

TOWN OF LYSANDER  
ZONING BOARD OF APPEALS  
MONDAY, DECEMBER 5, 2016 @ 7:30 P.M.

The special meeting of the Town of Lysander Zoning Board of Appeals was held Monday, December 5, 2016 at 7:00 p.m. at the Lysander Town Building, 8200 Loop Road, Baldwinsville, New York.

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

OTHERS PRESENT: Vincent Kearney, Belgium Cold Springs Fire Department; Hugh Kimball, Planning Board; Jim Striushnik; Joe Haney; Jennifer Haney and Karen Rice

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

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

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| 1. Area Variances | Haney, Jennifer      |
| Case No. 2016—003 | 7574-7576 River Road |

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

L. Micha Ordway, Chairman, reviewed the application of Jennifer Haney for an area variance on property located at 7574-7576 River Road, Baldwinsville, New York, to allow the subdivision of two undersized residential lots, which requires a variance to the minimum lot size; front yard setback and lot width.

Front Yard Setback: 100' from the centerline is required; applicant is seeking a 44.4' front yard setback variance.

Minimum Lot Size: 40,000 square foot is required; 2275 square foot and 2,785 square foot area variance is requested.

Lot Width: 200' is required; 45.30' and 47.80' setback variance is requested.

Mr. Ordway continued, stating that the property is zoned AR-40 and has 1.72 acres. The use with two residential homes on one lot is non-conforming, but is grandfathered. The application has been forwarded to the Onondaga County Planning Board for their review and recommendation, who has determined that the referral will have no significant adverse inter-community or county-wide implications and may consequently be acted on solely by the referring board.

Joe Haney stated that they are trying to find bank to finance the property and has correspondence from the bank stating that because there are two separate addresses

with two homes on one parcel they won't 'touch it'. Jennifer Haney stated that there's nothing in the area to compare the value with (two homes on one lot).

Mr. Ordway questioned how the purchased the property if no banks will touch it.

Mr. Haney stated that it took them forever, but I guess there's a different set of banking regulations now. Banks say it's too high of a risk now. Part of the submittal contains a denial letter from one of the banks.

Mr. Ordway reiterated that at one time you were able to finance it, but now you've looked into it and the banks won't touch it with the two homes/two addresses.

Mr. Haney also submitted a realtor's appraisal of the property as one parcel. It is assessed at \$135,000. If the property was split it would have an appraised value of \$230,000.

Mr. Ordway questioned who lives at the property.

Mr. Haney stated that they live in one and his grandmother lives in the other.

Brian Corrigan questioned whose name the property is in.

Mrs. Haney stated that it is in her name.

Richard Jarvis questioned how long the Haney's have been married.

Mr. Haney stated that they have been together for 16 years, married for 2.

Mr. Corrigan questioned how long they have owned the house.

Mrs. Haney stated that she purchased in in 2005.

Mr. Corrigan questioned if she bought it in the configuration it is in now.

Mrs. Haney concurred.

Mr. Ordway stated that it appears that some improvements have been made to one of the properties. It appears that there's a second story.

Mr. Haney stated that they can't really do anything else with it because all of our money is tied up in it. We can't touch any of equity as the property is right now.

Mr. Ordway questioned what the back build was when you bought it.

Mrs. Haney stated that it was a house. It was originally a florist shop.

Mr. Jarvis questioned who turned it into a house.

The Haney's indicated that the previous owner did.

Mr. Jarvis stated that that individual only owned it for a year.

Mrs. Haney concurred stating a short time.

Mr. Ordway questioned what the plans are for the property.

Mr. Haney stated that we're keeping both of them we would just like some equity out of the house and we can't do that...to do more improvements.

Mr. Ordway reiterated that the Haney's are trying to refinance the property and get some equity out of it.

Mr. Haney concurred.

In reviewing one of the correspondences from Quicken Loans, Mr. Corrigan stated that Quicken Loans indicated a 'unique parcel situation' ...is that because there are two homes on one piece of property?

