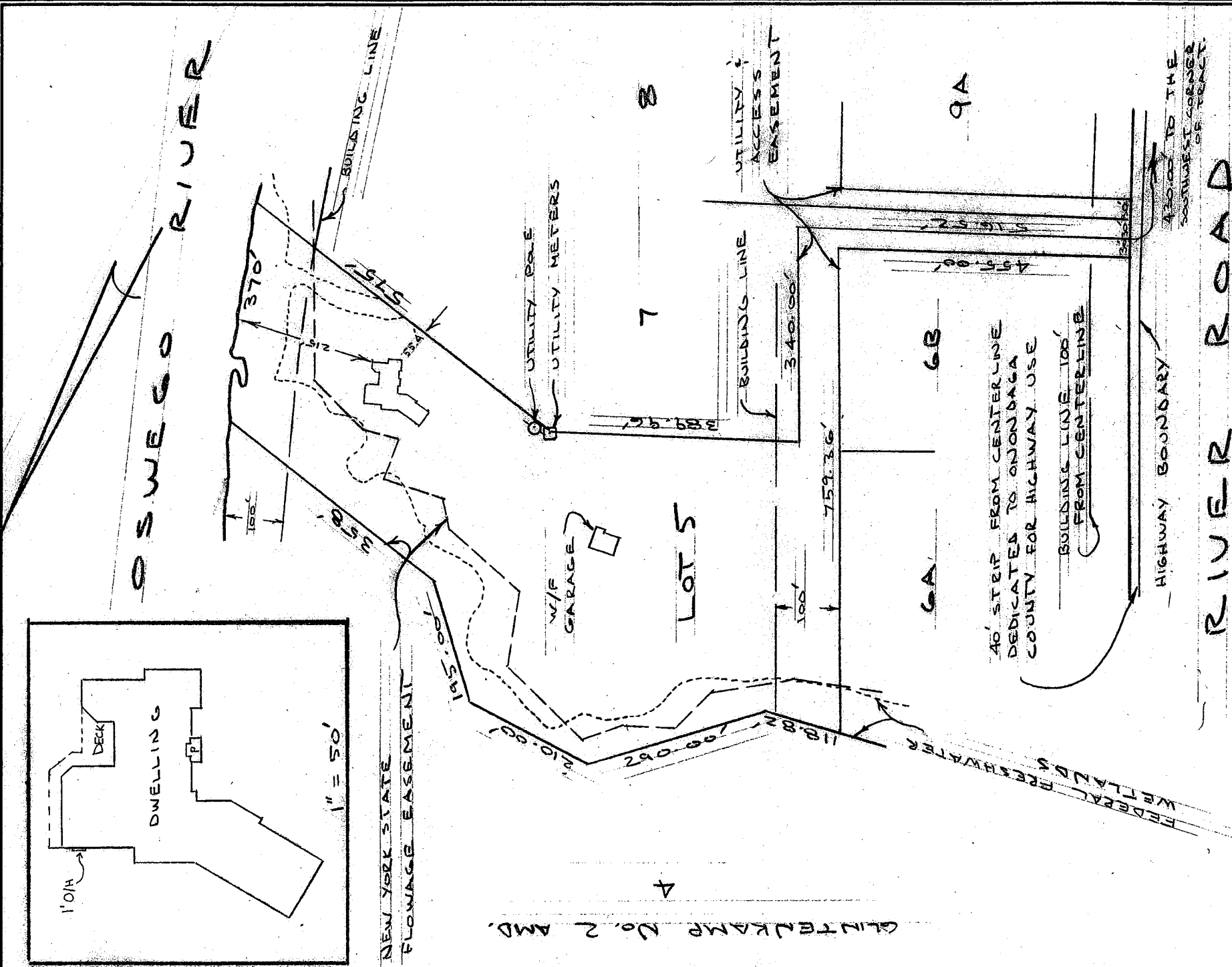
 STEPHEN SEHNETT LAND SURVEYOR LAND PLANNER BALDWINVILLE, NEW YORK	FINAL PLAN GLINTENKAMP No. 3 AMENDED LOT 4E TOWN OF LYSANDER ONONDAGA COUNTY NEW YORK
	SCALE: 1" = 100' DATE: JUNE 23, 1999 SHEET 1 OF 2 892.24 P

EXHIBIT "A"



NEW YORK STATE
FLOWAGE EASEMENT



GLINTENKAMP No. 2 AMD

Copyright 2003 Stephen Sehnert. All Rights Reserved.

