

**TOWN OF SKANEATELES
ZONING BOARD OF APPEALS
MEETING MINUTES OF**

February 2, 2016

Present:

Denise Rhoads
Jim Condon
Sherill Ketchum
David Palen
Curt Coville
Scott Molnar, Attorney
Michele Norstad, ZBA Secretary
Karen Barkdull, P&Z Clerk

The meeting commenced at 7:00 p.m. at Town Hall. The next Zoning Board of Appeals meeting will be held on Tuesday, March 1, 2016. Previous distribution to the Board of the regular meeting minutes of January 5, 2016 was executed and all members present acknowledged receipt of those minutes.

WHEREFORE a motion was made by and Member Ketchum seconded by Member Palen to accept the January 5, 2016 minutes with correction. The Board having been polled resulted in favor of said motion.

<u>Record of Vote</u>				
Chair	Denise Rhoads	Present	[Yes]	
Vice Chair	Jim Condon	Present	[Yes]	
Member	Sherill Ketchum	Present	[Yes]	
Member	David Palen	Present	[Yes]	
Member	Curt Coville	Present	[Yes]	

Initial Review

Applicant: John P. Teixeira
2763 East Lake Road
Skaneateles, NY 13152
Tax Map #038.-01-25.0

Present: Debbie Williams, John Teixeira, Andy Ramsgard

Chair Rhoads explained the applicant's proposal to add a 174SF addition on the second floor of the seasonal cottage located at 2763 East Lake Road. The existing property currently has a small camp and a residence with a gravel driveway for access. The footprints of the site structures will

not change and situated on a non-conforming lot. The owners are looking to expand the second floor to increase the floor space while the residence will remain two bedrooms. Debbie Williams is representing the applicant, John Teixeira. Ms. Williams explained that Frank Pitman was the former owner of this lakefront lot and had it for years. Mark Tucker currently owns the surrounding land which holds Lake Easement rights on Mr. Teixeira's property. The lot is just slightly under 20,000SF (19,984SF). It has two structures on it. The smaller camp to the east has been renovated this past fall. The property as a whole, was in need of some repair. The Teixeira's proposal is to expand the second floor of the lake front cottage by 174SF. Dormers will add volume; however, 174SF is floor space addition only. The existing footprint remains unchanged at 6.8%. Maximum total floor space proposed is 9.8%, an increase of 0.8%. Minimum lake yard setback remains unchanged at 61.0FT, meeting the requirement for a structure built prior to 1996, per Ms. Williams. The height will be raised slightly from what exists. The existing impermeable surface coverage is 20.3% and proposed is 19.7%, a reduction of 0.9%. Roughly, 127SF of driveway space is being removed per the site plan. Overall, the minimum open space is going from 79.4% to 80.0% and staying within code guidelines. This lot is deep and narrow. The current driveway at 2,583SF is part of the existing 20.3% impermeable surface coverage. The footprint is not being changed in any way and therefore does not qualify as redevelopment. Bringing the open space up to 80.0% is a goal of this application. Vice Chair Condon suggested cutting the long driveway in half and asked if this is going to remain a seasonal cottage. To this question, Ms. Williams answered "It is going to be year round. It is going to be converted to year round use." Adding a grass strip to the center of the driveway was mentioned as an idea to reduce impermeable surface coverage, but, not a favorable alternative. Member Palen asked if it was going to be going from seasonal to year round and Ms. Williams answered that when it goes before the planning board, this would be one of the actions.

Some discussion regarding the septic system pursued. Ms. Williams presented a letter from the Onondaga County Health Department. The County would like an aerobic treatment system installed. Vice Chair Condon asked the location of water supply and location of the septic. Jeffrey Till had received approval from the Onondaga County Health Department to install a new septic system. Two lines of the old system were obstructed, per Mr. Teixeira, and were replaced. The septic tank was also replaced. The aerobic treatment system has yet to be installed. Renovations to the smaller camp structure received a permit in the fall. The water supply is directly from the lake. Vice Chair Condon requested that the septic system be added to the drawings. Mr. Teixeira presented drawings of the septic design and leach fields by Eric Buck. The septic system is located beyond 150FT of the lake. Vice Chair Condon asked if the County was aware that the approved septic system was serving two separate structures. Mr. Teixeira answered "yes, they were aware." Ms. Williams will have the septic added to the current plan proposals and submit to the Town.

