

TOWN OF LYSANDER
ZONING BOARD OF APPEALS
Thursday, October 23, 2014 at 7:30 p.m.

The special meeting of the Town of Lysander Zoning Board of Appeals was held Thursday, October 23, 2014 at 7:30 p.m. at the Lysander Town Building, 8220 Loop Road, Baldwinsville, New York.

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

MEMBERS ABSENT: L. Micha Ordway, Chairman

OTHERS PRESENT: John Lerner ; Richard Krenzer, Architect, Scott Merle, Merle Builders; Greg Card; Bruce Radicello, Hugh Kimball, Planning Board and Karen Rice, Clerk

S. Webster Reid, Acting Chairman, called the meeting to order at 7:30

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

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| 1. Area Variance—Front Yard
Case No. 2014—007 | Lerner, John
7213 Farnham Road |
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S. Webster Reid, Chairman, reviewed the application of John Lerner, for an Area Variance for property located at 7213 Farnham Road, Memphis, New York, Tax Map No. 037.-01-19, to allow the construction of a single family residence in accordance with Article VI, Section 39-16, Paragraph 2(A), Front Yard Setback, of the Lysander Town Ordinance.

John Lerner and Richard Krenzer, Architect, submitted a narrative of the proposal, dated September 15, 2014, that will be made part of the public record:

The property at 7213 Farnham Road is 31,653 sf with 100' of lake front of shoreline on Cross Lake and 100' of lot width. It currently has a 4 bedroom house and a shed.

John Lerner purchased the property in 2008 as a summer cottage to use with his family. John and his family have since decided to move permanently to Cross Lake. The existing house on the property is underbuilt, has significant structural issues both with the roof and the existing piers and does not meet the family needs. John has decided to remove the existing house and shed and construct a modest 1,702 sf house with an attached garage that meets the needs of him family.

The property is located in the R-20 zoning district and meets required lot area and lot width.

The proposed house will be located where the existing house is. This location will require a front yard variance in that the new house will be 29.5' off of the road line where 50.0' is required. The existing house is 22.1' off the road line. All other setbacks will be conforming.

The proposed house makes most sense to be located in the location as shown on the site plan because with spring snow melt and rain, Cross Lake rises significantly. The spring water level has reached areas near the existing house location. If a new house was constructed 50' off the

road line, it would be in Cross Lake spring time flood waters. The new house will be built on concrete piers 2' above 100 year flood level. The grade at the existing house location is also slightly built up-creating a natural location that prevents flood waters from moving farther east toward Farnham Road. Mr. Lerner also plans to reuse the relatively new septic system for the new house. That septic location prohibits the new house to be 50' or more from the road line. The garage to the south (Supernault, 7209 Farnham Road) was built in 2007 and is 24.2' off the road line.

To mitigate water run-off, gutters will be installed on the new house. Per the riverfront overlay district guidelines, the natural vegetative buffer will be maintained within 50' of Cross Lake during and after construction. To control erosion during construction, a silt fence will be placed west of the house construction site.

Frank Costanzo questioned how old the septic tank is.

Mr. Lerner stated that he's not sure what the age is, only that it's a plastic tank and newer. It is a septic system that was built for a year-round, four bedroom residence.

Mr. Krenzer stated that they are proposing a three bedroom house. The septic was put in with the cottage was remodeled in the 1990's.

Mr. Lerner concurred stating he would guess 1993 was approximately when it was put in. It was when it changed hands.

Mr. Krenzer stated that there is a letter signed by all of the neighbors that was given to Karen.

Karen Rice, Clerk, concurred stating that it is a petition signed by property owners within the neighborhood, including neighbor's most affected by the proposal, stating no objection to the removal and replacement of a single family residence. It was mailed out as part of the appeals application to the board members. Bart Bergsbaken, 7218 and 7221 Farnham Road, sent a separate email stating no objections as well.

The application was forwarded to the Onondaga County Planning Board for their review and recommendation, who have determined that the site does not meet jurisdiction requirements under General Municipal Law Section 239-m.

