

TOWN OF LYSANDER  
ZONING BOARD OF APPEALS  
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, that pursuant to Section 267-a(12) Town Law, a Public Hearing will be held by the Town of Lysander Zoning Board of Appeals on Monday, October 2, 2017 at 7:30 p.m. at the Town of Lysander Town Offices, 8220 Loop Road, Baldwinsville, New York, for the purpose of considering the following:

The application of Joseph DeGaetano, for an Area Variance for property located at 2384 Sourwood Drive, Phoenix, New York, Tax Map No. 019.-04-07.0 to allow a 28' x 16' detached garage that was built under separate ownership, with a building permit but in the wrong location, in accordance with Article V, Section 139-14, Paragraph 2(a) and Paragraph 2(b)[1] of the Lysander Town Ordinance.

Dated: September 14, 2017

Richard Jarvis, Chairman  
Lysander Zoning Board of Appeals

**TOWN OF LYSANDER**  
**ZONING BOARD OF APPEALS**

**APPLICATION**

552

**Application Number** 2017-004 **Date** 3-13-17 **Fee** (\$ 50 -

**Type of Application**

- Special Use Permit
- Permit for Temporary Structure/Occupancy (explain need on page 2)
- Extension of Permit for Temporary Structure/Occupancy (explain need on page 2)
- Appeal of Decision made by the Code Enforcement Officer
  - Area Variance (provide details on page 2)
  - Use Variance (use requested \_\_\_\_\_)
- Informal Interpretation (describe issue on page 2)
- Other \_\_\_\_\_

**Applicable Sections of the Zoning Ordinance**

R-40 Chapter 139.ZONING, § 139-14. Dimensional requirements, A. Residential structures and uses,

(2) Principal structure and accessory structures shall meet the following requirements: (a) Front yard setback: 50 feet and (b) Side yard setback [1] One side: 15 feet.

**Review by Onondaga County  
Planning Board**

Required  Not Required

**Review by Town of Lysander  
Planning Board**

Required  Not Required

**Applicant**

Name Joseph G. DeGaetano  
Street Number 2384 Sourwood Dr Municipality Town of Lysander  
State New York Zip Code 13135

**Property**

Street Number 2384 Sourwood Dr Municipality Town of Lysander  
State New York Zip Code 13135  
Tax Map Number 019.-04-07.0  
Owner (if different than applicant)  
Name \_\_\_\_\_  
Address \_\_\_\_\_

Zoning District \_\_\_\_\_ Overlay Control \_\_\_\_\_  
Size of Property 0.9 acres  
Existing Structures/Uses  Conforming  Nonconforming

**Need and Description**

For temporary permits, explain why a permit is needed. For area variances, attach a copy of a current survey and any drawings or plans - if reducing or enlarging documents that **do not** include a graphic representation of scale indicate the percentage of reduction or enlargement. Attach additional pages if necessary.

An area variance is needed to allow the detached garage to exist in its current location. The previous owners built the garage and when I purchased, the area variance was not discovered by my attorney. The garage was built in 2015 and has had no issues to date. The side property lines are heavily treed to not deter or detract aesthetically from any neighbors. The current location of the garage does not impede access to any neighbors or properties. The property is currently for sale and a contract is pending the approval of this variance. Due to the size and construction of the garage, it would be unfeasible to move the garage to meet the required setbacks. There have been no complaints by anyone in the neighborhood to date regarding the garage.

**Area Variances**

- Residential  Principal Structure
- Nonresidential  Accessory Structure

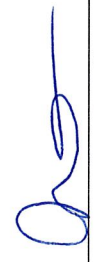
- Front Yard Setback  Rear Yard Setback  
Required Setback 50 feet Required Setback \_\_\_\_\_ feet  
Variance Requested 41 feet Variance Requested \_\_\_\_\_ feet
- Individual Side Yard Setback  Total Side Yard Setback  
Required Setback 15 feet Required Setback \_\_\_\_\_ feet  
Variance Requested 12 feet Variance Requested \_\_\_\_\_ feet
- Lot Dimensions/Coverage/Floor Area  Other  
Type \_\_\_\_\_ Type \_\_\_\_\_  
Requirement \_\_\_\_\_ Requirement \_\_\_\_\_  
Variance Requested \_\_\_\_\_ Variance Requested \_\_\_\_\_

