

TOWN OF LYSANDER  
ZONING BOARD OF APPEALS  
Monday, December 6, 2021 at 7:30 p.m.

The special meeting of the Town of Lysander Zoning Board of Appeals was held Monday, December 6, 2021 at 7:30 p.m. at the Lysander Town Building, 8220 Loop Road, Baldwinsville, New York.

MEMBERS PRESENT: Richard Jarvis, Chairman; Frank O'Donnell; Edwin Baker and Matt Hunt

MEMBERS ABSENT: Frank Costanzo

OTHERS PRESENT: Christian Hill, Napierala Consulting and Karen Rice, Clerk to the Zoning Board of Appeals

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

I. PUBLIC HEARING—7:30 p.m.

- |                                       |   |
|---------------------------------------|---|
| 1. Area Variance<br>Case No. 2021—006 | High Country Self-Storage<br>2079 Church Road |
|---------------------------------------|---|

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

Richard Jarvis, Chairman, reviewed the application of High Country Self-Storage, 2079 Church Road, Baldwinsville, New York, for a Front Yard Setback Variance on property located at 2079 Church Road, Baldwinsville, New York, Part of Tax Map No. 030.-03-06.1, to allow the placement of pavement and a fence within the setback, in accordance with Article XXI, Section 320-62, Paragraph C(1)(B) and Paragraph C(2)(a) of the Lysander Town Ordinance.

The property is zoned General Commercial with a Front Yard Setback of 100'; however, the Major Highway Overlay Controls requires 140' from the centerline of the highway right-of-way or that of adjoining houses on NYS roads.

Christian Hill, Napierala Consulting, Civil Engineers represented the applicant stated that they're here tonight asking for an area variance for the front yard setback requirement on Route 48. That reiterated that that setback requirement is dictated by the Major Highway Overlay District and it's 140' from the centerline of Route 48. We did not ask for this variance when we got the initial site plan approval for the first phase of this project, which is existing now. We went to the Planning Board for site plan approval for Phase 2. Dan Pollock, owner, wanted to put self-storage buildings here (indicating on plan) that have doors on either side. We did not do that in the first phase. They are drive-up on the interior side only. He wants to put...for his operation they do a site study and what kind of unit counts he needs. He is coordinating with the bank, etc...

Mr. Jarvis...more money, right, isn't that the bottom line.

Mr. Hill concurred stating that the bottom line is if he wants to be able to put in an asphalt driveway and a security fence with some lighting within that setback requirement. The reason we don't see this as an issue and we're here to talk about it and get questions and comments from you, is that that setback is from the centerline of Route 48, which kind of narrows as you come up to this site. It's at two-lanes on the west side down at the intersection, but it comes down to one lane and that edge of pavement is getting further away from the site. So, even though he will have more asphalt here (indicating on plan), it's almost the same yard space; it's just that more of it is in the right-of-way. He's proposing some screening, trees and whatever landscaping is deemed necessary to make the site look nice for Route 48.

Matt Hunt questioned what's the deal with the two doors; why does that make it wider, access on either side?

Mr. Hill concurred stating that basically the building is still within the front yard setback, it's just the pavement and the fence that's within the front yard setback. Per the Code we're not allowed to have anything, impervious area, fencing, etc... The buildings are within that 140' setback, they're in line with what's existing there today, so the buildings are not getting any closer to the road than they are right now, it's just pavement for circulation.

Mr. Hunt questioned the reason...because the basins on the other side of the property can't be moved.

Mr. Hill concurred stating that there is only so far, we can go west before we start running into issues with drainage and grading. If you go way further west there are wetlands and it's pretty low-lying. We're just trying to stay as tight as possible. We don't want to push that detention basin into the woods if we don't have to for drainage and grading purposes.

Mr. Hill questioned if the units are going to be similar to what's existing.

Mr. Hill concurred stating that they'll match, almost completely, with what's there right now. It's all the same building manufacturer.

Edwin Baker questioned if the new units going in on the far right; are they two units each or one.

Mr. Hill stated that there will be two units, one on each side. The existing units only have one door and it's on the site interior, on the west side. The units will be smaller, but doors on each side for the ones that are proposed.

Mr. Baker questioned the percentage of vacancy.

Mr. Hill stated that he cannot be quoted, Dan would know, but somewhere around 75% occupancy.

Mr. Baker stated that if the variance is not approved, would you put the same buildings along the front row.

Mr. Hill stated that they'd have to play with the site lay-out because he still wants the unit mix, so we might move some of those over here (indicating on plan); we might end up pushing it in and sacrificing some of this bioretention and compensating for it up north. We're just trying to make it as easy as possible from a construction standpoint, so we thought we'd ask for the variance first and cross that bridge when we go there.

Mr. Baker questioned if there was going to be a Phase III.

Mr. Hill stated that he doesn't believe so, there's nothing planned for it right now. I think with the northern part of this property he might do something eventually, but as far as I know there is no plan for it right now.

Frank O'Donnell questioned if the property goes around the house ON 48.

