

TOWN OF LYSANDER
ZONING BOARD OF APPEALS
Monday, July 10, 2017 @ 7:30 P.M.

The Town of Lysander special Zoning Board of Appeals meeting was held Monday, July 10, 2017 at 7:30 p.m. at the Lysander Town Building, 8220 Loop Road, Baldwinsville, New York.

MEMBERS PRESENT: Richard Jarvis, Chairman; Frank Costanzo; Brian Corrigan; Steve Jordan and Frank O'Donnell

MEMBERS ABSENT: None

OTHERS PRESENT: Hugh Kimball, Planning Board Jim Stirushnik and Karen Rice, Clerk

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

I. PUBLIC HEARING -- 7:30 p.m. (Continuation from June 5, 2017)

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| 1. Area Variance—Front Yard
Case No. 2017—002 | Holden-Betts, Robert
3735 Doyle Road |
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The Public Hearing reopened at 7:30 p.m.

Richard Jarvis, Chairman, reviewed the application of Robert Holden-Betts for an area variance for property located at 3735 Doyle Road, Baldwinsville, New York. Mr. Betts is seeking a Front Yard Setback Variance to allow the construction of a detached garage.

In reviewing the minutes of June 5, 2017, we tabled action to provide them time to get some additional information that wasn't available that evening and to take into consideration some of the concerns from the board.

Mr. Jarvis stated that at the initial meeting the setback requirement was taken from the centerline of Doyle Road and not the road right-of-way as required under the Code.

Mr. Jarvis continued stating that he wrote a letter to the applicant on behalf of the Board, dated June 8, 2017, that will be made part of the public record, in part:

In reviewing your application in conjunction with the setback requirements as dictated by the Town of Lysander, it does appear the setback to be considered runs from the northerly boundary of Doyle Road rather than the centerline. Therefore, any new construction would mandate that the building be 50 feet from the northerly boundary of Doyle Road rather than the estimated 25 feet 9 inches discussed at the June 5, 2017 Public Hearing.

In that regard, and after realizing the error, the Board Members unanimously agreed a more accurate survey as prepared by Mr. Sehnert, or an alternate licensed land surveyor, be provided before the July 10th hearing. Should you need additional time, the hearing could be moved to the August calendar.

The survey should accurately depict the location of the septic and each leach line in relation to the existing home, driveway and road. A measurement from the most southerly leach line to the road boundary would be helpful. It would assist the Board if the surveyor you select recognizes the issues being discussed and could provide useful measurements from other landmarks. The Board recognizes that the proposed location of the new garage/pole barn would be more convenient to you rather than an alternate location. The Board also realizes you own additional property west and adjacent to the westerly property line depicted on the submitted survey that might be considered a viable site as well.

The purpose of this letter is to inform you that the Board was under the erroneous belief that the setback requirement ran from the centerline rather than the northerly line of Doyle Road. It would appear that Mr. Holden-Betts' application for a 20 foot variance would also need to be amended accordingly.

Robert Holden-Betts stated he contacted Stephen Sehnert, Licensed Land Surveyor, about a couple different things, one being the adjacent property that is not shown on the original survey that the board saw initially. Mr. Sehnert stated that he would not be able to get to the property for four to five weeks. We asked that he plot the leech field on the survey and he stated that it could not be done unless they excavated to see where everything actually is. Basically our guess was as good as his as to where the septic system/leach field is as the house was built in 1946. He indicated that we could go over standard protocol of where things may be located, but to really know for sure would be impossible without excavation.

Mr. Holden-Betts continued stating that he prepared a drawing for this evening which shows what's proposed as well as an approximate location of the home, outbuildings, pavement, leach field area, septic lines, as well as google maps.

There was considerable discussion with regard to the replacement of a septic tank and associated leach lines.

It was determined that that would be dictated by the Onondaga County Health Department with all of their rules and regulations adhered to.

In locating the proposed garage, Mr. Holden-Betts indicated that it would be approximately 42' from the side yard setback and 32' from the northern boundary line of the road.

Mr. Jarvis questioned how Mr. Betts arrived at the 32'.

Mr. Holden-Betts stated that the existing garage is 24.3 feet from the centerline of the road; which was taken from the survey Mr. Sehnert prepared. The centerline has changed on Doyle Road over the years. I measured 18' to the existing garage from the northern boundary. (24'3" – 18 is roughly 6') from the northern boundary to the centerline.

Mr. Jarvis reiterated that the existing building is 18' from the northern boundary and the proposed building would be 32' from the northern boundary; an additional 14' further back.

