

TOWN OF LYSANDER
ZONING BOARD OF APPEALS
Monday, May 8, 2023 @ 7:30 p.m.
8220 Loop Road

The special meeting of the Town of Lysander Zoning Board of Appeals was held Monday, May 8, 2023 at 7:30 p.m. at the Lysander Town Building, 8220 Loop Road, Baldwinsville, New York.

MEMBERS PRESENT: Richard Jarvis, Chairman; Frank Costanzo; Edwin Baker and Robert Sweet

MEMBERS ABSENT: Frank O'Donnell

OTHERS PRESENT: Hugh Kimball, Planning Board; Kristin Marsallo; Bill Marsallo and Karen Rice, Clerk to Zoning Board of Appeals

I. PUBLIC HEARING -- 7:30 p.m. (Continuation from April 3, 2023)

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| 1. Area Variance
Case No. 2023—003 | Marsallo, Bill & Kristen
84 Afternoon Drive |
|---------------------------------------|--|

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

Richard Jarvis, Chairman, reviewed the application of William and Kristen Marsallo for property located at 84 Afternoon Drive, Baldwinsville, New York. The Marsallo's are seeking an Area Variance to allow the placement of an in-ground swimming pool that cannot meet the Side Yard Setback.

Mr. Jarvis questioned exactly what variances are being discussed tonight.

Karen Rice, Clerk, stated that a seven (7) foot Side Yard is required in this subdivision as it's part of an Incentive Zoning Subdivision. The applicant is asking for relief from that. He meets the Rear Yard Setback of ten (10) feet. He wants to get as close to the property line as he can for the pool itself.

Mr. Jarvis stated that previous renderings showed the fence going over on to the HOA property; the ZBA does not have the authority to allow you onto that HOA property; that's between you and them, we have to work within your property lines. The new map appears to show everything contained within the property boundary.

Bill Marsallo concurred.

Mr. Jarvis stated that the problem is...the scale, it certain appears to me that you have much more than 7' from the north end of the pool and the HOA property line.

Karen stated that it appears that way, but he has to be 7' from the outside edge of the concrete to the property line....the outside edge is where we'll take that 7'.

Mr. Marsallo stated that that drawing was drawn up a year or so ago without the variance. A number of people came and looked at the property and said we'd have to move the location over because the property would have to be graded in such a way where the dirt would/could cover the existing deck and window at the back of the house. We were told in order to have it graded correctly we'd have to move it closer to the property line. It's the same configuration, but 7' closer to the property line; so we're asking for a 7' Side Yard Setback

There was some discussion with regard to the neighbor's fence, who was able to put it right on the HOA property line.

Karen stated that the Marsallo's are going to ask the HOA if he can use his neighbor's fence as a barrier. In doing so he would have to be using the HOA property and would have to have two gates for access, one at the front and one at the rear. If they won't allow that; they will have to put their own fence right on the property line and there would be a 10' strip of fenced in area between the two properties allowing the HOA access. The only thing this Board is acting on is how close they can get their pool to the property line. The rest is up to them.

Mr. Jarvis stated that he doesn't have a problem with it, it's a 10' strip of land that nobody is ever going to do anything with.

Karen stated that the Marsallo's can amend the copy of the survey showing the setback request and initial it for our records.

Mr. Sweet stated that he visited the site and saw how it's going to be staked out. I also don't have a problem with granting the variance and/or whether or not you connect to your neighbor's fence.

Mr. Jarvis questioned if the HOA objects.

Mr. Marsallo stated then he would have to construct his own fence.

Karen stated that they don't have to have concrete on that side of the pool, the concrete is considered a 'structure' and has to meet the setback. They could just landscape it.

Mr. Jarvis stated that it could create a real estate for you in the future. You may want your attorney to draw up an Affidavit showing the HOA giving you permission to cross that area. That would solve any problems down the road because HOA's disappear once a development is complete.

Mr. Marsallo stated that the only reason to want the shared fence is it's going to look weird with that 10 foot gap between the two houses. I just wanted it to be aesthetically pleasing.

There is a letter on file dated March 28, 2023, prepared by the adjacent neighbor who has no objections to sharing his fence as part of the pool enclosure. The letter will be read into the record, in part:

My name is Andy McCoy and I'm the property owner next to Bill at 84 Afternoon Drive where they access area is between our homes. Bill and Kristin have showed me the plans for their pool project and we have no issue with them proceeding under your guidelines with moving, eliminating or allowing extra land for them to complete the project. We put a pool in last year and connected our fence to the neighbors. If that is allowed we would be willing to let them butt their fence to ours so there is a nice uniform look between our houses and not an open space between either fence. Bill and I have maintained this part of the property as well as landscaped the power box and would continue the upkeep after the project is completed. I think this would not only add value to the neighborhood but also be aesthetically pleasing as you enter the neighborhood.