Karen Rice, Clerk, stated that this property abuts two other parcels the Pollock's own. The parcel with their home and a 4 or 5 acre building lot that he was considering putting a hardscape business, surround the existing home on NYS Route 48.

Mr. Jarvis stated that it's your belief that the gravel in the back, not that it really matters for tonight's purposes, that he's not going to put a Phase III in there.

Mr. Hill stated that that is his understanding at this time.

Karen stated that she believes he wants it for outdoor storage for boats and trailers

Mr. Jarvis stated perhaps not, but there's a lot more money in buildings than boats and trailers in the Winter.

Mr. Hill stated that he thinks he gets fairly consistent business from the boat and RV storage. At some point in the future we floated around the idea of putting a couple pavilions in there for covered storage, but I think it will remain...I don't think he plans on that.

Mr. Jarvis stated that he's got 48 acres there, how did this happen?

Mr. Hill stated that what it came down to is the stormwater and drainage because when we were initially looking at the site we had planned on putting some bioretention up front so the site for grading purposes. Up front here (indicating on plan), when we dug some test pits were getting 2 ½ feet to bedrock; so bioretention has to be at least 3 feet in the ground and it just wasn't going to happen so all of this stormwater has to be on the west side.

Mr. Jarvis...still, 48 acres, you guys need 30.

Mr. Hill...well a lot of it is wetlands; so, another 150' past that detention basin is all unusable.

Mr. Jarvis stated that he sees in the back, gravel area, he's got pole lighting and things like that. You said he's going to put lighting along this side (indicating on plan). I'm assuming that with the existing Phase I, since there are no doors, lighting isn't necessary.

Mr. Hill concurred.

Mr. Jarvis questioned what kind of lighting would be used.

Mr. Hill stated that it will all be down-lit, LED, building mounted lighting. There are only two pole lights on that side.

Mr. O'Donnell questioned if there will be any retention areas to take the highway drainage.

Mr. Hill stated that the highway drainage has its own roadside ditch that it drains into now.

Mr. O'Donnell questioned any proposed parking areas.

Mr. Hill stated that it will all be to the west.

There was additional discussion with regard to the number of units, parking, retention areas, etc... with Mr. Jarvis reiterating that he can't believe with 48 acres you guys let this happen and had to come here.

Mr. Hill concurred, but its kind of just came down to wetlands and the drainage. When we planned Phase I this certainly was not the plan.

Mr. Jarvis stated that he doesn't think the 30' that would have been needed on the west side would have changed things that dramatically. I don't know anything about engineering, but you can't tell me 30' was going to change the world on the west side if it was planned properly.

Mr. Hill stated that he's not going to stand here and lie to you...it's not impossible. We certainly could do it, but we'd just be ripping out a bunch of bioretention that's already in the ground.

Mr. Jarvis stated that it's money, he wants more money for these buildings, I get it, but the Board is in a position where if we have to make a decision it could be questioned down the road and I just think it was avoidable.

Mr. Hill stated that he totally understands that.

Mr. Baker stated that they can do what they want to do without getting the variance.

Mr. Jarvis stated that he gets it, it's not a major issue, but something that could be avoided, not with the design of Phase II right now, but from Day 1. You've got all this property and it looks to be that the existing buildings are exactly 140' from the centerline, exactly. I understand that you want to get it as close as you could for all of this drainage...I don't know all the ins and outs, but 30 feet?

Mr. Hunt questioned if they could make two of the units that are on the setback side single access like the other ones so that that driveway isn't necessary and the rest could be double access?

Mr. Hill stated that part of the conversation has been just the unit mix and the guys on the business side of it telling him what works. He just doesn't need a whole lot of those kinds of units. In order to make business function from that kind of standpoint...we're just trying to make the mix that he gave us work on the site plan.

The Public Hearing closed at 7:48 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 exist without impacting the surrounding community.

There is not opposition from the community.

Motion by Baker, Second by O'Donnell to accept the Findings.

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

RESOLVED, that the Zoning Board of Appeals grant to property located at 2079 Church, Baldwinsville, New York, an Area Variance in the amount of thirty (30) feet to allow the placement of a fence and gravel parking area, accordance with Article XXI, Section 320-62, Paragraph C(1)(b) and Paragraph C(2)(a) of the Lysander Town Ordinance.

3 Ayes -- 1 No (Baker)

The application is approved.

Mr. Hill thanked the Board for their time.

#### APPROVAL OF MINUTES

Review and approval of the minutes of November 1, 2021 special Zoning Board of Appeals meeting.

RESOLUTION #2 -- Motion by Baker, Second by O'Donnell

RESOLVED, that the minutes of the November 1, 2021 special Zoning Board of Appeals meeting be approved as submitted.

4 Ayes -- 0 Noes

RESOLUTION #3 -- Motion by Hunt, Second by Baker

RESOLVED, that the December 6, 2021 special meeting of the Town of Lysander Zoning Board of Appeals adjourn at 7:50 p.m.

4 Ayes - 0 Noes

Respectfully submitted,

Karen Rice, Clerk

ADJOURN