

TOWN OF LYSANDER  
ZONING BOARD OF APPEALS  
Monday, April 4, 2022 at 7:30 p.m.

I.     PUBLIC HEARING -- 7:30 p.m. (Adjourned February 7, 2022)

1. Area Variance	Musuraca, Michelle
Case No. 2022—001	9452 Pendergast Road

II.    APPROVAL OF MINUTES

Review and approval of the minutes of February 7, 2022 special Zoning Board of Appeals meeting.

III.   ADJOURN

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

**APPLICATION**

Application Number 2022-001 Date 1-4-22 Fee 450-

**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  
    ( X ) 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 IV* 320-14.A(1)(b), 320-14.A(2)(b)(1)(2), 320-14.A(2)(c), 320-63.B(1)(a),  
270-14.B(2), 270-14.B(4) 320-63 Riverfront D(1)(a)  
and Paragraph D(2)(b)

**Review by Onondaga County  
Planning Board**

( ) Required ( ) Not Required

**Review by Town of Lysander  
Planning Board**

( ) Required ( ) Not Required

**Applicant**

Name Michelle Musuraca  
Street Number 9452 Pendergast Rd. Municipality Phoenix  
State NY Zip Code 13135

**Property**

Street Number 9452 Pendergast Rd. Municipality Phoenix  
State NY Zip Code 13135  
Tax Map Number 020-01-18.2  
Owner (if different than applicant)  
Name \_\_\_\_\_  
Address \_\_\_\_\_

Zoning District AR-40 Overlay Control Highway and  
Size of Property 1.8+/- acres Riverfront  
Existing Structures/Uses ( ) Conforming ( X ) Nonconforming

Page 1 of 2

*Riverfront Article XXI*  
*AR-40 Article V*  
*Highway Article XXI*

### 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

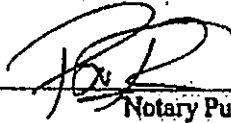
- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Residential                        | <input type="checkbox"/> Principal Structure   |
| <input type="checkbox"/> Nonresidential                                | <input type="checkbox"/> Accessory Structure   |
| <br>   |  |
| <input type="checkbox"/> Front Yard Setback                            | <input type="checkbox"/> Rear Yard Setback   |
| Required Setback _____ feet  | Required Setback _____ feet  |
| Variance Requested _____ feet  | Variance Requested _____ feet  |
| <input checked="" type="checkbox"/> Individual Side Yard Setback       | <input checked="" type="checkbox"/> Total Side Yard Setback                                  |
| Required Setback <u>15'</u> feet                                       | Required Setback <u>40'</u> feet   |
| Variance Requested <u>4.7'</u> feet                                    | Variance Requested <u>22.5'</u> feet   |
| <input checked="" type="checkbox"/> Lot Dimensions/Coverage/Floor Area | <input checked="" type="checkbox"/> Other  |
| Type <u>Lot width/lot width (river frontage)</u>                       | Type <u>Lot Design Standard</u>  |
| Requirement <u>150'</u>  | Requirement <u>All lots shall abut a street</u>  |
| Variance Requested <u>100'</u>   | Variance Requested <u>Allow landlocked lot with existing access provided by right of way</u> |

### 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).

The Area Variance for the dimensional requirements are for existing non conforming situations. The Variance request for the lot design standard is needed to subdivide the lots: the lot has access to Pendereast Road through a common Right of Way crossing our lot splitting it into essentially two lots. The applicant would like to use this Right of Way as the proposed division line and reuse the Right of Way for access. A flag lot could be an alternative however it will reduce the lot width of a lot that already doesn't meet the dimensional requirements.

Sworn this 10 day of DECEMBER 20 21



Notary Public

PATRICK G REYNOLDS  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01RE6361646  
Qualified in Oswego County  
My Commission Expires 07-17-2025



