

TOWN OF LYSANDER
Zoning Board of Appeals Meeting
Monday, July 7, 2014 at 7:30 p.m.
8220 Loop Road
Baldwinsville, NY 13027

The special meeting of the Town of Lysander Zoning Board of Appeals was held Monday, July 7, 2014 at 7:30 p.m. at the Lysander Town Building, 8220 Loop Road, Baldwinsville, New York.

MEMBERS PRESENT: L. Micha Ordway, Chairman; S. Webster Reid; Richard Jarvis; Frank Costanzo; Chris Patrick

OTHERS PRESENT: Debora Wagner, Jeff Wagner; Hugh Kimball, Planning Board; Tim Wolsey, Code Enforcement Officer, and Karen Rice, Clerk

The meeting was called to order at 7:30 p.m.

I. PUBLIC HEARING -- 7:30 p.m.

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| 1. Variance—Side Yard
Case No. 2014—004 | Wagner, Jeffrey & Debora
7640 Merritt Drive |
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The Public Hearing opened at 7:30 p.m.

Micha Ordway, Chairman, reviewed the application of Jeffrey and Debora Wagner, 7640 Merritt Drive, Baldwinsville, New York, to allow the construction of an attached garage to an attached garage for property located at 7640 Merritt Drive, Baldwinsville, New York, which requires a front and side yard setback variance in accordance to Article VI, Section 139-16, Paragraph A(2)(a) and (b) of the Lysander Town Ordinance.

Mr. Ordway continued stating that the application did not require referral to the Onondaga County Planning Board for their review and recommendation. Specifically the Wagner's are seeking a front yard setback variance of 13.4' where the requirement is 50' and a side yard setback variance of 9 1/2' with the requirement of 10'.

Debora Wagner, 7640 Merritt Drive, stated that they have four vehicles and they'd like to be able to put three in a garage, one vehicle is a 2014 Stingray Corvette, we'd like to ideally house that in the newest garage if approved with two vehicles and a snow blower in the other part of it. We want it on this side of the house because it's easier than on the other side of the house because it slopes down. There are is a line of mature trees that we want to keep on that side of the house. We don't want the home to look like a duplex; it would look awful to put a garage on both sides of a single family, so we figured that would still give us space to put it. We did talk to Faye Duerr who is on the far side of the house, where we're not putting it, she's fine with that and we thought the most important neighbor would be Mrs. Fitzmorris, who also wrote a letter and she has

no problem with it. Both of whom would have come to the meeting, however they're both actually out together this evening. We also heard from other neighbors who got the letter with several saying "do you want a letter" but I didn't think it was necessary.

Mr. Ordway confirmed that there are two letters on file, one with no date from Fay Duerr, stating no objection to this construction and one from Ruth Fitzmorris, dated July 5, 2014 stating no objection to having them build an extension on their garage.

Mr. Ordway continued stating that the legal notice was published in the newspaper and anybody who had an opinion one way or the other had the opportunity to voice their concerns today.

Mr. Ordway stated that the side yard setback is pretty tight, pretty close to the property line.

Frank Costanzo concurred stating 6" and questioned how far the garage extends in front of the house.

Mrs. Wagner stated that it will extend 6' beyond the existing garage. The logical question is why can't you go back farther and that's because we have a doggie door there.

Mr. Costanzo questioned the existing shed and Mrs. Wagner stated that it will be moved to the back of the yard.

Mr. Costanzo questioned if the cars are a hobby.

Mrs. Wagner stated that the Corvette belongs to our 19 year old son.

Mr. Costanzo stated that your neighbor (Fitzmorris) could subdivide and sell that property.

Jeffrey Wagner stated that they hope she will as we would buy it.

Mrs. Wagner concurred stating that they would be first in line to buy it on either side. It's naïve but we'd love our son to stay close to us. Ideally, Ruth's property is gorgeous.

Mr. Costanzo stated that he is concerned about water drainage between properties being so close to the line; also fire issues. A fire could get in there and spread to any future home that is put on that piece of property. Would the fire department be able to get in and out of there...that's a big concern?

