

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

October 12, 2017

Present:

Chair Rhoads
Vice Chair Condon
Member Ketchum
David Palen
Mark Tucker
Michelle Jackson, Secretary
Scott Molnar, Attorney
Karen Barkdull, P&Z Clerk

Chair Rhoads opened the meeting at 7:00 p.m. at Town Hall. The next Zoning Board of Appeals meeting will be held on November 14, 2017. Board Business will be done at the end of the agenda.

Applicant: Brian Carvahlo
0000 Port Way
Skaneateles, NY 13152
Tax Map ID# 054.-05-07.0

Mr. Carvalho represented himself and is presented his updated plans and project. Mr. Carvalho explained that since he the initial review by the ZBA he went before the Planning Board and the Engineer recommended some minor changes, he presented the Board with a construction sequence that he added to the record as well. Mr. Carvalho reviewed the construction sequence with the Zoning Board and went over the detail of the construction sequence. He explained that he would:

1. Remove brush as required to install silt fence,
2. Install the silt fence on the south property line adjacent to the stream, install the silt fence on the east property line at the bottom of the slope. Inspect and maintain silt fence as required,
3. Remove brush and fallen trees to open access on Port Way.
4. Clear trees and brush as required for the home construction, leach field and open views to the lake.
5. Install culvert at drainage ditch at driveway entrance. Install stabilized construction entrance.
6. Rough grade and install crushed stone on port way access.
7. Excavate for foundations.
8. Construct foundations and first floor construction,
9. Back fill foundations and rough grade around the building. Temporary soil stabilization with mulch.
10. Finish the home construction,

11. Construct the leach field,
12. Install the well,
13. Install driveway and drainage swales,
14. Finish grade topsoil seed and mulch, install rain gardens
15. Upon lawn establishment remove silt fence.

Chair Rhoads confirmed that the Board had a site visit on September 23, 2017 and asked about the Planning Board Visit. Member Tucker asked how far the property went. Member Ketchum asked if the parking area and the road would be connected creating another access point and Mr. Carvalho confirmed. Member Tucker explained that the water flow increases with storms.

Attorney Scott Molnar explained that this would be a Type II action not subject to SEQR review, on the basis that any and all area requests for Area Variance are automatically a Type II action.

WHEREFORE, a motion was made by Member Tucker and seconded by Vice Chair Condon to declare this application a Type II action not subject to SEQR review. On the basis that any and all requests for Area Variance are automatically a Type II action. The Board having been polled resulted in the unanimous affirmance of said motion.

Chair Rhoads opened the Public Hearing for this application and asked if there was anyone in the audience that would like to have the Public Hearing Notice read. Brian Duckett, a member of the audience spoke in favor of having the Public Hearing Notice read. Michelle Jackson read the Public Hearing notice into record.

Brian Duckett, questioned the watercourse work that will be happening during the construction process. He explained that on the South side, the watercourse floods heavy rain events. He explained that there are two watercourses and the drainage ditch on the north floods the abutting properties. Vice Chair Condon explained that the culvert was full of branches and was overgrown. During the construction it will be cleaned out and maintained. Chair Rhoads explained that the Planning Board will make a site visit with the Town Engineer and address this issue. Chair Rhoads asked for any other comments from the audience. There were no further public comments.

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

No principal structure and no accessory structure 600 SF or larger shall be located within 100 feet of a wetland or watercourse, whereas the proposed site plan shows the proposed 2718 SF single family dwelling with deck located 82.6 feet from a watercourse located near the south property line. Applicable Section of Town Zoning Code: 148-29D Wetland & Watercourse setbacks.

At this time, Chair Rhoads asked Attorney Scott Molnar to review with the Board the statutory criteria set forth in Town Code Section 148-12G (1) (a) [4] for an Area Variance. Counsel stated that in making their determination the Zoning Board of Appeals is required to consider certain factors, viewing all variances within each criteria, indicating any specific difference as it pertains to specific variances, which are:

Z.B.A.10.12.2017

1. Whether an undesirable change would be produced in character of the neighborhood or a detriment to nearby properties: No, The property is currently an unimproved and overgrown lot. The proposed dwelling is to be located on the site in compliance with current zoning code requesting the minimum variance possible. The dwelling will be built in character with the neighboring properties, which are year round similar dwellings. The watercourse setback of 82.6 feet is not substantial, is in character of the neighborhood, and will not be a detriment to the nearby properties. When the property is cleaned up, the watercourse will be cleaned and maintained.
2. Whether benefit sought by applicant can be achieved by a feasible alternative to the variance: No, the Applicant may be able to construct a smaller dwelling; however, placement on the site may still require a variance. The property is a pre-existing nonconforming lot created in 1924, most improvements will require a variance, and the Applicant has a well thought out plan with the requested minimum variance of 17.4 feet to the watercourse. The variance is for a small corner of the house and the applicant has considered the location to increase the use of the passive solar location.
3. Whether the requested variance is substantial: No, this is not a substantial variance. Where a 100 Ft setback to watercourse is required, the proposed location of the structure 82.6 Ft from the watercourse, with rain gardens to slow the water down, is not substantial. The clearing of the site, including the scrub trees and debris will improve the stabilization of the property and decrease erosion. The Applicant will be improving the watercourse by maintaining the site, including the watercourse which has been neglected for several years.
4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood, or district: The variance would not have an adverse impact on the physical or environmental conditions in the neighborhood or district. The proposed structure will not be within 200 ft of Skaneateles lake. The Applicant has taken great care to control potential water and erosion issues by directing water into rain gardens, and the application presents a well thought out project utilizing passive solar as well as raingardens, which are good for the environment, and creating a new access point by developing a previously unusable access road. The impermeable surface coverage is not affected and is in conformance.
5. Whether the alleged difficulty was self-created: Yes, Due to the applicant wanting to develop the property.

DETERMINATION OF ZBA BASED ON THE ABOVE FACTORS:

The ZBA, after taking into consideration the above five factors, upon a motion made by Chair Rhoads, duly seconded by Member Ketchum, and after an affirmative vote of all Members present as recorded below, finds as follows:

In review of the stated 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, in favor of the applicant. This decision is based on all the evidence presented in the Record, as well as the Board members' site visit to the property and is conditioned as follows:

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 is to notify the Codes Enforcement Officer on completion of the footing of any project for which a variance has been obtained.
3. That the Applicant obtain a Certificate of Occupancy and/or Certificate of Compliance, as required, from the Codes Enforcement Officer.

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

1. The Applicant is required to obtain an as-built survey and submit same to the Code Enforcement Office with verification of conformance of completed project within sixty (60) days of completion of the project.
2. The Applicant obtains Planning Board approval and follows all Planning Board requirements.
3. The Applicant obtains the approval of any agency or authority having jurisdiction over the property.
4. That the site plan dated 9-29-17 and prepared by Cathleen Connelly, Architect, as well as the Erosion Control Plan dated 8-17-17 prepared by James Burke, P.E., be followed in all respects.
5. The Construction Sequence prepared by the Applicant dated 9-19-17, be followed in all respects.

WHEREFORE, a motion was made by Chair Rhoads, duly seconded by Member Ketchum, with record of vote provided below, this Variance is granted with standard conditions and additional special conditions listed above. The Board having been polled resulted in the unanimous affirmance of said motion.

Record of Vote

Chair Denise Rhoads	Present	[Yes]
Vice Chair Condon	Present	[Yes]
Member Sherill Ketchum	Present	[Yes]
Member David Palen	Present	[Yes]
Member Mark Tucker	Present	[Yes]

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

Member Tucker recused himself from the Board.

Mr. Teixeira represented himself and has since had a meeting with the Planning Board. During the site visit on September 23, 2017 Mr. Teixeira discussed with the board his plan and has decided, based on the upcoming Town Board agenda in regards to remove a portion of his impermeable surface.

Mr. Teixeira has made modifications to his original plan which called for increasing the existing impermeable surface coverage of his property by adding a shed. He has agreed to remove a section of his driveway equaling the sq. footage of impermeable surface coverage that the shed will add, effectively, retaining the existing impermeable surface coverage percentage. He will align the roof line so that the aesthetics of the house and the shed are in the same alignment.

WHEREFORE, a motion was made by Member Palen and seconded by Member Ketchum to declare this application a Type II action not subject to SEQR review. On the basis that any and all requests for Area Variance are automatically a Type II action. The Board having been polled resulted in the unanimous affirmance of said motion.

Chair Rhoads asked if there was anyone in the audience that would like to have the Public Hearing Notice read. Chair Rhoads explained that the board has made a site visit on September 23, 2017 with the applicant. Chair Rhoads opened the Public Hearing asking if there was anyone wishing to speak in opposition to the application. Chair Rhoads asked if there was anyone wishing to speak in favor of the application. Mark Tucker spoke from the audience and said he is ok with the location of the shed as it is not going to impede his ROW and is in favor of the application. Chair Rhoads asked for any additional comments from the audience. There were no further public comments.