Applicant/Representative Signature

Owner/Representative Signature



# Short Environmental Assessment Form

## Part 1 - Project Information

### Instructions for Completing


**Part 1 – Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

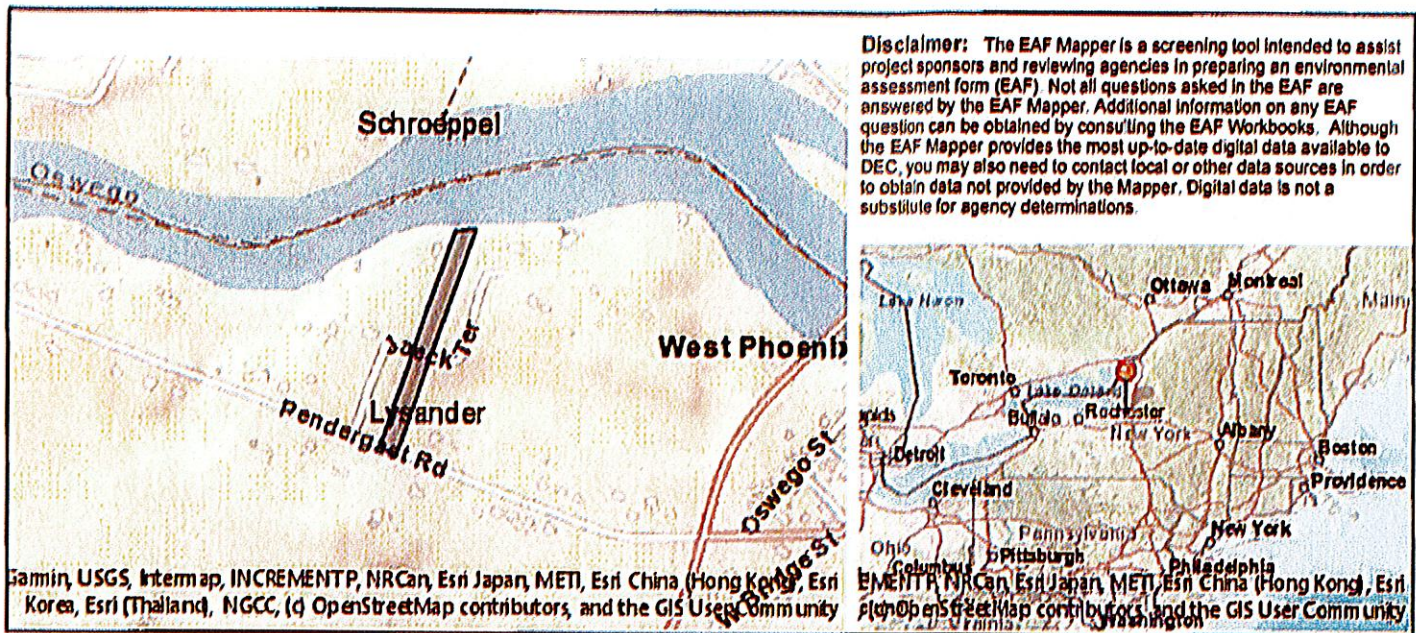
<b>Part 1 – Project and Sponsor Information</b>			
Name of Action or Project: Variance application			
Project Location (describe, and attach a location map): 9452 Pendergast Road, Lysander NY			
Brief Description of Proposed Action: Applicant is seeking variance approval to allow for the subdivision of one (1) existing tax parcel into two (2) new tax parcels			
Name of Applicant or Sponsor: Michelle Musuraca		Telephone: 315-218-8265 E-Mail: musuram@bsk.com	
Address: 9452 Pendergast Road			
City/PO: Phoenix		State: NY	Zip Code: 13135
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: Town of Lysander Zoning Board of Appeals, Onondaga County Planning		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		2.8 acres	
b. Total acreage to be physically disturbed?		0 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		2.8 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: <u>per NYSDEC website</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
<u>per NYSDEC website</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
<u>Per NYSDEC website</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres:			



<b>14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:</b> <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input checked="" type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban		
<b>15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?</b> Indiana Bat, Lake Sturgeon, ...	NO	YES
<i>Per NYSDEC website</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>16. Is the project site located in the 100-year flood plan?</b>	NO	YES
<i>Per NYSDEC website</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>17. Will the proposed action create storm water discharge, either from point or non-point sources?</b> If Yes,	NO	YES
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input type="checkbox"/>	<input type="checkbox"/>
If Yes, briefly describe: _____ _____		
<b>18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)?</b> If Yes, explain the purpose and size of the impoundment:	NO	YES
_____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?</b> If Yes, describe:	NO	YES
_____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?</b> If Yes, describe:	NO	YES
<i>Per NYSDEC website</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>		
Applicant/sponsor/name:  Timothy J. Coyer, L.S.		
Date: November 16, 2021		
Signature: _____ Title: Surveyor for Applicant		





Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	Yes
Part 1 / Question 15 [Threatened or Endangered Animal - Name]	Indiana Bat, Lake Sturgeon, Bald Eagle
Part 1 / Question 16 [100 Year Flood Plain]	Yes
Part 1 / Question 20 [Remediation Site]	No



Project: \_\_\_\_\_

Date: \_\_\_\_\_

## *Short Environmental Assessment Form*

### *Part 2 - Impact Assessment*

**Part 2 is to be completed by the Lead Agency.**

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input type="checkbox"/>	<input type="checkbox"/>

Project: \_\_\_\_\_

Date: \_\_\_\_\_

### *Short Environmental Assessment Form*

#### *Part 3 Determination of Significance*

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

- ☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- ☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Name of Lead Agency \_\_\_\_\_

Date \_\_\_\_\_

Print or Type Name of Responsible Officer in Lead Agency \_\_\_\_\_

Title of Responsible Officer \_\_\_\_\_

Signature of Responsible Officer in Lead Agency \_\_\_\_\_

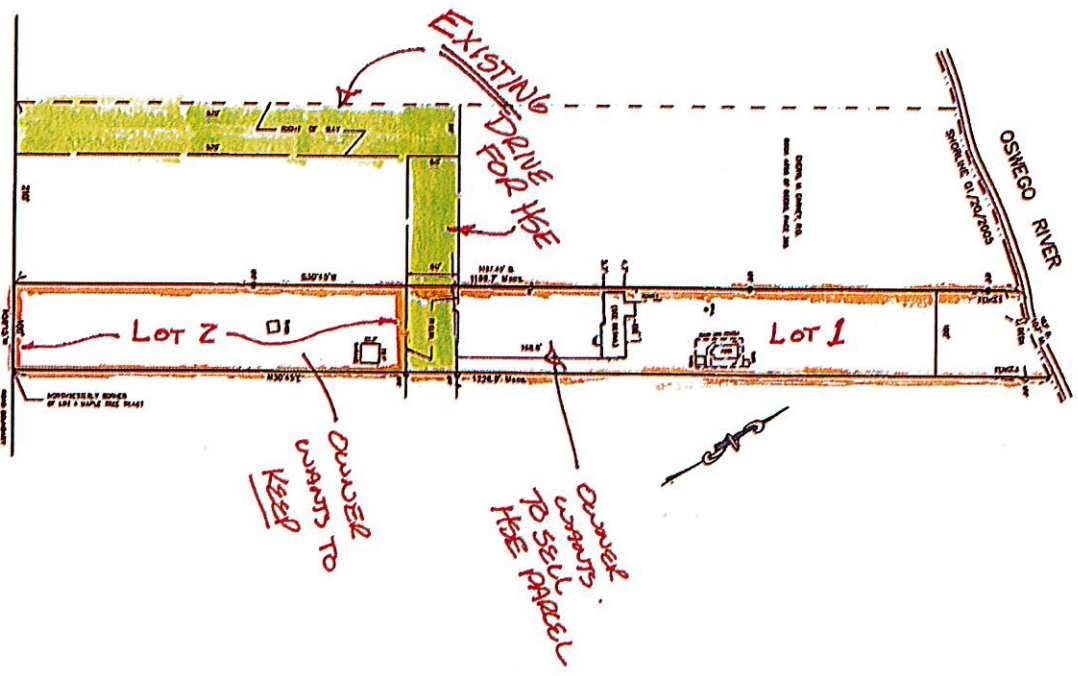
Signature of Preparer (if different from Responsible Officer) \_\_\_\_\_

3/20/94

DETAIL  
SCALE: 1" = 20'



PENDERGAST ROAD



THE INFORMATION HEREON IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT TO BE USED FOR ANY OTHER PURPOSE.

PART OF FARM LOT NO. 42	
TOWN OF LISANDER	
OSWEGO COUNTY, NEW YORK	
OWNER	DAVID J. HANSEN
DATE	3/20/94
SCALE	1" = 20'
DATE	3/20/94