Mrs. Wagner stated that they dug up the entire perimeter of our property and laid drain pipe inside our property line, so our property drains really well.

Mr. Wagner stated that water flows through the Cold Springs area...Mrs. Wagner added, so that's the first thing we did. Now we don't have those issues with drainage.

Mr. Ordway stated that we received a message from Vince Kearney, Belgium Cold Springs Fire Department, indicating that he has no objection to the application and any fire could be fought from the street or the side.

Mr. Ordway continued stating there is the question of whether that other property could be subdivided and a new house put there...there is that concern.

Mrs. Wagner stated that Ruth is very fond of us, especially my son who has worked for her, and if that ever goes up for sale we can afford easily to purchase both of those properties and would be interested. So, if that goes up for sale we do have the means to purchase it and we would be interested and just leaving it as lawn and not to resubdivide to have a house next to us but to have that type of lawn.

S. Webster Reid questioned why it couldn't go on the south side of the property, towards the Duerr property.

Mrs. Wagner stated that they eliminated that because the property has a steep decline there. There is a line of trees that we planted that we use as a natural barrier for privacy in front of our house and two of those trees would have to come out. In order to put in a driveway you'd have a beautiful home with a driveway on both sides of it. I think it would look like a duplex.

Mr. Reid stated that it looks like you have some evergreen trees where you want to put this addition.

Mrs. Wagner stated that they're dead.

Mr. Wagner stated that they won't be there long.

Mrs. Wagner stated that you have two green branches at the top of them then everything is dead.

Mr. Ordway questioned the application with regard to the Total Side Yard Setback of 30' being marked.

Karen Rice, Clerk, stated that we filled that out. Thirty feet is the total side yard with one side not less than 10'.

Chris Patrick stated that one side is 23.1' and the other will be 6".

Karen stated that if you grant the variance she won't meet the total side yard setback, she will only have a total of approximately 23.7", not the required 30'.

Mr. Costanzo questioned if your neighbor, Faye, know you're going to be out six feet?

Mrs. Wagner stated that we told her, yes, we told her what the design is. Again, we have a good relationship with all neighbors around us and she has no problem with it. Our house is really nice so she I think she probably trusts our judgment.

Mr. Patrick stated that we have a 50' setback, was the house before we had a 50' setback?

Karen concurred stating that when the house was built 40' is what was required. Today's regulation calls for 50'.

Mr. Ordway questioned why the garage can't be any smaller, that's the minimum you're going to need to get a car in there.

Mr. Wagner stated that they think so. We haven't gone to any contractors and talked to them yet, but my son's car is 6 ½ feet wide. Right now we have a tent in our yard/driveway, its 10' wide and the car fits in there. We don't want it too tight where we have trouble getting in and opening the doors and stuff like that. I think by the time you do the addition, the walls, 14 ½ feet shrinks down.

Mrs. Wagner stated that that's where we're worried; I don't know how much the walls come in.

Mr. Wagner stated that you can open one door in the 10' wide tent. You can't open both doors. We haven't gotten any details yet.

Mr. Patrick stated that his only concern is being so close to the property line. You say you have a good relationship with Mrs. Fitzmorris, if she sells or whatever and that relationship sours you have no access to the whole side of the house down the side of her property. If she were to subdivide or just sell the whole thing you would have to go on somebody else's property to get to the side of your property.

Mrs. Wagner stated that that is true. Right now we have a fence and she has a fence, so we have, you know...there's no need to go over there for anything. Even when they painted the fence for us, he fit, the guy walked between the two fences because we told him "try not to step on her lawn so we don't get anything on her lawn, paint"...and there was enough space. So, even for fence maintenance we were able to do it and still not disturb any of her lawn. We realize what we're asking is close.

Mr. Ordway stated that that's they're primary concern, I can't speak for the board but my general rule is that if there isn't any opposition from the community/neighbor's, I'm usually ok with this kind of an application, but to be a half-foot from the line I'm having a little trouble with it.