Mr. Holden-Betts concurred.

Mr. Jarvis continued stating that the original application is for 20' this would minimize it to an approximate 18' variance request.

Mr. Holden-Betts again concurred stating that the driveway is not a full horseshoe. It is squared off as the diagram shows. It is squared off for two reasons, 1) an existing basketball hoop; and 2) the intent when it was originally installed was that someday we'd have a garage that we would be able to drive into. We wanted an 18' of concrete for a lean-to off of the side. We were hoping that the edge of the 90 degree angle would be the starting point of the lean-to. However, I don't need that 8'. We're pushing the garage further off of the road into the yard. We're basing that on the grade of the yard as there's a gradual grade. The yard gains elevation as it goes up. This is the only flat level ground area we can use where additional site work isn't required. We're hoping for efficiency and convenience sake to have it right next to the driveway without having to dig into the yard and doing a retaining wall and additional drainage work.

Frank Costanzo questioned the height of the building.

Mr. Holden-Betts stated that it would be 18 to 20' tall.

Mr. Jarvis stated that the proposed garage is 30' x 40, 30 in width and 40 in depth.

Brian Corrigan thanked the applicant for the diagrams, however it's not to scale in certain areas.

Mr. Holden-Betts stated that he doesn't believe the original survey is to scale either.

Mr. Corrigan questioned where the setback is taken from, the highway line or the asphalt.

Mr. Jarvis stated that it is measured from the northern boundary line; but we're not certain where that is. That's why you generally need a surveyor to make that determination as it's difficult to decipher. We'd be speculating at best.

Mr. Costanzo stated that his concern is safety. We have a 35 mph road, but they do more than that.

There was some discussion with a prior concern of visibility coming out of the driveway.

Mr. Holden-Betts stated that they live on a dead end street, 99% of the time we are heading west. There's a much better view coming out of the westerly part than the easterly part.

Mr. Costanzo stated that he'd really like to see where the measurements are actually taken from.

Mr. Jarvis if we grant the variance it may not be effective for you because the northern boundary may not be accurate...if we grant you an 18' variance you may find out you need 23'. You'd end up having to move your building back further. You will need that determination made. Perhaps Mr. Sehnert could just show the northern boundary on your survey which probably can be done relatively inexpensively.

Mr. Corrigan concurred stating that you won't have to have him shoot the whole property.

Mr. Jarvis concurred stating we hate to have your spend money where this could still be rejected...but right now I think that it would be helpful. That's what I tried to express in that letter. We need the northern boundary depicted from Doyle Road on Mr. Sehnert's survey. We appreciate that its 32' and we don't question that that's not accurate but I think it would help

from everybody's perspective to know where that northern boundary is. It would also help the public know what they are looking at exactly.

Mr. Corrigan stated that when we speak about the northern boundary we're not talking about the asphalt, we're talking about the actual highway boundary.

Mr. Holden-Betts stated that it's depicted on the original survey as the highway boundary; which is right up against the garage.

Mr. Jarvis stated that by that standard you're really looking for a 36' variance. If we grant you a 20' variance you would be moving your garage back an additional 16' and it may not be practical for you.

Mr. Holden-Betts questioned what we can do at this meeting knowing the highway boundary as depicted on Mr. Sehnert's survey? Is it a matter of me changing the application to reflect that? Is it a new application?

Karen Rice, Clerk, stated that you can amend the application this evening. It doesn't have to be a new application.

Karen questioned if reviewing the deed to see if the boundary line is actually the property line because it says all yard setbacks shall be measured from property lot lines. I'm on a State road; my picket fence is within the State's right-of-way. I own it but they can tear it down for any road widening. We can table this again if you want without republishing.

Mr. Corrigan stated that either way you're going to have to come up with a survey to put the building up so the Code Enforcement Officer can look at it and say, "yes...it's within the variance that has been granted".

Mr. Holden-Betts stated that his deed refers to the centerline.

Mr. Jarvis stated that the regulation states: Except for where otherwise specifically set forth in this Chapter, all yard setbacks shall be measured from property lot lines and not from the road centerlines. Where deeded property lines run to the road centerlines the property lines shall be deemed to be the near edge of the right-of-way for purposes of determining setbacks.

Karen stated that her question was, is the property lot where it shows the highway boundary....it looks like this goes back to the highway boundary and your requested variance would be greater. You would need to be 50' back from the highway boundary.