Filed Map No. 8851

Unauthorized alteration or addition to a survey map bearing a licensed land surveyors' seal is a violation of Section 7209, sub-division 2, of the New York State Education Law.

Building location surveys do not include placing of property corner stakes.

Valid only when marked with the land surveyor's original seal and signature.

Certifications indicated hereon shall run only to those who rely on this map for the specific transaction for which this survey is prepared, and to the assignees of the lending institution. Certifications are not transferable for subsequent transactions.

This map may not be used in connection with a "Survey Affidavit" or similar document, statement or mechanism to obtain title insurance for any subsequent or future grantees.

Offsets from property lines measured to foundation walls of buildings unless otherwise indicated.

THE UNDERSIGNED SURVEYOR HEREBY CERTIFIES THAT THIS MAP IS MADE FROM AN ACTUAL SURVEY OF THE PROPERTY SHOWN HEREON.

MAP OF

LOT 5
GLINTENKAMP No. 3
AMENDED
TOWN OF LYSANDER
ONONDAGA COUNTY
NEW YORK

APPLIED EARTH TECHNOLOGIES

STEPHEN SEHNERT
LAND SURVEYOR
BALDWINVILLE, NEW YORK

SCALE: 1" = 2.00'

DATE:

10-21-2003

LICENSED LAND SURVEYOR

235

10

892.43

EXHIBIT 'B'

J. CUTB

PRELIMINARY PLAN
 GUNTEKAMP NO.3 AMENDMENT NO.2
 PART OF LOT 42
 TOWN OF LEMMONS
 MONROGIA COUNTY, NEW YORK

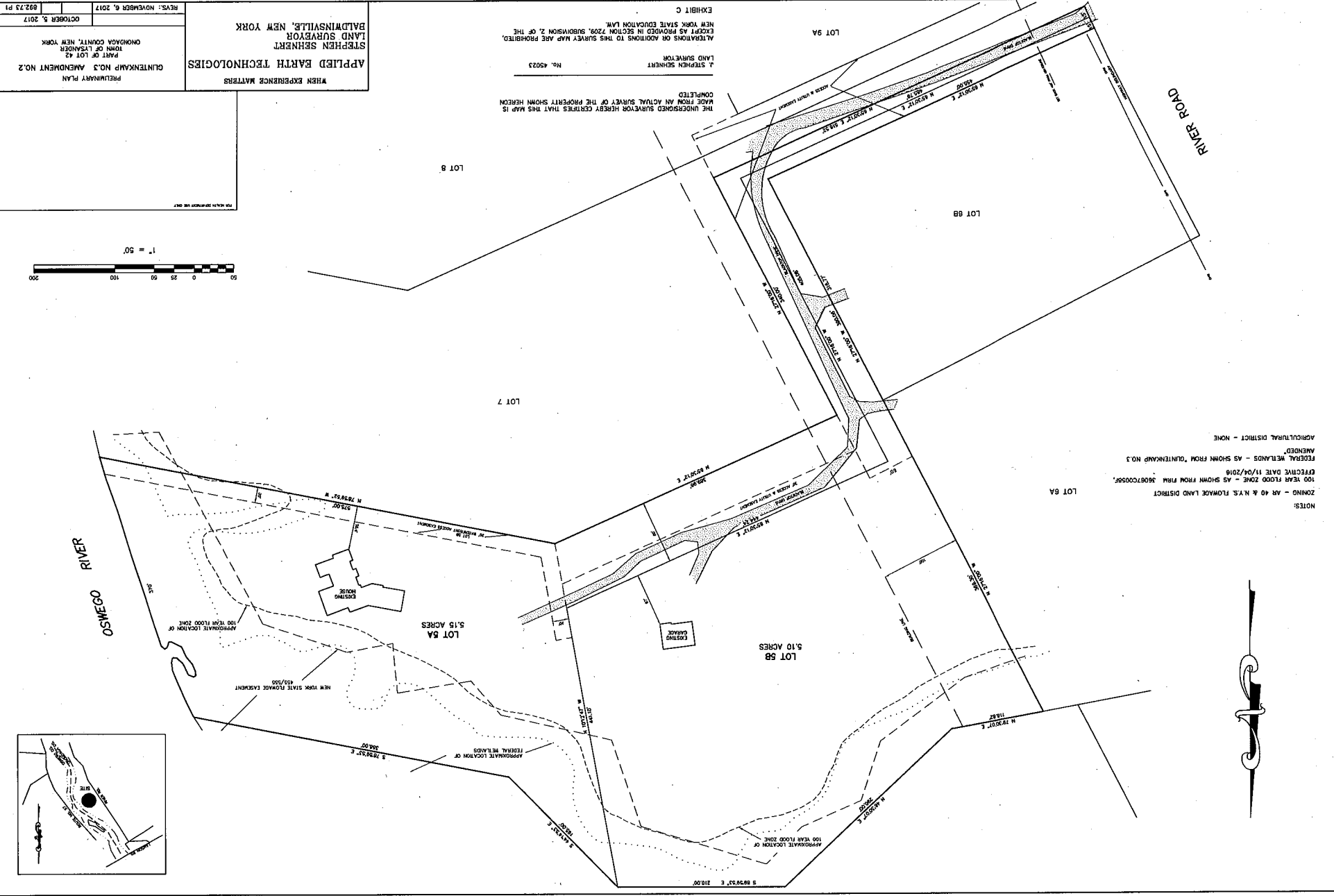
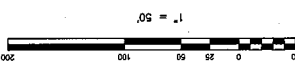
WHEN EXPENSES MATTERS
 APPLIED EARTH TECHNOLOGIES
 STEPHEN SBHNERT
 LAND SURVEYOR
 BALDWINVILLE, NEW YORK

