

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

April 2, 2019

Present:

Denise Rhoads
Jim Condon
David Palen
Kris Kiefer
Michael Ciaccio -- Absent
Scott Molnar, Attorney
Karen Barkdull, P&Z Clerk
Kim Benda, Zoning Secretary

The meeting commenced at 7:05 p.m. at Town Hall. The next Zoning Board of Appeals meeting will be held on May 7, 2019 at 7:00 p.m. Previous distribution to the Board of the regular meeting minutes of February 5, 2019 and March 5, 2019 was executed and all members present acknowledged receipt of those minutes.

WHEREFORE a motion was made by Vice Chair Condon and seconded by Member Palen to accept the February 5, 2019 minutes as submitted. The Board having been polled resulted in unanimous affirmation of said motion.

<u>Record of Vote</u>			
Chair	Denise Rhoads	Present	[Yes]
Vice Chair	Jim Condon	Present	[Yes]
Member	David Palen	Present	[Yes]
Member	Kris Kiefer	Present	[Yes]
Member	Michael Ciaccio	Absent	

WHEREFORE a motion to accept the March 5, 2019 minutes as submitted was postponed due to lack of quorum of members present during previous meeting.

<u>Record of Vote</u>			
Chair	Denise Rhoads	Present	[Abstain]
Vice Chair	Jim Condon	Present	[Abstain]
Member	David Palen	Present	[Abstain]
Member	Kris Kiefer	Present	[Abstain]
Member	Michael Ciaccio	Absent	

Member hours for the members present were turned in for the month of March, 2019. An email will be sent to absent Member Michael Ciaccio, requesting March, 2019 hours.

Public Hearing

Applicant: Bob & Gail Gosson
1881 Old Seneca Tpk
Skaneateles, NY
Tax Map #021.- 02-38.1

Present: Bob & Gail Gosson, Applicant

Z.B.A.04.02.2019

Nick DeSantis, Consultant

The demolition of a section of the existing home, proposed replacement with a new addition of living area and garage space. The variance requested is for front yard setback. The applicant submitted letters in favor of approval from neighbors Michelle Stoyell of 1882 Old Seneca Tpk; Jim Norstad of 1872 Old Seneca Tpk; Rita Griffin of 1924 Old Seneca Tpk; George R. & Karen Hanford of 2130 Old Seneca Tpk, commented, looks like a very nice renovation, all the views visible from the road will be very in keeping with our neighborhood; George W. Hanford of 4211 NW Townline Rd, and Mike Foster of 1894 Old Seneca Tpk.

Member Palen commented on his review of the application, visitation of the site and reading of the minutes from the March 5, 2019 meeting due to his absence at the meeting. The applicant confirmed there will be a demolition of a section of the existing dwelling allowing for the proposed addition to the home and a garage. Vice Chair Condon inquired about the plan for the septic system. Consultant DeSantis stated Andy Watkins dug test pits for a new septic system installation, he will return in a month to conduct a perk test. After the test results are confirmed Andy Watkins will begin the septic design process with the County. It will be located on the west side of the property over 100 feet from the well. Chair Rhoads explained the existing septic sits right along the stone foundation wall on the east side of the dwelling.

Vice Chair Condon asked if there are or will be a stamped site plan or survey. Consultant DeSantis confirmed there will be a stamped survey taken after the foundation is set. The applicant has contacted Doug Reed, Central New York Surveyor. Consultant DeSantis noted the County has approved the application for the front yard setback variance, Chair Rhoads stated SOCPA has no comment.

Chair Rhoads inquired from Counsel Molnar if the proposed action would be considered a Type II SEQR action, not subject to further review. Counsel Molnar responded yes any application for an area variance is automatically a Type II action, he recommends the Board acknowledge that and classify it as a Type II SEQR action, not subject to SEQR review. The Board was in agreement.

No one wished to have the public notice read. A site visit was conducted on March 16, 2019 by the Board, all members have visited the property.

At this time, Chair Rhoads opened the Public Hearing and asked if there was anyone in favor of the project. There was no one who spoke in favor of the area variance application the letters in favor of approval were noted. Chair Rhoads inquired if there was anyone who would like to speak in opposition or had any comments. There was no one who spoke in opposition of the application.

WHEREFORE a motion was made by Member Keifer and seconded by Vice Chair Condon to close the Public Hearing. The Board having been polled resulted in the unanimous affirmance of said motion.