**Alternatives**

Explain in detail why the proposed action cannot be conducted where a variance would not be required, or where a smaller variance would be required (attach additional pages if necessary). Unfortunately the garage was an existing structure, built by the previous owners when I purchased the house. Unbeknownst to me, my attorney at the time of the closing did not perform the required due diligence to address the garage's location and that the minimum setback requirements were not met. Since the garage was a pre-existing structure at the time I purchased the property, there is no way to meet the minimum setback requirements without creating an extreme hardship.

Sworn this 3<sup>rd</sup> day of September, 2017

  
Notary Public



Applicant/Representative Signature

Owner/Representative Signature

Town of Lysander  
8220 Loop Road  
Baldwinsville, NY 13027  
(315) 638-0224

**RECEIPT  
#000028**

09/13/2017

DeGaetano, Joseph  
2384 Sourwood Drive  
Phoenix, NY 13135

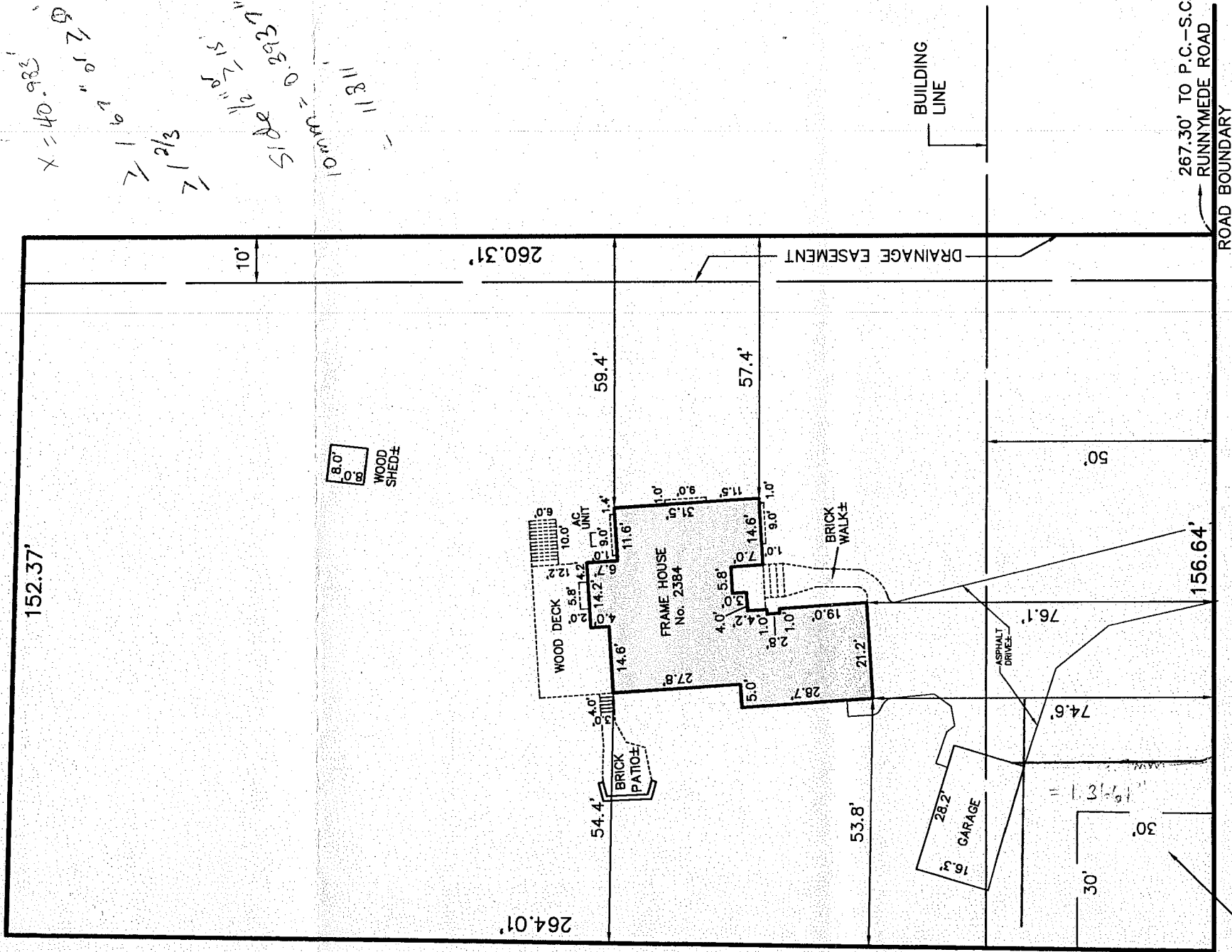
Received \$ 50.00 for Zoning Fees, on 09/13/2017. Thank you for stopping by the Treasurer's Office.