The three variances requested are for development of a lot under 20,000SF, lake frontage minimum and shoreline regulations for expanding a dwelling within 150FT of the lake line without 75FT of lake frontage for 4 bedrooms or smaller. Member Ketchum asked if the original floor plan was available to see. Ms. Williams will provide this to the Town. A bathroom currently exists on the second floor although some things will move around per Mr. Teixeira. The patio underneath will remain. Glass doors will separate the living space from the patio. A vaulted ceiling is planned for the second floor bedroom.

The idea of reducing or changing the driveway configuration was discussed. Creating a larger turn around may be beneficial. Adding permeable pavers for the walk between structure and driveway was also suggested. Marking off such changes for the purpose of the site visit was requested.

A Zoning Board of Appeals site visit is scheduled for February 27, 2016 at 9:10a.m.

WHEREFORE, a motion was made by Member Coville and seconded by Member Palen to schedule the public hearing on *Tuesday, March 1, 2016 at 7:10 p.m.* The Board having been polled resulted in the unanimous affirmation of said motion.

Public Hearing

Applicant: Paul & Jane Garrett
2160 West Lake Road
Skaneateles, NY 13152
Tax Map #057.-04-18.0

Present: Bob Eggleston, Architect

Chair Rhoads reviewed the applicant's proposal for Paul and Jane Garrett. The request is to relocate their cottage, adding deck, two sets of stairs and full basement. This property received a variance in March of 2015; however, repositioning of the cottage was not viable as previously proposed. The current proposal shows the cottage in a different location than the previously approved plans. The board did make a site visit on January 16th with Bob Eggleston and Mr. Garrett present. Mr. Eggleston recapped the requested variance. Mr. Eggleston explained that the existing cottage is located 55FT off the property line with current variance approval at 69ft away from the lake line on the north side of the project. Since the original approval, the exact location of the drywells has been established and reflects on the currently proposed site plan. The temporary driveway location has been moved due to proximity between septic and a tree. The current proposal suggests the least disruptive temporary driveway location with filter fabric installed to help preserve the site. The Planning Board had requested a silt fence around the dirt pile and the applicant is complying. The currently proposed site plan shows the dwelling at 71FT from the lake line and the deck at 69FT from the lake line. The view from a deck with proposed walkway ensures the best lake view. The full basement will raise the cottage 8FT in height rather than the 4FT as part of the March 2015 plan with partial basement. A full walk-out basement and the current positioning situate into the natural bank best, per Mr. Eggleston. The stairway to the south side deck is allowed to be 16FT off the property line (4FT encroachment) while the deck and cottage conforms to the required 20FT side yard setback. A variance request for 69FT from the lake yard to the deck is being requested. Vice Chair Condon asked if the impermeability is being reduced from 15% down to 10% and Mr. Eggleston agreed. A change to the driveway and site plan came after the Zoning Board's site visit and at the request of the Planning Board. Mr. Eggleston explained parking and gravel pads within the driveway limits. A continued permeable walk way was also pointed out. The footprint calculation is 3.4% where 6% is allowable and the open space calculation includes an 80% potential living space basement calculation, bringing the total open space calculation to 8.1%, where 10.0% is allowed for this cottage which will remain seasonal, per Mr. Eggleston. Chair Rhoads asked if the board had any

more questions for Mr. Eggleston. No one spoke. Chair Rhoads asked if there was anyone wishing to have the notice of public hearing read. No one spoke.

WHEREFORE a motion was made by Chair Rhoads and seconded by Member Ketchum to declare this application to be a Type II action not subject to SEQR review. The Board having been polled resulted in the unanimous affirmation of said motion.

At this time Chair Rhoads opened the public hearing and asked if there was anyone wishing to speak in favor or opposition of the application or that had any other comments. A letter from Jude and Karen Burke, 2162 West Lake Road, Skaneateles, NY 13152, in support of the project was shared saying that the Burkes had reviewed the plans and request for variance as presented in the drawings of Mr. Eggleston. Said letter was dated and signed January 14, 2016 by the Burkes. No one spoke or had any further comments.

WHEREFORE, a motion was made by Member Coville and seconded by Member Palen to close the public hearing. The Board having been polled resulted in the unanimous affirmation of said motion.

