

TOWN OF LSYANDER
ZONING BOARD OF APPEALS
Monday, November 7, 2016 @ 7:30 p.m.
Large Group Room

The special meeting of the Lysander Zoning Board of Appeals was held Monday, November 7, 2016 at 7:30 p.m. at the Lysander Town Building, 8220 Loop Road, Baldwinsville, New York.

MEMBERS PRESENT: L. Micha Ordway, Chairman; Richard Jarvis; Frank Costanzo;
Frank O'Donnell; Brian Corrigan

OTHERS PRESENT: Nick Melnick; Hugh Kimball; Planning Board; Jim Stirushnik;
Vince Kearney, Belgium Cold Springs Fire Department; Karen
Rice, Clerk

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

I. PUBLIC HEARING – 7:30 p.m.

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| 1. Area Variance | Melnick, Nicholas |
| Case No. 2016—002 | 603 West Genesee Road |

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

L. Micha Ordway, Chairman, reviewed the application of Nick Melnick for property located at 603 West Genesee Road, Plainville, New York. Mr. Melnick is seeking an area variance pursuant to Article IX, Section 139-22, Paragraph A(1), relating to the minimum lot size requirement. We have an undersized residential lot. The property is zoned Agricultural (A), which requires a minimum of 80,000 square feet. The applicant is looking to subdivide the house and outbuildings that would require a 6,669.3 square foot area variance. The 1.683 acre parcel would come out of approximately 115.39 acre parcel. The home will be sold with the remnant piece to be sold to the person who currently rents and will continue to remain under agriculture.

Mr. Ordway added that the applicant is also currently maintaining approximately 9600 square foot of property that was appropriated by the State.

Nick Melnick concurred stating that that is part of the problem.

Mr. Ordway reiterated that they took land, you maintain it and the lot size requested is too small because of that.

Mr. Melnick again concurred stating that the State came in and decided they were going to widen the road to make it safer; for some reason they wanted this large appropriation that I didn't agree with, but they basically said "you go along with it or we'll take it". They don't maintain it. Part of it is all lawn, driveway...if you include what they appropriated it's almost 83,000 square feet. To try to get the 80,000 with the farm land that exists there now really cuts into the workable land. There is 115 acres, but it's not all tillable completely, probably between 50 and 60 is tillable farmland. Farmland is hard to come by now a day and we're trying to keep it. We feel that the lot size of what it should be, including what the State doesn't take care of, with the road frontage that we've come up with is more than what's necessary. The lot lines were determined by how the farm fields have always been. It has always been a farm. We have owned it for over 50 years and we've never had to have anything bigger than what is already there. We have already gone into the field quite a bit to the west and north sides. We thought that was enough hoping that you would accept the State's appropriation which we are already maintaining.

Mr. Ordway reiterated that can't just sell less of the farmland, because not all of the farmland is usable farmland, so if you sell this person less land to meet the minimum requirement you'll be cutting into what he can farm.

Mr. Melnick concurred.

Mr. Ordway continued stating that from the applicant's perspective there is no other option than to seek the variance.

Mr. Melnick stated that this is what they both agreed to...to make it correct part of the one field would be almost unusable because of the way we have to get in there. I was hoping Mr. Bartoszewski would be here to speak, but with his large equipment he wouldn't be able to turn around there so we came up with this layout to make it usable for him.

Mr. Ordway...'why would he buy it if he can't farm it, right?'

Mr. Melnick concurred.

Richard Jarvis questioned what they State gave when they took the property for the road.

Mr. Melnick stated that he doesn't recall it now, it was years ago. It was way less than what we wanted, but they basically said you take it or we'll just take it without compensation.

Brian Corrigan questioned how much land the Sate took.

Mr. Melnick stated that they took over 2 acres, maybe close to 3. I don't know why they needed it; they don't do anything with it.

Mr. Corrigan stated that we're talking about 6,700 square feet, which is roughly 17 to 18 percent of an acre.

After some calculating Mr. Ordway stated that it's .15 of an acre.

Mr. Corrigan asked if the purchaser has been approached about extending the perimeter to make up for the 6 to 7 thousand square feet.

Mr. Melnick stated that we've extended it 75' to the west; 20' to the north and 30' to the east. The maps shows that we have 83,000 if you include the land appropriated by the State. They own half of the driveway, which they don't plow, as well as the lawn they don't maintain. If you include that we have more than what's required.

Frank O'Donnell questioned if the State's acquiring of the land can be classified as a hardship.

Mr. Ordway stated that that is one of the considerations. Further, the application was forwarded to the Onondaga County Planning Board for their review and recommendation and have determined that the referral will have no significant adverse inter-community or county-wide implications. There were no comments or actions recommended by the County Board. For what it's worth, the County doesn't see this as a major issue.

Frank Costanzo questioned if any lots lines can be moved to accommodate this 6,000 square feet.

Mr. Melnick stated that they have been working with the surveyor and have come up with several. This is the one that would be the least impact on the farmland.

There was some discussion with regard to the proposed subdivision plan and a parcel that sits in the middle of it.

Karen Rice, Clerk, stated that that indicates an existing lot. There is an existing home on it.

Mr. Corrigan questioned if it was part of the existing farm property.

Mr. Melnick concurred stating that it was his residence back in the 1970's. It was a 2 acre parcel and is now 1.74 after the State came through.