As always, it is our pleasure to serve you.

Dina Falcone  
Town Clerk



1.3661 = X  
 = 30  
 X = 40.983  
 7/16  
 7/2/3  
 side = 0.393  
 10.118  
 11.811



TEMPORARY TURN-A-ROUND EASEMENT

# SOURWOOD DRIVE

267.30' TO P.C.-S.C.  
RUNNYMEDE ROAD  
ROAD BOUNDARY

Subject to any statement of facts on accurate and up to date abstract of title will show.  
 Unauthorized alteration or addition to a survey map bearing a licensed land surveyor's seal is a violation of section 17209, sub-division 2, of the New York State Education Law.  
 \\SERVER\Land Projects\RUNNYMEDE\DWG\LOT No. 24.dwg

RECERTIFIED: AUGUST 17, 2017; REFERENCE: 2867.024.  
 RECERTIFIED: JULY 27, 2016; REF. 2358.006

BY: JACK W. GOTTWELL

DATE FILED: AUGUST 27, 1979

MAP NO. 5813

PROPERTY CORNERS NOT SET THIS SURVEY, UNLESS SHOWN, OFFSETS FROM PROPERTY LINES MEASURED TO FOUNDATION WALLS, UNLESS OTHERWISE INDICATED.

TO:

THE UNDERSIGNED HEREBY CERTIFIES THAT THIS MAP WAS MADE FROM AN ACTUAL SURVEY

N.Y.S. LICENSED LAND SURVEYOR

LOT No. 24  
**RUNNYMEDE**  
 SECTION "E"  
 PART OF LOT No. 41  
 TOWN OF LYSANDER  
 ONONDAGA COUNTY, NEW YORK

RECERTIFIED: AUGUST 18, 2005  
 DATE: AUGUST 18, 2005  
 SCALE: 1" = 30'  
 FILE: 965.1266  
 FB: 1225

IANUZI & ROMANS  
 LAND SURVEYING, P.C.  
 5251 WITZ DRIVE, NORTH SYRACUSE, NY, 13212  
 PHONE: (315) 457-7200; FAX: (315) 457-9251  
 EMAIL: mail@iansps.com

TOWN OF LYSANDER  
ZONING BOARD OF APPEALS  
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, that pursuant to Section 267-a(12) Town Law, a Public Hearing will be held by the Town of Lysander Zoning Board of Appeals on Monday, October 2, 2017 at 7:45<sup>PM</sup> at the Town of Lysander Town Offices, 8220 Loop Road, Baldwinsville, New York, for the purpose of considering the following:

The application of Scott Merle, for an Area Variance for property located at 9216 River Road, Phoenix, New York, Tax Map No. 022.-03-12 to allow the construction of a single family residence that requires a Setback Variance, in accordance with the Riverfront Development Overlay Controls, Article XXII, Section 139-61, Paragraph B(1)(b) of the Lysander Town Ordinance.