At this time Counsel Molnar reviewed with the Board the statutory criteria set forth in Town Code Section 148-45D (a-e) for an Area Variance. Counsel stated that in making their determination the Zoning Board of Appeals is required to consider certain factors, viewing both variances as one, which are:

1. **Whether an undesirable change would be produced in the character of the neighborhood or a detriment to nearby properties:** No. There will be no undesirable change to the character of the neighborhood or detriment to nearby properties. The dwelling is being relocated further from the lake than it is presently located. The raising of the structure and adding a basement will allow this seasonal cottage to have storage and provide protection to the structure, which is now on piers. It will be in character with the neighborhood.
2. **Whether the benefit sought by the applicant can be achieved by a feasible alternative to the variance:** No. Rebuilding near the original footprint is the most beneficial to the applicant. The dwelling location is somewhat limited due to the location of three dry wells which prevents the dwelling from being pushed back any further from the lake yard than its proposed location.
3. **Whether the requested variance is substantial:** No. The variance request is not substantial as the structure is being moved further from the lake line than it currently is, which is increasing the lake yard setback. It is a seasonal dwelling, although at some future point, the basement may be finished. The basement space has been properly accounted for in the calculations. The applicant is improving the site by reducing the impermeable coverage by removing a significant part of the existing driveway.
4. **Would the variance have an adverse impact on the physical or environmental condition in the neighborhood:** No. The applicants have owned the property for many years and it has been well kept. Trees, grass and a retaining wall have all been well maintained. The applicant is working with a professional crane operator who specializes in moving dwellings and has the proper equipment to maneuver with as little disturbance as possible during the relocation of the cottage.
5. **Whether the alleged difficulty was self-created:** Yes.

WHEREAS, in review of the above findings of the Zoning Board of Appeals, the benefit to the applicant, as weighed against the detriment to the health, safety and welfare of the neighborhood, or community, lies in favor of the applicant. Based on the Board members' site visits and discussions before the Board at the public hearing the benefit to the applicant outweighs the detriment to the community and will not have significant adverse impacts on the character of the neighborhood or the physical or environmental conditions of the property

WHEREFORE a motion was made by Chair Rhoads and seconded by Vice Chair Condon, that this application be **APPROVED** with standard conditions and additional special conditions:

ADDITIONAL CONDITIONS: The ZBA finds that the following conditions are necessary in order to minimize adverse impacts upon the neighborhood or community, for the reasons following:

1. Additional Condition No. 1 That the Site Plan page 1 of 3 dated January 28, 2016, Site Plan pages 2 through 3 dated December 21, 2015 with the revised Narrative dated January 28, 2016, prepared by Robert O. Eggleston , Architect, be followed; and
2. Additional Condition No. 2 The applicant shall comply with all conditions imposed by the Town of Skaneateles Planning Board in connection with issuance of the Special Permit and/or site plan approval; and
3. Additional Condition No. 3 An as-built survey be submitted to the Codes Enforcement Officer with verification of conformance of completed project within (60) days of completion of the project; and

Record of Vote

Chair Denise Rhoads	Present	[Yes]
Vice Chair Jim Condon	Present	[Yes]
Member Sherill Ketchum	Present	[Yes]
Member Curt Coville	Present	[Yes]
Member David Palen	Present	[Yes]

Public Hearing

Applicant: Kerrin Hopkins
1813 Russells Landing
Skaneateles, NY 13152
Tax Map #063.-03-13.0