Mr. Corrigan questioned if the property has been under Mr. Melnick's ownership for the 50 years.

Mr. Melnick stated that the original farm was purchased in 1950 with him taking over ownership 1998.

Jim Stirushnik, Dinglehole Road, raised several questions, with Mr. Melnick's comments incorporated: 1) Are there were any culverts going under NYS Route 370 in this area? No. 2) Is the topography draining towards the road or away from the road? Usually away from the road, depends on what part you're on. There's a mile of road frontage there. The house is higher than the elevation of the road. There are trenches with rock along the road frontage. There has never been any flooding there in all of the years he has been around. There is nothing going across the road. 3) What is the setback of the existing house? After the appropriation, approximately 35' from the right-of-way.

Mr. Corrigan stated that it appears to be 50 to 55 feet from the actual pavement.

There was some discussion as to the lay-out of what the State acquired with the lot lines being at an angle.

Mr. Melnick stated that there was no explanation as to how they came up with this configuration.

Mr. Stirushnik stated that the proposed width is wider than what is required. The applicant is proposing 275' where 250' is required. If you make it 250' and go deeper you may not need a variance.

Mr. Stirushnik questioned the vegetation behind the house, with board members stating that it is mostly farmland.

Mr. Corrigan stated that Google map shows some trees behind the buildings, open farmland to the west, north and a little bit to the east. As you go further back on the property there is a tree line.

Mr. Melnick stated that there is 35 acres of woods and 15 acres of old pasture land.

Mr. Stirushnik stated that it appears that the lot can be reconfigured to go deeper.

Mr. Melnick stated that the person purchasing the farm land doesn't want the treed areas. He wants to keep it in agriculture. His father farmed the land before him. It has always been farmland since we were kids and we want it to remain farmland. That's why I'm selling it to him. I don't want to see it further subdivided. He has indicated that it won't be in his lifetime.

Mr. Ordway questioned how many acres Mr. Bartoszewski farms in addition to this.

Mr. Melnick stated that he doesn't have that number but probably into the 1000's.

Karen added that the Bartoszewski's are an old farm family out Plainville way. They own land in Ira as well I believe.

Mr. Stirushnik stated that he strongly approves of farm families, but he has sat in front of these boards long enough where if somebody dies or becomes unable to continue farming, the farm goes up for sale. I also would remind the board that there is a reason for 80,000 square feet. With that size district there is no public water or sewers. We know nothing about the soils, except that they are tillable. The assumption is that at some time in the future you will have to relocate your well and/or relocate your

septic system as these systems do fail. It will be the responsibility of the property owner. If we don't allow for enough room...what are they going to do? I would also remind this board that the Lamson Road people have been before the Town Board for over a year trying to get water because they don't have good water. There is a reason we set up a minimum lot sizes and I think we should stick to it. I am willing to consider some reconfigurations.

Mr. Melnick stated that the Plainville area is noted for very good water wells. There is excellent drainage on the farm so that wouldn't be a problem. I don't think you'd ever see another subdivision there. The only reason I'm doing this one is because they aren't interested in buying the house. They're just interested in the farmland. I've had offers to buy it from other individuals but they wanted to resubdivide and build on it but I didn't want to see that.

Mr. Stirushnik stated that the farmer may if times become hard enough. He may not have a choice if he needs money. I've seen other farmers sell off one lot at a time over the years.

Hugh Kimball questioned if there was enough frontage on either side of the existing house that it could become a building lot at some point in time.

Mr. Jarvis stated in looking at the tax map it appears that there would be. However there is no reference to the east line of the property or to the next land owner. It's hard to discern how much is there; but from looking at the tax map, which is not really accurate, I would say, yes there is enough frontage there for another building lot.

Karen added...several building lots if the State DOT would give permits for driveway after driveway. The sight distance to Dog Harbor Road is terrible.

Mr. Corrigan questioned if we have a survey map of the entire piece of property.

Karen stated that we do not, only the new configuration. We don't have them survey the entire acreage...

Mr. Jarvis stated that it would be cost prohibitive to do that.

The Public Hearing closed at 7:54 p.m.

FINDINGS:

An undesirable change in the neighborhood will occur.

The proposed use is not sufficient to preserve the general character of the neighborhood and to safeguard the public health.

The use is substantial and there will be an adverse impact on the physical and environmental conditions.

A reasonable alternative does exist without impacting the surrounding community.

There is opposition from the community

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

RESOLVED, that the Zoning Board of Appeals, having reviewed the application of Nick Melnick, for property located at 603 West Genesee Road, Plainville, New York, Tax Map No. 034.-01-12.1, grant an Area Variance of 6,669.3 square feet, for the minimum lot size requirement, pursuant to Article IX, Section 139-22, Paragraph (A)(1).

2 Ayes -- 3 Noes

The application is denied.

II. APPROVAL OF MINUTES

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

RESOVLED, that the minutes of the October 3, 2016 special Zoning Board of Appeals meeting be approved as submitted.

5 Ayes -- 0 Noes

III. ADJOURN

RESOLUTION #3 -- Motion by Jarvis, Second by O'Donnell

RESOLVED, that the November 7, 2016 special meeting of the Zoning Board of Appeals adjourn at 7:58 p.m.

5 Ayes -- 0 Noes

Respectfully submitted,

Karen Rice, Clerk