REVISED: NOVEMBER 6, 2017
 OCTOBER 5, 2017
 892.73 PI

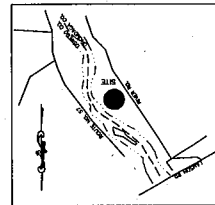
EXHIBIT C
 NEW YORK STATE EDUCATION LAW,
 ALTERNATIONS OR ADDITIONS TO THIS SURVEY MAP ARE PROHIBITED,
 EXCEPT AS PROVIDED IN SECTION 7209, SUBDIVISION 2, OF THE
 J. STEPHEN SBHNERT
 LAND SURVEYOR
 No. 45023

THE UNDERSIGNED SURVEYOR HEREBY CERTIFIES THAT THIS MAP IS
 MADE FROM AN ACTUAL SURVEY OF THE PROPERTY SHOWN HEREON
 COMPLETED

THE SCALE OF THIS PLAN IS 1" = 50'



NOTES:
 ZONING - AN 40 & N.Y.S. FLOWAGE LAND DISTRICT
 EFFECTIVE DATE 11/04/2018 - AS SHOWN FROM FINAL JAB87C00008F.
 FEDERAL EASEMENTS - AS SHOWN FROM GUNTEKAMP NO.3
 AMENDMENT
 AGRICULTURAL DISTRICT - NONE



October 30, 2017

Town of Lysander
Planning Board,

The work that was performed on driveway off River Road at 9170 River Rd. , Phoenix, NY,13135 back in 2001 was excavated removing 12"-16" deep of earth by 15' wide and then filled in with bank-run gravel and compacted , a year later 4"-6" of run a crushed 2/1 A's stone was installed and compacted. The following 2 years later additional 4"-6" of #2 run a crushed stone was added again rolled and compacted in year of 2004. In the year of 2008 another layer of #2 run a crushed stone was added 2"-3" graded,rolled and compacted. Year of 2011 a asphalt driveway was installed above already established stone base using road binder 4"-5" by 12' wide of asphalt . Over the last 6 years there has been several dump trucks , delivery trucks, and trash pickup front and rear loader trucks on a weekly bases.

Thank you,
Douglas Whitney
315-727-8900
9170 River Road
Phoenix, NY,13135

Mailing address :
Po box 753
Baldwinsville,NY,13135

EXHIBIT "D"



SIGNATURE

Date: 10/31/2017

From: Ron France

Ron.France@CNYSignature.com

Mobile: 315-559-5238

To: Doug Whitney

RE: Lot Valuation 9170 River Road

Phoenix, NY, 13135

Doug,

There are currently lots available very close to 9170 River Road. As example a .36 acre Lot in Drakes Landing is listed for \$70,000 including utilities access available. A .46-acre lot at 8777 River Road with utilities available and "right of way" access to the river is listed for \$59,000.

Considering your lot in almost 5 acres, includes utilities access, "right of way" with 20' of river frontage, I would value the improved land at approximately \$100,000.

Please let me know if you have any questions.

Ron France

President CNY Signature Properties

117 Highbridge Rd

Fayetteville, NY 13066

EXHIBIT "E"