Present: Kerrin Hopkins, Kohl Davis

Chair Rhoads explained the applicant's proposal to construct a new dwelling on a non-conforming lot, exceeding lake yard setback, setback to a watercourse or wetland and exceeding lot slope regulations. The board did make a site visit on January 16th, 2016 to Ms. Hopkin's property. Kerrin Hopkins introduced her son, Kohl Davis and approached the board. Ms. Hopkins apologized for not placing the stakes at the property site in the position of the proposed house, but rather at the property edge lines. Chair Rhoads stated that the board was still able to gain an understanding of the proposed property placement. Chair Rhoads mentioned the visible electric lines and orange flags indicating possible underground cable at the property. Mr. Davis explained that the orange flags indicate the perimeter of the property, while the red flags may have indicated underground utilities. Chair Rhoads believes that the underground utilities fall in the same line as the easement for the overhead power lines. The board could not tell if the lines are active or not per their site visit. Vice Chair Condon stated that one of the board's requirements from the previous meeting was a letter from the utility company describing the current easement and line usage or abandonment, which ever may be the case. Ms. Hopkins and Mr. Davis started to take notes. Ms. Hopkins requested last month's meeting minutes when they become available. Whether or not the easement is still in effect by the utility company was questioned by the board last month and now this month. From the site visit, the board members now wonder if there is also an underground easement on this property. Per the Planning Board minutes from 2010 there was a request for a letter from the utility company answering whether or not the power lines have been abandoned, per Vice Chair Condon. Ms. Hopkins stated that she understood her application from 2010 to have been approved, then sustained a car accident and now understand that the condition was never met for provision of such a letter. Clerk Barkdull confirmed that no letter existed on file. Counsel Molnar explained that easements may exist both above and below ground and there is a corridor for such restrictions. The above ground easement interferes with the home site, it would be beneficial to have written verification that the easement holder is abandoning the above portion of a power line easement in favor of the below ground easement, per Counsel Molnar. Vice Chair Condon noticed that the underground portion of the electric easement conflicts with the septic system as proposed on the 2010 plans. Abandoned easements hold no future rights. Member Ketchum showed Ms. Hopkins how the two conflict on the plan drawing. There also might be a possibility to adjust the easement corridor, per Counsel Molnar. This may allow the easement holder to move the obstruction (in this case a power line) around a septic system construction. An easement amendment agreement can be created for things of this nature (ex. drainage lines). There seems to be more potential room for movement of this utility company easement than there does the county's septic placement approval. The septic location is limited. Vice Chair Condon explained another problem with the septic system itself. The order of approval letters, comments and notes seems to be backwards. The City of Syracuse should be asked to clarify itself and its position given the Onondaga County Department of Health's approval. Copies of each letter were given to Ms. Hopkins and it was understood that both agencies should be contacted.

Vice Chair Condon reiterated that this is a very challenging piece of property to consider and Ms. Hopkins explained that since meeting last month, there have been many personal matters and problems for her. Ms. Hopkins feels that she is ready to move forward with phone calls to both National Grid and The City of Syracuse and perhaps addressing the drainage issue stemming from the watercourse which she feels drains on her property. A drainage pipe and rocks have been installed since 2010. Chair Rhoads asked if the watercourse was on her property. Ms. Hopkins answered that her property ends right where the edge of the watercourse begins. It was extremely difficult to decipher where the property lines fell while viewing aerial

photographs, photographs and the survey. Member Palen stated that it looks as if the watercourse exists on both properties and Counsel Molnar pointed out the placement on the map to Ms. Hopkins of the property lines and watercourse. The City of Syracuse designated this as a watercourse. Did this watercourse exist prior to Ms. Hopkins purchase of the property? Ms. Hopkins will find out through an easement history search either at the title company, through lawyers or on the original abstract.

Vice Chair Condon asked if this property would be seasonal. Ms. Hopkins stated that she is making this a year round home, although she did not know if it would be used as such. Member Palen asked if Ms. Hopkins may consider reducing the size of the structure given the smaller lot size. Ms. Hopkins believes that the home is very small already. Vice Chair Condon asked if building a home on piers was a consideration as the neighbor had built similarly. Doing so would eliminate the basement, forcing two bedrooms to go higher and interfering with the overhead power lines. Member Coville asked Ms. Hopkins if she would consider a home in the size of 40FT by 26FT as far as structure size. Ms. Hopkins asked if this was the footprint and knew that the last time she was approved, a loft was allowed on the second floor. Member Ketchum asked if she was referring to the mezzanine. Ms. Hopkins said yes, that the mezzanine was the loft. Member Coville came up with 54FT by 26FT as the dimensions of the dwelling. Ms. Hopkins thought that Member Coville might be including a porch in his calculations. The basement storage with mechanicals and the 10FT by 12FT shed were also discussed.