Dated: September 18, 2017

Richard Jarvis, Chairman  
Lysander Zoning Board of Appeals



**TOWN OF LYSANDER**  
**ZONING BOARD OF APPEALS**

**APPLICATION**

Application Number 2017-003 Date 8-31-17 Fee \$750-

Type of Application 2017-004 8-18-2017  
Reapplying w/ A-1 Board

- Special Use Permit
- Permit for Temporary Structure/Occupancy (explain need on page 2)
- Extension of Permit for Temporary Structure/Occupancy (explain need on page 2)
- Appeal of Decision made by the Code Enforcement Officer
  - Area Variance (provide details on page 2)
  - Use Variance (use requested \_\_\_\_\_)
  - Informal Interpretation (describe issue on page 2)
  - Other \_\_\_\_\_

**Applicable Sections of the Zoning Ordinance**

ARTICLE XXII RIVERFRONT DEVELOPMENT OVERLAY  
CONTROLS 139-61 B(1)(b)

**Review by Onondaga County  
Planning Board**

Required  Not Required

**Review by Town of Lysander  
Planning Board**

Required  Not Required

**Applicant**

Name SCOTT MERLE  
Street Number 8233 PARK RIDGE PATH Municipality LIVERPOOL, NY 13090  
State NY Zip Code 13090 SUITE 2

**Property**

Street Number 9216 RIVER ROAD Municipality PHOENIX  
State NY Zip Code 13135  
Tax Map Number 22-03-12  
Owner (if different than applicant)  
Name CECILE MARENELL  
Address 333 OAKLEY DRIVE  
SYRACUSE, NY 13205  
Zoning District R40 Overlay Control RIVERFRONT  
Size of Property 5.44 acres  
Existing Structures/Uses  Conforming  Nonconforming

**Need and Description**

For temporary permits, explain why a permit is needed. For area variances, attach a copy of a current survey and any drawings or plans - if reducing or enlarging documents that **do not** include a graphic representation of scale indicate the percentage of reduction or enlargement. Attach additional pages if necessary.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Area Variances**

- Residential
- Nonresidential
- Principal Structure
- Accessory Structure

- Front Yard Setback  
Required Setback \_\_\_\_\_ feet  
Variance Requested \_\_\_\_\_ feet
- Individual Side Yard Setback  
Required Setback \_\_\_\_\_ feet  
Variance Requested \_\_\_\_\_ feet
- Lot Dimensions/Coverage/Floor Area  
Type \_\_\_\_\_  
Requirement \_\_\_\_\_  
Variance Requested \_\_\_\_\_

- Rear Yard Setback  
Required Setback \_\_\_\_\_ feet  
Variance Requested \_\_\_\_\_ feet
- Total Side Yard Setback  
Required Setback \_\_\_\_\_ feet  
Variance Requested \_\_\_\_\_ feet
- Other  
Type RIVERFRONT OVERLAY  
Requirement 100 FT.  
Variance Requested 25 FT.

**Alternatives**

Explain in detail why the proposed action cannot be conducted where a variance would not be required, or where a smaller variance would be required (attach additional pages if necessary).

SEE ATTACHED

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Sworn this 18<sup>th</sup> day of August, 2017

DINA M FALCONE

Notary Public

[Signature]

Applicant/Representative Signature

[Signature]

Owner/Representative Signature

**DINA M. FALCONE**  
Notary Public, State of New York  
No. 01FA6344258  
Qualified in Onondaga County  
Commission Expires June 27, 2020



# APPLIED EARTH TECHNOLOGIES

STEPHEN SEHNERT, LAND SURVEYOR

8 Canton Street  
Baldwinsville, NY 13027  
Ph. (315) 635-5197  
Fax (315) 303-5433

**ZBA APPLICATION  
SCOTT MERLE  
9216 RIVER ROAD  
AUGUST 18, 2017**

## **ALTERNATIVES**

Referring to the enlarged attached map it is noted that the proposed house cannot be built between the required 100 foot riverfront set back and the existing power line and its easement. To build the proposed house in conformance with the requirements it would need to be placed to the west of the power line creating an undesirable view of the river, and as Mr. Kane, states in his attached letter, "waterfront homes and their value are 'all about' their unobstructed views and proximity to the waterways". Please refer to that letter for additional comments on the placement of this house.