The Public Hearing closed at 7:45 p.m.

FINDINGS:

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 impacting the surrounding community.

There is no opposition from the community.

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

RESOLVED, that the Zoning Board of Appeals, grant to property located at 7213 Farnham Road, Memphis, New York, Tax Map No. 037.-01-19 a 20 ½' Front Yard Setback Variance to allow the construction of a single family residence, in accordance with Article VI, Section 139-16, Paragraph 2(A), of the Lysander Town Ordinance.

4 Ayes -- 0 Noes

The application is approved.

Mr. Lerner and Mr. Krenzer thanked the board for their time.

II. PUBLIC HEARING -- 7:45 p.m.

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| 2. Area Variance—Side Yard
Case No. 2014—008 | Merle, Scott/Card, Gregory
2940 Cold Springs Road |
| 3. Special Use Permit—Sign
Case No. 2014—009 | Merle, Scott/Card, Gregory
2940 Cold Springs Road |

The Public Hearing opened at 7:45 p.m.

S. Webster Reid, Acting Chairman, reviewed the application of Scott Merle, on behalf of Greg Card, for an Area Variance for property located at 2940 Cold Springs Road, Baldwinsville New York, Tax Map No. 059.-04-18 to allow the construction of a Subdivision Monument Sign, in accordance with Article XX, Section 139-52, Paragraph A(5) and a Special Use Permit, in accordance with Article VII, Section 139-18, Paragraph A(2)(1), of the Lysander Town Ordinance.

Scott Merle, Merle Builders, stated that they are proposing a Subdivision Monument Sign identifying his new subdivision on NYS Route 370, Spring Woods.

Bruce Radicello, Glenbrook Drive, questioned the location of the sign ; as his only concern was that it's challenging to make a left hand turn onto Route 370 and questioned if the sign would cause a visual impact.

Mr. Merle submitted a sketch plan showing the location, stating that it meets the 25' front yard setback requirement from Route 370 but will require a side yard setback variance of 4' 4" from the property line.

Mr. Radicello questioned the size of the sign.

Mr. Merle stated that the sign will be 14' x 3'. It will be a nice looking sign announcing the development.

Mr. Reid stated that there is a schematic representing what the sign will look like and offered it to Mr. Radicello.

Frank Costanzo questioned who will maintain the sign.

Mr. Merle stated that it is on Lot 9, so whoever owns Lot 9 will be responsible.

Mr. Costanzo questioned if there was a homeowner's association.

Mr. Merle stated that there is not.

Mr. Costanzo stated that ten year from now you may not be in the area and it could become overgrown and fall into disrepair.

Mr. Merle stated that he thinks the homeowners will take great pride in an announcement sign for their development that will cost \$10,000.

Richard Jarvis stated that there will have to be some sort of maintenance agreement for the sign, just so that you're aware.

Karen Rice, Clerk, stated that all of the subdivisions along 370 have the same situation, Clinton Heights, Abbott's Landing, Holly Hill, Melia Park and Brickwalk. They're all on private property. We could pull some of those deeds to see.

Mr. Merle stated that he will have to work that out with him attorney.

Mr. Merle further stated that if he has to maintain it himself he will because it's got my name on it. It will be something to be proud of.

Mr. Jarvis questioned if there was any objection from adjacent neighbors.

Karen stated that she notified 46 property owners, with only one questioning the application. She lives across the street and thought there was going to be another subdivision in a different location.

There was some discussion as to why a Special Use Permit was required.

Karen stated that the approval of the sign was not done at the time of the subdivision, therefore a Special Use Permit is required followed by a Controlled Site Use by the Planning Board, however the Planning Board has already reviewed and conditionally approved the application.