Mrs. Wagner stated that we've told both neighbors that we'd love to purchase it. If their homes ever come on the market, Ruth knows and we do have the means and we would be motivated to pay whatever the seller wanted for her entire property or if she wanted to subdivide. We will be first in line, we can afford to do it and we would hopefully be able to someday, but that's down the road.

Mr. Costanzo stated that your old garage is 20 ½ feet wide. You can put two cars in there.

Mrs. Wagner stated that a little car and an Equinox.

Mr. Costanzo stated that the new garage is roughly 14', so you'll be able to get the three cars in there with no problem and you'd have an additional 4 or 5 feet left over for the snow blower...you can't reduce that down any?

Mrs. Wagner stated that she's home often alone, so I'm now partly the snow blower operator during the winter. Currently it's stored in the shed. Jeff can maneuver past the dogs and the fence. I just want the snow blower and my car where I can deal with it; when I'm home alone I am self-sufficient and not have to our neighbor who lives behind us plow me out.

Mr. Reid asked if you've approached Mrs. Fitzmorris about buying some additional property, like 20'.

Mrs. Wagner stated that she has not. I know it was suggested but I didn't want to ask her to do that. It seemed like asking her for more than this, to say, "Hey, would you now chop up your property for us"; you know asking more than maybe we wanted to ask.

Mr. Wagner stated that we'd like to someday if the opportunity arises.

Mr. Ordway opened up the floor to public comment, there being no further comments, we have four of the five members here and put a motion before the board with Mr. Patrick and Mr. Costanzo not being in favor, Mr. Reid being in favor and Mr. Ordway being "barely" in favor, which would be a tie if put to a vote.

Karen stated that that would be a no vote and you'd have to start all over with a new application.

There was some discussion with regard to what the procedure would be for a four member vote.

Karen stated that you can wait until you have a full board or you can consider a resolution to reduce the size and that could make their vote "swing"

Mrs. Wagner questioned what reduction the board would consider, the width or the length or both?

Mr. Ordway stated that it's the width; it's too close to the side property line. This doesn't usually happen when we don't have a quorum.

Mrs. Wagner asked what would be a good width for approval. Is there a certain width you have in mind?

Mr. Ordway stated that there are rules against advisory opinions.

Karen stated that we can table this until the August meeting...

Mr. Ordway concurred stating that we can table this application until we have a full panel and get your answer at the next meeting, Yay or Nay.

Karen stated that we wouldn't readvertise but your neighbor's could come if you let them know.

Mr. Wagner stated that he doesn't think much more than a foot is going to work. If you're looking for 3' it doesn't work for a garage. It's an old fashioned garage where cars don't fit in them anymore.

Mrs. Wagner added that we wouldn't be able to open the doors.

Mr. Ordway stated that he has the same type of garage and he can't fit two cars because the cars are larger. One of our cars is outside all winter long, so I have sympathy with you, but one might suggest you might want to live to fight another day and come back in August to see what happens.

It was determined that this application would be tabled until such time that we have a full board.

Mr. Reid suggested that the applicants contact Mrs. Fitzmorris to see if she is willing to sell you some property.

Mrs. Wagner stated that she is 92 and I just feel funny approaching her, her daughter's there...

Mr. Wagner stated that that's her home and we're not going to do that.

Mr. Ordway stated that that's up to you, but now you have a situation where you can legitimately tell her that you did this application and it's far from a certainty that the variance will be granted, but it's up to you.

Mr. and Mrs. Wagner thanked the board for their time.

The Public Hearing adjourned at 7:48 p.m. until such time that we have a full board.

II. APPROVAL OF MINUTES

Review and approval of the minutes of the May 5, 2014 special Zoning Board of Appeals meeting.

RESOLUTION #1 -- Motion by Costanzo, Second by Reid

RESOLVED, that the minutes of the May 5, 2014 special Zoning Board of Appeals meeting be approved as submitted.

4 Ayes -- 0 Noes

III. ADJOURN

RESOLUTION #2 -- Motion by Patrick, second by Costanzo

RESOLVED, that the July 7, 2014 special Zoning Board of Appeals meeting adjourn at 7:50 p.m.

4 Ayes -- 0 Noes

Respectfully submitted,

Karen Rice, Clerk