

TOWN OF LSYANDER
ZONING BOARD OF APPEALS
Thursday, July 16, 2015 @ 7:30 p.m.

The special meeting of the Town of Lysander Zoning Board of Appeals was held Thursday, July 16, 2015 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 and Frank O'Donnell

OTHERS PRESENT: Leigh Scudder; Keith Conroy; Carol Scarlino; Tim Wolsey, Code Enforcement Officer; Jim Stirushnik and Karen Rice, Clerk

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

L. Micha Ordway, Chairman, welcomed Frank O'Donnell to the Zoning Board of Appeals, replacing Chris Patrick. Frank is no stranger to Politics having been on both the ZBA and Town Board for approximately 13 years.

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

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| 1. Area Variance—Side Yard
Case No. 2015—002 | Scudder, Leigh
9269 Sixty Road |
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The Public Hearing opened at 7:30 p.m.

L. Micha Ordway, Chairman, reviewed the application of Leigh Scudder, for an Area Variance on property located at 9269 Sixty Road, Baldwinsville, New York, Tax Map No. 024.-02-17.0, to allow the construction of a pole barn, in accordance with Article IX, section 139-22, Paragraph A(2) of the Lysander Town Ordinance.

Mr. Ordway stated that the board members are familiar with the application and opened the floor to any questions or comments they might have.

S. Webster Reid stated that there are presently four garages on the site, is that correct.

Leigh Scudder stated that there are two garages and a shed.

Mr. Reid stated that he saw two metal garages and two wood garages.

Mr. Scudder stated that there is just the one wooden garage, a four car garage that sits way in the back.

Mr. Ordway stated that he pulled the property up on google maps that show the residence and out-buildings.

Mr. Reid questioned if the mobile home positioned on a driveway belongs to Mr. Scudder.

Mr. Scudder concurred stating that that is where he wants to put the pole barn. We had a tarp/steel structure there...

Mr. Reid stated that he visited the property last week and could have sworn that there were four different buildings beside the house.

Mr. Scudder reiterated the three with a gazebo on the side of the house as well.

Mr. Reid stated that he thought he saw two metal garages and two wooden garages.

Mr. Scudder stated that there is the house, a Morton two-car garage right next to the house; a steel shed way in the back and just in front of that to the left is a four-car texture 111 garage with a steel roof.

Mrs. Scudder stated that it's only a two car garage but goes back four so you can put four cars in there.

Mr. Ordway shared the Google maps with the applicant and board and questioned if the location of the mobile home is in the area of a 'black structure', indicating on plan.

Mr. Scudder concurred stating that that is what collapsed under the snow that he wants replaced.

The other structures were identified on the plans.

Mr. Ordway stated that in addition to the house, there are three structures, detached from the house, not including what you want to build, which would be fourth structure.

Frank Costanzo stated that it appears that there's a lot of water in the area you want to place the new structure....is that why you've brought the stone in there?

Mr. Scudder concurred stating that they will use stone, fabric and layer it with run-a-crush.

Mr. Costanzo questioned if that was the only place you can put it...you have quite a lot of property there.

Mr. Scudder stated that the driveway goes right into it. When that driveway was installed it was installed to accommodate the sight distance. It's partially concrete and partially tarvia plus the stone that has been brought in. I moved the proposed building as far as I could south. I have tried to angle the building different ways where a variance was not required, but there's a big tree in the way. Other angles didn't look square at all with the property.

Mr. Costanzo questioned how big the building was going to be.

Mr. Scudder stated that it will be 44' x 16'.

Karen Rice, Clerk, stated that it's smaller than what he got a permit for back in the 80's...88.

Mr. Ordway reiterated that it has been there since the 80's.

Mrs. Scudder concurred stating that it has been there for quite a while. It was the blizzard last year that took it down.

Mr. Ordway stated that he's impressed that it lasted that long.

Mr. Scudder stated that it's the second cover with the sun, elements and all.

Frank O'Donnell stated that he has no questions because he understands the need.

Mr. Ordway asked if there was anything Mr. or Mrs. Scudder wanted to add or anyone from the audience.

Keith Conroy and Carol Scarlino, 9199 Sixty Road, stated that they are south of the proposed structure and have no concerns. They are behind the property that is next door to the proposed location of the new project. We are on the flag lot, behind the house.

Mr. Scudder stated that he talked with the owners of the Phoenix Flower farm who have no objections. They are out of Town, but I told them they would be getting a letter from the Town about the hearing and reassured them I wasn't putting in a housing tract. They did ask that we plant something along the side yard if he gave me something to plant in that 10' area. We don't have a problem with the trucks going in and they don't have a problem with this proposal.

Mrs. Scudder stated that Phoenix Flower Farm owns the adjacent land, but there's nothing there. They just use it for a driveway, which is a good distance up from where this pole barn will be. It's a back driveway that they want for truck deliveries. Back then we were agreeable for them to do that. It's really a vacant lot, they don't put any plants on it, the plants are on the north end. They just do it for the driveway.

Mr. Scudder added that Phoenix Flower Farm surrounds us. They come in off of Lamson Road, where they have actual flowers and plants and abut us on Sixty Road that they grow a lot of their trees, shrubs...it was two different businesses at first, but I think the sons have taken over both.

Mr. Ordway questioned if the neighbors were all notified.

Karen concurred.

Ms. Scarlino reiterated that they have no objections to the proposal. The Scudder's property is attractive and they do a beautiful of maintaining their property. It is one of the nicest, well-kept properties.

Mr. Ordway questioned if County was required to hear the application.

Karen stated that it wasn't required as it doesn't affect the front yard setback.

The Public Hearing closed at 7: 43 p.m.

FINDINGS:

An undesirable change in the neighborhood will not occur.

Proposed use is sufficient to preserve the general character of the neighborhood and to safeguard the public health.

The use is not substantial and there will not be an adverse impact on the physical and environmental conditions.

Reasonable alternatives do not exist without impact the surrounding community.
There is not opposition from the community.

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

RESOLVED, that the Zoning Board of Appeals grant to property located at 9269 Sixty Road, Phoenix, New York, a ten (10) foot side yard setback variance, to allow the construction of a pole barn.

5 Ayes -- 0 Noes

Mr. Scudder thanked the board for their time.

II. APPROVAL OF MINUTES

Review and approval of the March 2, 2015 special Zoning Board of Appeals meeting.

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

RESOVLED, that the minutes of the March 2, 2015 and May 4, 2015 special Zoning Board of Appeals meeting be approved as submitted.

4 Ayes -- 1 Abstain (Frank O'Donnell—who was not a member of the board at the time)

ADJOURN

RESOLUTION #4 -- Motion by O'Donnell, Second by Costanzo

RESOLVED, that the July 16, 2015 special Zoning Board of Appeals meeting adjourn at 7:45 p.m.

5 Ayes -- 0 Noes

Respectfully submitted,

Karen Rice, Clerk