At this time Counsel Molnar reviewed with the Board the statutory criteria set forth in Town Code Section 148-9E Dimensional Table I for an Area Variance. Counsel stated that in making their determination the Zoning Board of Appeals is required to consider certain factors, 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 not be an undesirable change or detriment to the character of the neighborhood by allowing the addition of the garage located 39.2 feet from Old Seneca Turnpike. The proposed addition is in character with

the neighborhood and will improve the aesthetics of the dwelling.

2. **Whether the benefit sought by the applicant can be achieved by a feasible alternative to the variance:** No. The proposed variance is the most feasible, to allow the proposed addition on the west side of the home. The existing driveway, septic and kitchen are located on the east side of the home, as well as a change in elevation making construction difficult. The existing dwelling was constructed prior to current Zoning Codes and already sits within the front yard setback requirements.
3. **Whether the requested variance is substantial, this presumption is rebuttable:** No. The requested variance is not substantial, as the structure currently has a 49.2 foot front yard setback and the proposed addition will increase the front yard setback by only 10 feet to 39.2 feet. The property complies with all other Zoning Code requirements.
4. **Would the variance have an adverse impact on the physical or environmental condition in the neighborhood:** No. The variance will not have an adverse effect on the physical or environmental conditions of the neighborhood. The property is well outside the Skaneateles Lake watershed, not within 200 feet of the lake and there are no water courses nearby. The applicant is pursuing a new septic system over 100 feet away from the well, including a new tank and leach fields bringing the system up to date, which will have a positive environmental affect.
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 Vice Chair Condon and seconded by Member Palen, that this application be **APPROVED** with standard conditions and additional special conditions:

ZBA STANDARD CONDITIONS:

STANDARD CONDITIONS:

1. That the applicant obtains any necessary permit(s) from the Codes Enforcement Officer or otherwise commence the use within one (1) year from the filing of the variance decision. Any application for zoning/building permit(s) shall terminate and become void if the project is not completed within the eighteen (18) months from the issuance of the permit(s).
2. That the Applicant shall obtain all necessary permits and approvals from any agency or authority having jurisdiction over the Property or Application; and
3. That the applicant obtain a Certificate of Occupancy and/or Certificate of Compliance, as

required, from the Codes Enforcement Officer.

4. That the Applicant provide an as-built survey to the Codes Enforcement Officer with verification of conformance of completed project within (60) days of completion of the project before a certificate of occupancy /certificate of compliance is issued.

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

1. A survey of the foundation be provided to the town prior to the continuation of construction if the variance was granted was a front yard, side yard, lake yard, or watercourse setback.
2. That the Site Plan as dated April 22, 2011, prepared by J.R. Lighton, Surveyor and Narrative with construction sequence dated February 22, 2019 prepared by Bob & Gail Gosson, home owners (collectively “Site Plan”) be strictly followed in all respects.
3. That the Applicant shall obtain all necessary permits and approvals from OCDOH, regarding the septic system.

<u>Record of Vote</u>				
Chair	Denise Rhoads	Present	[Yes]	
Vice Chair	Jim Condon	Present	[Yes]	
Member	David Palen	Present	[Yes]	
Member	Kris Kiefer	Present	[Yes]	
Member	Michael Ciaccio	Absent		

Initial Review

Applicant: Gregg Irvin
728 Reynolds Road
Skaneateles, NY
Tax Map #059.-01-19.0

Present: Janice Miller, Architect
Charles Rounds, Representing applicant

The 1.97 acre lot has conforming impermeable surface coverage of 7.1%. The existing garage currently has a conforming setback of 60 feet from Town right-of-way Reynolds Road. Proposed is the addition of a 32’x32’ one-story wood framed structure to an existing 24’x32’ garage. The addition to the garage will decrease the current 60 foot setback from Reynolds Road to a 25 foot setback. The change in footprint will not exceed impermeable surface coverage which will become 8.3%. The proposed garage addition will allow space for storage.

Member Palen acknowledged Architect Miller designed his current garage and attests to her work

Architect Miller described the property being located on a dead-end road with this site as the first of three on the right with one neighbor on the left of the road. The proposed addition will utilize the existing driveway rather than creating more driveways making the current driveway shorter. Vice Chair Condon

asked why the proposed addition will not be located on the back of the garage to avoid the front yard setback area variance. Architect Miller responded, the land slopes down quite a bit behind the garage and it would be significant to raise a driveway. She added the proposed addition is a natural extension of the existing structure.

