

TOWN OF LYSANDER
Zoning Board of Appeals Meeting
Monday, October 7, 2013 at 7:00 p.m.
8220 Loop Road, Radisson

The special meeting of the Lysander Zoning Board of Appeals was held Monday, October 7, 2013 at 7:00 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: Mark Ferguson, Laury Ferguson, Hugh Kimball, Planning Board and Karen Rice, Clerk

The meeting was called to order at 7:00 p.m.

I. PUBLIC HEARING -- 7:00 p.m.

The Public Hearing opened at 7:00 p.m.

1. Front Yard/Side Yard Setback Variance Ferguson, Mark
Case No. 2013--001 990 Morgan Road

The Public Hearing opened at 7:00 p.m.

Micha Ordway, Chairman, reviewed the application of Mark Ferguson, stating that they are seeking a Front Yard and Side Yard Setback Variance to allow the construction of an attached garage at property located at 990 Morgan Road, Memphis, New York.

Mark and Laury Ferguson submitted a model of what they are proposing, stating that they have lived at 990 Morgan Road since 1998. The properties are very close to each other, most being 50' x 200'. They have been making renovations of the property for several years, inside and out. Now it's time for a garage as there isn't one. As the model shows, the road sits quite high with a 15 to 20 foot pitch from the road to the Seneca River, which is on the south side of the property. In the summertime it's difficult walking up and down the driveway, in the wintertime it gets even worse, almost impossible. It's a very dangerous situation. Currently there is an upper parking area that is graded towards the house. Any rainwater that comes down the road and off neighbor's driveways runs right down our driveway towards our house. We have a lot of water that we have tried to divert for many years by installing drainage around the house, waterproofed the basement walls inside and out and drain tile all around the foundation. We're still getting a little bit of water in the basement. By allowing this garage we can regrade the property accordingly/properly with the upper driveway graded up towards the road diverting any water away from the property. The roofline of the new garage would have gutters properly draining down to the driveway which would

run the water away from the house and any neighboring properties. I did calculations on the property, the area between the house and the road totals about 3,024 square feet and the amount of fill, with the addition of the garage, paving and property grading of the two driveways I eliminate 89% of the rainwater that's falling in this area. The remaining 11% I'd like to put proper drainage into drain tiles and divert that water away from the house, away from the garage, away from the neighbor's houses and out to the river if that's legal to do.

Mr. Ferguson stated that he has been designing this two car garage for the last several years, it's a little bit larger but based on the setback, the 50' from the right-of-way from the road (our house is only 58' from the road) it only leaves me 8' to build something with 5' being required from any existing structure so I don't have any room to build anything there. Our lots are 50' wide and the side yard setback of 10' doesn't allow me to get a two car wide garage on the property. I've used guidelines from architectural textbooks to minimize the room that I need in the garage. The footprint of the garage is 24' x 28' with a 4' area in the backend of the house for a stairwell to go between the two levels. The lower level being at the lower grade which is where we walk out of our house would be used for storage and a small workshop.

Mr. Ordway stated that the applicant is looking for a 21' variance from the front and a 5' variance from the east side, with a stairway along the side of the building.

Mr. Ferguson concurred.

There was some discussion with regard to the driveway(s) with Mr. Ferguson indicating on the plan all existing and proposed driveway/parking areas adding that they'd like to replace all existing wood structures/wood retainment and rebuild with a concrete base.

Mr. Ordway questioned if the existing shed would be removed.

Mr. Ferguson concurred.

There is a petition on file dated July 23, 2013 requesting that the proposed area variances be granted signed by neighbors.

Richard Jarvis questioned who lives to the east of this property and whether or not they signed the petition.

Mr. Ferguson stated that the Switzer's are to the east and no they did not sign the petition.

Karen Rice, Clerk, stated that she spoke with Mr. Switzer a couple of times and his only concern was drainage with the applicant saying they were going to make the drainage better than what currently exists. Karen added that he has to by law anyway; you can't divert and dump drainage onto neighboring property.

Mr. Jarvis questioned the adjacent shed and deck shown on the survey and asked if they were at grade with what the driveway would be.

Mr. Ferguson stated that he had his property surveyed and Mr. Switzer moved the shed so that it's totally on his own property. The deck and concrete have not been removed. It's a wooden extension of his driveway with a shed on top of it.

Mr. Ordway questioned if the construction of this garage would affect Mr. Switzer's existing deck?

Mr. Ferguson stated that it would not because it's up in this area (indicating on plan). The deck is attached to Mr. Switzer's house by a stairway.

Mr. Jarvis asked if Mr. Switzer was notified.

Karen concurred stating that Tim Wolsey, Code Enforcement Officer, and I talked to him with his concern being drainage. I told him he could come and speak at the meeting to have his concerns addressed.

Mr. Jarvis questioned if there was a variance given to Mr. Switzer when his house was constructed.

Karen stated that there has never been a variance in this area for a house; the only thing we have granted variances for down in this area were for garages and additions in my tenure.

Frank Costanzo questioned the construction of the garage with Mr. Ferguson stating that the bottom level will be all storage with stairs hooking up to the upper level with 10" poured walls and flooring that will be engineered to ensure that it will be structurally sound.

This application was forwarded to the Onondaga County Planning Board for their review and recommendation, which will be made part of this public record, in part:

NOW THEREFORE BE IT RESOLVED, that the Onondaga County Planning Board recommends that the following modifications to the proposed action prior to local board approval of the proposed action:

The Onondaga County Health Department must formally accept or approve, respectively, any existing or proposed septic system to service this property.

The Public Hearing closed at 7:30 p.m.

FINDINGS:

II. APPROVAL OF MINUTES

Review and approval of the minutes of the February 6, 2012 special Zoning Board of Appeals meeting.

RESOLUTION #2 -- Motion by

RESOLVED, that the minutes of the February 6, 2012 special Zoning Board of Appeals meeting be approved as submitted.

4 Ayes -- 1 Abstain

Chris Patrick abstained as he was not a member of the Board at that time.

III. ADJOURN

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

RESOLVED, that the October 7, 2013 special Planning Board meeting adjourn at 7:25 p.m.

5 Ayes -- 0 Noes

Respectfully submitted,

Karen Rice, Clerk