A swale between the septic system and house to be added to the drawing was also required by the Planning Board per Vice Chair Condon and the past minutes. Ms. Hopkins made note. The previous Zoning Board of Appeals approved site plans were dated May 2010 and the current proposed site plans are for June 2010, per Vice Chair Condon. To be fair to the applicant, a list of what is being requested and discussed at this time is as follows; however, this list is subject to change in the future and does not constitute a resolution or approval of this application or guarantee anything – this is for informational purposes only:

- Supply applicant with prior and current meeting minutes once available
- Easement verification and history from utility company or deed for above and/or underground lines with current usage or abandonment
- An updated and adjusted site plan by a design professional showing swale between dwelling and septic, open space calculations revisions per current code and underground cable/easements placement
- Re-approval or denial from The City of Syracuse pertaining to approved septic plans from the Onondaga County Department of Health
- Contacting utility company to request possible easement corridor amendment
- Proposal for onsite storm water and onsite landscape management plan and septic wastewater management plan

Ms. Hopkins stated that her property is not for sale at this moment although the signs are posted with Romy Callahan as agent, whom Ms. Hopkins has worked with previously. Ms. Hopkins stated that she is keeping her options open. At this time, Chair Rhoads let Ms. Hopkins know that she may take a seat. The board feels that due to many unanswered questions, there needs to be additional time to consider and present requested documentation by the applicant.

WHEREFORE a motion was made by Member Ketchum and seconded by Member Palen to declare this application to be a Type II action not subject to SEQR review. The Board having been polled resulted in the unanimous affirmation of said motion.

At this time Chair Rhoads opened the public hearing.

WHEREFORE, a motion was made by Chair Rhoads and seconded by Member Coville to continue the public hearing on *Tuesday, March 1, 2016 at 7:20 p.m.* The Board having been polled resulted in the unanimous affirmation of said motion.

Other Board Business:

The Onondaga County Planning Federation's 28th Annual Planning Symposium will be held on March 9, 2016 at the Oncenter in Syracuse. February 26th is the deadline for enrollment. If interested, please let Michele Norstad know.

Clerk Barkdull is now accepting agenda items for the annual Roundtable Meeting on Saturday, March 5th. Please submit any topic ideas even if you are unable to attend.

The next Planning and Zoning Staff meeting is February 8th, 2016 at 9:00a.m.

Member hours were turned in for January.

Clerk Barkdull presented a question to the board regarding construction of a handicap ramp with cement deck and storage barn on a property totaling 16,000+/-SF. The property is located on East Lake Road and is already over on impermeable surface coverage. The property currently consists of a small home and driveway. The project would increase total square footage footprint by 297SF or 1.8%. Would only the ramp be considered or would all aspects of the proposal request be considered? The purpose of the cement patio/deck would be to help compensate for the drop off in landscape. This property already has a conservation easement in place. One suggestion was a partial lot line adjustment as the property is surrounded by farm land, but the farm owner is unwilling to part with additional land and sell to this potential applicant. The potential applicant may be purchasing this property and it was decided that the best option for this situation might be to seek out possible alternatives or properties to purchase other than this one.

Member Coville asked the board how it might feel about re-scheduling first Tuesday meeting dates to first Mondays for all future monthly Zoning Board of Appeals meetings. Member Coville expressed his enthusiasm to be part of the Zoning Board of Appeals, but, feels that there will be an ongoing time conflict between his scheduled School Board meeting time and the

Zoning Board of Appeals meeting time. Member Coville does not want to be unfair to this board or applicants. Member Coville stated that he checked and that changing the first Tuesday scheduled dates on the Town's calendar to the first Monday of each month didn't seem to be a major issue. Member Coville does not want to become the problem in this situation and even offered to recuse himself, if need be, if the board wished to discuss this matter. Counsel Molnar stated that this date is established as part of Town code, however, only the Town Board has the authority to make a change. In order for this to happen, a recommendation would need to come from the Zoning Board of Appeals to the Town Board to consider altering the statutory date. Counsel Molnar will look into this matter further. Chair Rhoads mentioned that the Zoning Board of Appeals may move their meeting dates occasionally throughout any given year. Member Palen and Member Coville will not be able to attend the March 1, 2016 meeting.

There being no further business, a motion was made by Vice Chair Condon and seconded by Member Palen to adjourn the meeting. The Zoning Board of Appeals meeting adjourned at 8:36 p.m.

Respectfully Submitted,

Michele Norstad

Michele Norstad