Mr. Jarvis concurred stating that he doesn't know if having the deed is going to change anything at all. It looks to me like we're going to looking at a 36' variance and not a 20' variance. You have a building that's literally on the road right now.

Jim Stirushnik, Dinglehole Road, stated that his interpretation of the Code is that this is an old road, which is 3 rods wide...his deed like mine goes to the centerline of the road. Some time back the property owner deeded to the Town the right-of-way for the road. Half of 3 rods is 1 ½ rods off of the centerline of the road. 1 ½ rods is the edge of the road right-of-way so that's your property line in modern language.

Mr. Costanzo stated that it's a very narrow road, maybe 20' wide.

Mr. Stirushnik questioned if the applicant has a curb cut issue for two curb cuts for one property.

Mr. Holden-Betts stated that permits from the Town were received. I had to buy the pipe from the Town. The stone was done first many years ago; the concrete was put in 5 or 6 years ago.

It was determined that the structure as proposed in front of us will be approximately 14' from the highway boundary.

Hardships were discussed with regard to moving it to the parcel to the west; however it is heavily treed with pine trees as shown on the google maps. Moving it back would require additional excavation at a great expense due to the grade.

Mr. Corrigan questioned if reducing the size pole barn was considered. That could move it back a few more feet.

Mr. Holden-Betts stated that he doesn't think he can get it back any further because of the grade. We may be able to gain 4' but the pole barn would have to be lifted up which means bringing in lots of stone to have that raised up so that we can drive up into the garage.

Mr. Holden-Betts stated that he has racked his brain with regard to other areas of the yard where he could potentially do it. I'm not just doing it there for convenience sake, although it is very convenient, but it is sort of by default the only place that I can.

Mr. Corrigan stated that as memory serves me your wife was asked about putting in a driveway along the east side of the house and putting it behind the house. She said that would be lot of driveway and that even though you have a lot of property back there she didn't want to have to walk back there in the middle of the winter with the groceries, etc...

Mr. Jarvis stated that going up the east side of the property is not practical.

Mr. Jarvis continued stating that that road does have a number of these issues up and down it. If they ever expanded that road it would almost be an impossibility that's why there's no more area down there to expand. All of the building lots have been developed. It makes is a bit of a situation...which normally to me I would be reluctant to do it but there are so many other buildings on that road that are so close. It's a dead end road; there's more development down there to be had and when they exit they're not crossing over into the other lane. There's already a visibility issue all the way down that side of the road now with every house down there. There's foliage all the way up and down the road on that side. The north side has foliage pretty much all the way down. There might be one more building lot down there where Alberici's own to the east of the Holden-Betts.

The applicant requested that he be allowed to amend his application to request a 30' Front Side Yard Setback.

Board members concurred and agreed to the application be amended.

(Original application on file and amended by the applicant)

The Public Hearing closed at 8:18 p.m.

FINDINGS:

An undesirable change will not be produced to the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.

The benefit sought by the applicant cannot be achieved by some method which will be feasible for the applicant to pursue but would be require a variance.

The requested area variance is substantial.

Mr. Jarvis suggested amending the application from 36' to 30'.

The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood based on what's currently on the road.

RESOLUTION #1 -- Motion by Jarvis, Second by O'Donnell

RESOLVED, that the Zoning Board of Appeals, having reviewed the application of Robert Holden-Betts, for property located at 3735 Doyle Road, Baldwinsville New York, Tax Map No. 071.1-04-01.0, grant a 30' Front Yard Setback Variance to allow the construction of a pole barn, in accordance with Article V, Section 139-14, Paragraph A(2)(a), of the Lysander Town Ordinance.

4 Ayes -- 1 Noe (Corrigan)

II. APPROVAL OF MINUTES

Review and approval of the Minutes of the June 5, 2017 Zoning Board of Appeals meeting.

Page 1, Paragraph 3: disposed to disclosed.

Page 2, Last Paragraph, Last line: Not to now

Page 3, Second Paragraph, First Sentence: not to now

Page 6, In discussing the next available meeting date, July 1st should be July 10th.

RESOLUTION #2 -- Motion by Costanzo, Second by O'Donnell

RESOLVED, that the minutes of the June 5, 2017 special Zoning Board of Appeals meeting be approved as amended.

5 Ayes -- 0 Noes

III. ADJOURN

RESOLUTION #3 -- Motion by Corrigan, Second by Costanzo

RESOLVED, that the July 10, 2017 special Zoning Board of Appeals meeting adjourn at 8:23 p.m.

5 Ayes -- 0 Noes

Respectfully submitted,

Karen Rice, Clerk