The riverfront overlay was not part of the town's zoning at the time of the construction of the power line in 1954 when there was limited interest in riverfront homes.

The 75 foot set back resulting from a 25 foot variance would not be out of character with the neighborhood as the four houses to the northwest are setback less than 100 feet from the river.

WHEN EXPERIENCE MATTERS



**PRIME PROPERTIES**

8233 PARK RIDGE PATH  
LIVERPOOL, NY 13090

BUS (315) 622-0161  
FAX (315) 622-4613

August 16, 2017

Zoning Board of Appeals  
Town of Lysander  
8220 Loop Rd  
Baldwinsville, NY 13027

To Whom It May Concern:

I've been requested to provide an opinion on 9216 River Road Phoenix, NY 13135

For 30+ years I have been involved in local real estate and over 1500 real estate transactions. The question of powerlines is, and always has been a concern in value.

Waterfront homes and their value are "all about" their unobstructed views and proximity to the waterways.

In requesting the variance regarding the home being closer to the river at the 75' setback mark thereby allowing maximum aesthetics and value is dramatic and significant.

At the 100' setback the home would have to be moved further from the river on the other side of the powerlines. The result is both aesthetically less pleasing and will reduce the value of the land & home.

Lastly, given the greater scope of the home, tax revenues generated by granting the variance, the benefit to the municipality far exceed the \$100 the utility company paid for the routing of the lines years ago.

Respectfully,

Bob Kayne  
Associate Broker, ABR, CRS, GRI  
Coldwell Banker Prime Properties  
315-345-2778  
[Bob@bobkayne.com](mailto:Bob@bobkayne.com)

Each Office is Independently Owned And Operate.

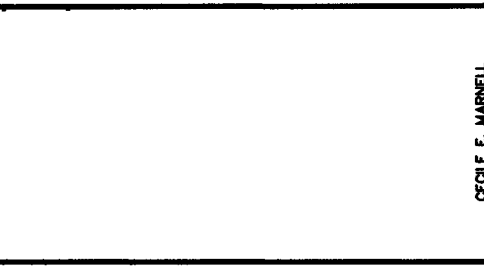




OMEGA  
SERIAL  
OVERLAY



EXISTING POWER LINE AND 10' EASEMENT



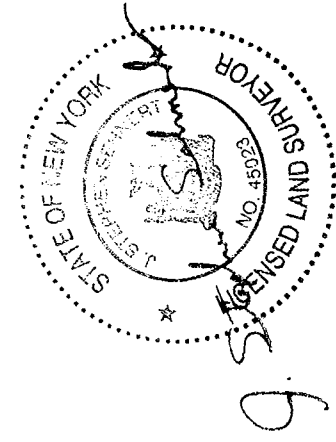
CECILE E. MARNELL

4258/158

5.44 ACRES

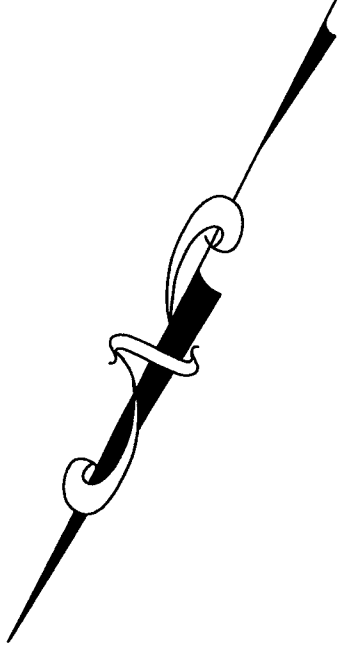
S 63°00'07" W  
1276.55'

S 63°04'50" W  
1168.98'



200.00'  
S 88°47'19" W

RIVER ROAD



OSWEGO RIVER

POOL ELEVATION - BASE FOR RIVERFRONT OVERLAY

S 63°00'07" W  
1276.55'

S 63°04'50" W  
1168.98'

PROPOSED HOUSE

75' SETBACK

100' SETBACK

E

E

E

EXISTING POWER LINE AND 10' EASEMENT

SMRR.dwg Model 8/8/2017 10:52:42