There is a letter on file dated April 7, 2023 prepared by John Burt, that will be read into the public record, in part:

My name is John Burt and I live a few doors down from the Marsallo's. I recently received a letter in the mail about the Marsallo's desire to build a swimming pool in their backyard. I would just like to express how great of neighbors they are. My family moved in two years ago and they have always been very respectful to us and others around. I would like to see you approve their plans so their family can enjoy a swimming pool for many years to come.

The Public Hearing closed at 8:04 p.m.

FINDINGS:

An 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 not opposition from the community.

Motion by Costanzo, Second by Sweet to accept the Findings as presented.

RESOLUTION #1 -- Motion by Jarvis, Second by Sweet

RESOLVED, that the Zoning Board of Appeals grant to property located at 84 Afternoon Drive, Baldwinsville, New York, for a 7 foot Side Yard Setback Variance to allow the construction of a swimming pool and supporting structures in accordance with Article VI, Section 320-16, Paragraph A(2)(b) of the Lysander Town Ordinance; conditioned upon resolving the fence issue to the north on Homeowner's Association property and/or the construction of the pool..

4 Ayes -- 0 Noes

II. APPROVAL OF MINUTES

Review and approval of the March 6, 2023 special Zoning Board of Appeals meeting.

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

RESOLVED, that the Minutes from the special Zoning Board of Appeals meeting be approved as submitted.

3 Ayes -- 0 Noes - 1 Abstain (Baker)

III. OTHER BUSINESS

1. Recommendation to Town Board: Melvin Farms Letter of Intent; which is available on the website at www.townoflysander.org.

Landmark Challenger, Developer, is seeking incentive zoning for the Melvin Farms Project on NYS Route 370 and Hayes Road:

Three 3-Story Apartments buildings consisting of 105 units

Twenty-four 7-unit Apartment Buildings with garages consisting of 168 units

Four 3-Story "Senior" Apartment Buildings consisting of 134 units

Forty-one 4-unit Townhouse Buildings with garages consisting of 164 units

Seventeen (17) Single Family Homes

The Board Members brought up a number of concerns, determined that they would incorporate those concerns within the Resolution.

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

At the request of the Town Board, the Zoning Board of Appeals has reviewed the Letter of Intent to consider higher density for the application of Landmark Challenger, LLC, for property located at NYS Route 370 and Hayes Road, also known as Melvin Farms, Baldwinsville, New York. At their meeting of May 8, 2023 the Zoning Board of Appeals determined that they needed more time to address their concerns. After allowing more time to review the Letter of Intent and accompanied plans the following concerns were raised and need to be taken under consideration with regard to the acceptance of this proposal:

1. Looking down from Route. 370 you can see the beautiful vista now. You would only see 590 homes and 3 story apartments in the future This will be a big loss to the community.
2. Traffic from Route 370 that runs into Baldwinsville Four Corners will be a big bottle-neck. This issue has been brought up at every Town Comprehensive Land Use Plan.
3. Traffic on River Road is only a two lane highway. The Melvin Farms residents will be using River Road to go to Route 31, YMCA, shopping, services and recreation. The road is too small in size and very treacherous in the winter. This road has been closed several times because of ice build-up. More maintenance time and manpower would be required.

4. We need to look at services to the Melvin Community. Will they have enough fire protection and emergency response services? It was stated that there is sufficient fire projection for the project. I believe that the fire companies that would be called in the event of a fire could be strained. They have all been searching for new members, coverage for an additional 500 families should be studied. Further, there should be a traffic light installed at the north entrance of Route 370
5. John Glen Boulevard and Route 370 East has recently been upgraded to accommodate large amounts of traffic. Do we need to look at this?
6. We have to make sure that we look at the James Carter letter about Historic Preservation. It seems like we have some issues that needed to be addressed.
7. A big plus for this area is the contractor is going to put in sanitary sewers and pump station which is needed badly in this area. However, the residents still have to pay for hook-up to their homes and the necessary long-term annual costs associated to provide those sewers.

4 Ayes -- 0 Noes

IV. ADJOURN

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

RESOLVED, that the May 8, 2023 special Zoning Board of Appeals meeting adjourn at 8:23 p.m.

4 Ayes -- 0 Noes

Respectfully submitted,

Karen Rice, Clerk
Zoning Board of Appeals