Mr. Haney stated that and that there are two different addresses. Each house has its own separate address, that's unique, even though it's on one parcel.

Mr. Jarvis questioned who the existing mortgage is through.

Mrs. Haney stated that it's through Wells Fargo. It was through Home Funding Finders until Wells Fargo bought it.

Mr. Jarvis stated that with Quicken Loans you're dealing with somebody who is not familiar with our area....

Mr. Haney stated that they have letters from Empower, Fulton Savings, etc... We've tried everything.

Mr. Jarvis reiterated that they won't give any financing....what's the situation there?

Mr. Haney stated that they will not give us anything on the second house. They consider it a risk. They will give us some on just the one house.

Mr. Jarvis stated that you can refinance but you can't refinance it to the wealth that you'd like to because you can't finance it separately.

Mr. Haney concurred.

Mr. Corrigan questioned if both residents have C-O's.

Karen Rice, Clerk, stated that they were built back in the 40's so it's unlikely; and he never pulled a permit to convert that building to a home so no C-O would have been sought after. No record anyway.

Mr. Jarvis questioned if anyone has expressed that you could have problems selling the house without a Certificate of Occupancy from the Town.

Mr. Haney: (Unclear)

Karen stated that we didn't even have zoning then, so I would think it would be grandfathered. The second one would be an issue because it wasn't done....

Mr. Jarvis...it was a commercial business at one point, even a garage, shed.

Mr. Haney stated that he believes it always had a kitchen and a bedroom even before the renovation.

Vince Kearney, Belgium Cold Springs Fire Department, stated that they have no issues with the application.

Hugh Kimball, Planning Board questioned if the two houses are sharing a driveway.

Mr. Haney stated that there are two separate driveways.

Mr. Kimball reiterated that there are two separate entrances to the street and you're going to be able to split the property so that each property would have a full driveway without having to have cross easements.

Mr. Haney stated that they have a survey showing that.

Karen stated that if the application is approved it would have to go to the Planning Board.

Jim Stirushnik, Dinglehole Road, stated that he is against the action being requested.

Mr. Ordway stated that we did receive an email correspondence from a property owner within the area opposing the variance request.

The Public Hearing closed at 7:42 p.m.

**RESOLUTION #1** -- Motion by Ordway, Second by Costanzo

RESOVLED, that the Zoning Board of Appeals grant three (3) Area Variances to property located at 7474-7576 River Road, Baldwinsville, New York.

0 Ayes -- 5 Noes

The application has been denied.

Karen questioned if the Haney's could talk to the Assessor's office and change the address back to one and present it to the bank. Its one parcel, you only get one tax bill. It's no different than an in-law apartment, it's just not attached. They may continue the same use because it's grandfathered, however if it ever came time to sell it, it may become an issue.

Mr. Haney stated that that may be the next step.

Mr. Ordway that they could give you one address so that the bank isn't confused by two separate addresses. It's really one piece of property.

Frank Costanzo questioned yet another address that appears in the file, 7572 River Road.

Frank O'Donnell questioned if the applicant has any record of 7572 River Road.

Karen stated that the previous owner started the process of an area variance to subdivide the property years ago. The three addresses were identified in that application.

Mr. Corrigan wondered if you could take that information back to the postmaster and go back to one address.

The Haney's thanked the board for their time.

II. APPROVAL OF MINUTES

Review and approval of the minutes of the November 8, 2016 special Zoning Board of Appeals meeting.

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

RESOLVED, that the minutes of the November 7, 2016 special Zoning Board of Appeals meeting be approved as submitted.

5 Ayes -- 0 Noes

III. ADJOURN

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

RESOLVED, that the December 5, 2016 special meeting of the Lysander Zoning Board of Appeals adjourn at 7:45 p.m.

5 Ayes -- 0 Noes

Respectfully submitted,

Karen Rice, Clerk