Joanne M. Mahoney  
County Executive

# Onondaga County Planning Board

## RESOLUTION OF THE

### ONONDAGA COUNTY PLANNING BOARD

Meeting Date: January 19, 2022

OCPB Case # Z-22-4

- WHEREAS, the Onondaga County Planning Board, pursuant to General Municipal Law, Section 239 l, m and n, has considered and reviewed the referral for a AREA VARIANCE from the Town of Lysander Zoning Board of Appeals at the request of Michelle Musuraca for the property located at 9452 Pendergast Road; and
- WHEREAS, General Municipal Law Section 239-m allows the County Planning Board to review the granting of use or area variances and the site is located within 500 feet of Pendergast Road (Route 189), a county highway, and the municipal boundary between the Town of Lysander and Oswego County; and
- WHEREAS, the applicant is requesting several area variances to allow for future subdivision of a 2.8-acre parcel in an Agricultural Residential (AR-40) zoning district; and
- WHEREAS, the site is a long, narrow parcel with frontage on the Seneca River which is part of the NYS Barge Canal Historic District; it is bisected by a private road that serves the site and neighboring parcels; surrounding land uses are mostly low-density residential; and
- WHEREAS, the submitted Variance Plan dated November 15, 2021 shows the site has frontage on Pendergast Road and contains an existing house and rear pool; there are two detached garages that occur across the private road from the house; the private road occurs in a 60' wide right-of-way; and
- WHEREAS, per the local application, area variances are requested to allow for future subdivision of the site; the Variance Plan shows the future subdivision plan, which will create two lots; Lot 1 (1.06 acres) will include the detached garages and Pendergast Road frontage and Lot 2 (1.7 acres) will include the right-of-way, house, pool, and river frontage; the referral materials indicate that the landowner intends to sell Lot 2 and keep Lot 1;  
ADVISORY NOTE: per the Onondaga County Department of Transportation, any proposed or future access to Lots 1 or 2 must from the private road as it currently does; no additional access to Pendergast Road will be permitted; and
- WHEREAS, per the Variance Plan, area variances necessary for the subdivision to take place include 1) increasing the allowable lot depth from 4 times the lot width to 4.6 for Lot 1, 2) increasing the allowable lot depth from 4 times the lot width to 7.7 for Lot 2, and 3) allowing for the creation of a landlocked parcel where all lots are required to abut a street; and
- WHEREAS, the Variance Plan shows additional area variances are requested to address existing non-conformities on proposed Lot 1, including 1) one of the individual side yard setbacks of the detached garage is 9.5' where 15' is required and 2) the lot width is 100' where 150' is required; and
- WHEREAS, additional area variances are also requested for existing non-conformities on proposed Lot 2, including 1) one of the individual side yard setbacks of the house is 4.7' where 15' is required, 2) the total side yard setback of the house is 22.5' where 40' is required, 3) the lot width is 100' where 150' is required, and 4) the river frontage is 107' where lots abutting the river system must have frontage

equal to the front lot width; and

WHEREAS, the site is served by an individual well and septic system; no changes to the existing infrastructure are proposed at this time; any future development of the proposed lots may necessitate a new well and/or septic system; and

WHEREAS, current FEMA Flood Insurance Rate Maps (FIRM) indicate that lands adjacent to the river are located within the 100-year floodplain, which may require elevation of structures and other mitigation; the Onondaga County Hazard Mitigation Plan has identified flooding as one of five primary natural hazards of local concern, with the potential to cause extensive threat to property and safety; buildings within the floodplain can negatively affect the free flow of nearby waterways and drainage, and building within a floodplain is therefore discouraged; and

WHEREAS, the site may contain the Northern long-eared bat or bald eagle, or their associated habitats, which have been listed by the state or federal government as threatened or endangered animal species (per EAF Mapper); and

WHEREAS, the site or a portion of it is located in or adjacent to an area designated as sensitive for archaeological sites on the NYS Historic Preservation Office archaeological site inventory (per EAF Mapper); and

NOW THEREFORE BE IT RESOLVED, that the Onondaga County Planning Board recommends that said application be DISAPPROVED for the following REASON(S):

The Board discourages granting the requested area variances in the absence of a subdivision plan that shows the proposed subdivision will create developable, real property tax parcels, particularly as one of the proposed lots will contain an accessory use with no principal use. A revised subdivision plan must be required and demonstrate that the created lots can support future development and provide sustainable wastewater and drinking water services, whether it is currently planned or not, by showing the location of existing sewage disposal systems, wells, and buildings, suitable locations for new sewage disposal systems, wells, and buildings, and the necessary distances between each. Additional consideration for neighboring properties must be included to ensure the provision of wastewater and drinking water services on-site does not preclude or impact the development of adjacent lots.



Martin E. Voss, Chairman  
Onondaga County Planning Board