The application was forwarded to the Onondaga County Planning Board for their review and recommendation, who have made the following determination, in part:

NOW THEREFORE BE IT RESOLVED, that the Onondaga County Planning Board has determined that said referral will have no significant adverse inter-community or county-wide implications. The Board has offered the following Comments in regards to the referral:

Given the length of time since Town approval of the subdivision, the Board notes the following recommendations regarding the full subdivision project:

1. Per the New York State Department of Transportation, no direct access shall be permitted on Route 370 from any proposed lots. All access must be from the proposed subdivision road, and the applicant is required to obtain permits for any work in the State right-of-way.
2. The New York State Department of Transportation has determined that the applicant must submit an updated drainage study or Stormwater Pollution Prevention Plan (SWPPP) to meet Department requirements verifying that the proposed development would not create additional stormwater runoff in to the State's drainage system and is required to first contact the Department to determine the scope of the study; the applicant must submit the drainage study to the Department for approval and complete any appropriate mitigation as may be determined by the Department.
3. The Onondaga County Department of Water Environment Protection asks that the applicant contact the Department at (315)435-6820 early in the planning process to determine sewer availability and capacity.
4. The applicant is encouraged to reduce stormwater runoff and improve stormwater quality as much as practical by reducing impermeable surfaces and utilizing green infrastructure. For more information on stormwater management, visit the Onondaga county "Save the Rain Program" website at <http://savetherain.us> or contact the Onondaga County Department of Water Environment Protection at (315)435-6820.
5. The municipality is encouraged to minimize exposure to damage from natural hazards and uphold local flood ordinance requirements, as required for good standing in the National Flood Insurance Program, by ensuring that any proposed development would not negatively affect drainage patterns in or near the floodplain.
6. The applicant is advised to conduct a formal wetland delineation to determine the presence and location of any federal wetlands on site and any delineated wetlands must be confirmed by the U.S. Army Corps of Engineers and shown on the plans for the site. The applicant is also advised to obtain appropriate permits from the Corps for any proposed development or drainage into wetlands on site.
7. The Town and applicant are advised to ensure a long-term maintenance plan is in place for the proposed stormwater management area.
8. The Board encourages the Town and the applicant to consider decreasing the size of the lots in order to provide greater buffering of the stream and wetlands.

The Public Hearing closed at 7:50 p.m.

FINDINGS:

The Planning Board, at their meeting of October 20, 2014, granted a Controlled Site Use to allow the Placement of the subdivision monument sign, conditioned upon the Zoning Board of Appeals granting the Side Yard Setback Variance. .

Undesirable change in the neighborhood will not occur.

Proposed use is not 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 impacting the surrounding community.

There is no opposition from the community.

RESOLUTION #2 -- Motion by Reid, Second by Costanzo

RESOLVED, that the Zoning Board of Appeals grant to property located at 2940 Cold Springs Road, Baldwinsville, New York, Tax Map No. 059.-04-18 a 4'4" Side Yard Setback Variance to allow the placement of a subdivision monument sign, in accordance with Article VI, Section 139-16, Paragraph A((2)(b)[1] of the Lysander Town Ordinance.

4 Ayes -- 0 Noes

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

RESOLVED, that the Zoning Board of Appeals of the Town of Lysander grant to a Special Use Permit to allow the placement of a subdivision monument sign, on property located at 2940 Cold Springs Road, Baldwinsville, New York, Tax Map No. 059.-04-18, in accordance with Article XX, Section 139-52, Paragraph A(5), of the Lysander Town Ordinance.

4 Ayes -- 0 Noes

Mr. Merle thanked the board for their time.

III. APPROVAL OF MINUTES

Review and approval of the September 4, 2014 special Zoning Board of Appeals meeting.

RESOLUTION #4 -- Motion by Costanzo, Second by Jarvis

RESOLVED, that the September 4, 2014special Zoning Board of Appeals meeting be approved as submitted.

4 Ayes -- 0 Noes

IV. ADJOURN

RESOLUTION #5 -- Motion by Jarvis, Second by Patrick

RESOLVED, that the October 23, 2014 special Zoning Board of Appeals meeting adjourn at 7:55 p.m.

4 Ayes -- 0 Noes

Respectfully submitted

Karen Rice, Clerk