Vice Chair Condon inquired about the location of the septic and well on the property. Mr. Rounds came forward on behalf of the applicant to address the location of the septic and well and was asked to draw in the location on the site plan. The septic tank runs along the south edge of the deck located on the south side of the dwelling. The leach fields extend toward the south from the tank toward the back of the property away from the two wells. The first well sits north of the dwelling approximately 25 feet from the center line of the Reynolds Road right-of-way. The second well is located to the north east of the dwelling approximately 45 feet from the Reynolds Road right-of-way centerline.

Vice Chair Condon inquired about the use of the additional space and whether plumbing or heat would be required. Architect Miller responded the existing garage has electric and the addition will continue with the existing electric. As the space will only be storage there is no need for plumbing or heat.

The Board agreed it would be best to drive by the property at their own discretion to view the site therefore no site visit was scheduled.

WHEREFORE, a motion was made by Member Keifer and seconded by Member Palen to schedule a public hearing on ***Tuesday, May 7, 2019 at 7:02 p.m.*** The Board having been polled resulted in the unanimous affirmation of said motion.

Record of Vote

Chair	Denise Rhoads	Present	[Yes]
Vice Chair	Jim Condon	Present	[Yes]
Member	David Palen	Present	[Yes]
Member	Kris Kiefer	Present	[Yes]
Member	Michael Ciaccio	Absent	

Other Board Business

Chair Rhoads informed the Board of a schedule change for the upcoming meeting in June 2019. Due to the Assesor's change in schedule, Grievance Day is now set for the second Tuesday in June 2019, no longer the first Tuesday in June 2019. Originally the ZBA was to meet on the second Tuesday, June 11th.

WHEREFORE, a motion was made by Member Keifer and seconded by Member Palen to schedule the June 2019 Zoning Board of Appeals meeting on ***Tuesday, June 4, 2019 at 7:00 p.m.*** The Board having been polled resulted in the unanimous affirmation of said motion.

Record of Vote

Chair	Denise Rhoads	Present	[Yes]
Vice Chair	Jim Condon	Present	[Yes]
Member	David Palen	Present	[Yes]
Member	Kris Kiefer	Present	[Yes]
Member	Michael Ciaccio	Absent	

Other Board Business

Chair Rhoads discussed her attendance at the County Planning Symposium and shared her ability to access the online links to the presentations from the symposium. Chair Rhoads offered to email the link to anyone interested in the slides from the presentations and informed the Board that Engineer John Camp spoke about the algal blooms in Skaneateles Lake during one of the presentations.

Member Keifer inquired about other opportunities to gain training hours as a Board Member as he was unable to attend the County Planning Symposium. Clerk Barkdull reminded everyone of the various opportunities available to Board Members including online courses, SLA informational public meetings and paper courses.

Other Board Business

Clerk Barkdull reminded the Board of a comment made at the March 5, 2019 meeting, about requirements the ZBA has for an area variance application. After some research she found in Section 148-45, there is a comment in the section when you read about the applications ‘the ZBA may request additional information and materials as it deems necessary’, elevations specifically are not required since projects vary. Chair Condon clarified the decision for the Gosson garage addition was heavily supported by viewing the elevations of the plan. Chair Rhoads included the floor plan for the proposed project is also helpful in the decision making process. Clerk Barkdull suggested we include the phrase on the area variance application insert, that should include materials the Board would request before asking for them but it may not anticipate all materials.

Other Board Business

Chair Rhoads inquired about Clerk Barkdull’s work with the Codes revisions. Clerk Barkdull responded Attorney Brodsky and herself have been doing line-by-line comparisons with field Code and the 2017 draft, and have made significant progress with the Codes.

Member Palen inquired about the 1000 foot rule status as well. Clerk Barkdull informed the Board of the public hearing scheduled regarding section 148-12 on May 6th this hearing will include the 1000 foot rule revision.

Other Board Business

Vice Chair Condon asked about progress with the proposed project at the old Bird’s Nest Motel, since the water lines in the Village are being upgraded. Clerk Barkdull updated the project has been approved with no variance needed to begin, but the Zechmann subdivision is still on hold. The Village is working west to east on the water line updates and some proposed projects are pending due to progress on the water lines.

Vice Chair Condon also inquired about the solar panel project at the Transfer Station. Clerk Barkdull informed everyone there has been no word on any new progress with the town solar panel project.

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 7:40 p.m.

Respectfully Submitted,
Kim Benda