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

At this time, Chair Rhoads asked Attorney Scott Molnar to review with the Board the statutory criteria set forth in Town Code Section 148-12G (1) (a) [4] for an Area Variance. Attorney Scott Molnar stated that in making their determination the Zoning Board of Appeals is required to consider certain factors, viewing all variances within each criteria, indicating any specific difference as it pertains to specific variances, which are:

Requirement for which a Variance is Requested: (1) On nonconforming lots of less than 40,000 SF and within 1000' of the lake line, the total footprint and floor space of all principal and accessory buildings shall not exceed 6% and 10% of the lot area respectively, whereas the

proposed site plan shows a single family dwelling increasing the existing 6.8% total footprint to 7.7% of the lot area after construction of a proposed 192 SF storage shed (“Storage Shed”).

(2) The minimum required open space requirement is 80% of the total lot area, whereas the proposed site plan shows a proposal to construct a Storage Shed which reduces open space from the 80% to 77.6%, with the permitted 17.5% impermeable surface coverage remaining unchanged. Applicable Section of Town Zoning Code: 148-9E Dimensional Requirements-Open Space, Section 148-12 G (1)(a)[7] [a][i]Existing nonconforming lots-Footprint.

1. Whether an undesirable change would be produced in character of the neighborhood or a detriment to nearby properties: No, The application will not be an undesirable change to the character of the neighborhood due to the alignment of roof of the Storage Shed along with the fact that there will be safe parking and turn around. The proposed location of the Storage Shed is on the road side of the dwelling and will not hinder lake views for neighboring properties, and it is a modest proposed Storage Shed.
2. Whether benefit sought by applicant can be achieved by a feasible alternative to the variance: No, In reviewing the several options available with the Applicant during the site visit, the Applicant has agreed to maintain the current impermeable surface coverage without increase. Since the lot is a preexisting nonconforming lot, any modification will require a variance.
3. Whether the requested variance is substantial: This not a substantial variance. Due to the size and layout of the property, and the distances from the lake and the road.
4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood, or district: No, The variance would not have an adverse impact on the physical or environmental conditions in the neighborhood or district. The proposed structure will be placed in an area that will trade off the same size as the current impermeable surface, so there will be no increase or decrease. No additional impact for water runoff will occur. Because it is a shed, it will have little to no impact on the environment.
5. Whether the alleged difficulty was self-created: Yes, Due to the applicant wanting to develop the property.

DETERMINATION OF ZBA BASED ON THE ABOVE FACTORS:

The ZBA, after taking into consideration the above five factors, upon a motion made Vice Chair Vice Chair Condon and seconded by Member Ketchum, and after an affirmative vote of all Members present as recorded below, finds as follows:

In review of the stated 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. This decision is based on all of the evidence presented in the record as well as the Board members’ site visit to the property, and is conditioned as follows:

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 is to notify the Codes Enforcement Officer on completion of the footing of any project for which a variance has been obtained.
3. That the Applicant obtain a Certificate of Occupancy and/or Certificate of Compliance, as required, from the Codes Enforcement Officer.

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

1. The Applicant obtains Planning Board approval, and conforms to all conditions imposed by the Planning Board.
2. The Site Plan presented with the Application be amended to reflect the Applicant’s intended project as described during this meeting, which includes removal of impermeable driveway in a size equal to the size of the Storage Shed, resulting in no change to the impermeable surface of the Property.
3. The Applicant is required to obtain an as-built survey and submit same to the Code Enforcement Office with verification of conformance of completed project within sixty (60) days of completion of the project.

Record of Vote

Chair Denise Rhoads	Present	[Yes]
Vice Chair Condon	Present	[Yes]
Member Sherill Ketchum	Present	[Yes]
Member David Palen	Present	[Yes]
Member Mark Tucker	Present	[Yes]

Applicant: Richard Moscarito
2699 E. Lake Road
Skaneateles, NY 13152

This is an application continuance, Mr. Bob Eggleston is represented the applicant and Attorney Matt Kernin was also present representing the applicant. Mr. Eggleston explained that since the last meeting the plans have been adjusted to address the parking issue and a one car parking space was added, maintain the existing 10.7 percent impermeable coverage, Mike Ryan has been involved with the planning of this parking space. Improving drainage will be a 6 inch curb along the edge of the shoulder and the retaining wall will remain at a height to retain water. There will be a grass swale along the property line to allow the water to come down the swale on the North side. PB has requested that it be lined with jute mesh. Rocks will be placed as a

Z.B.A.10.12.2017

filtration system to filter out sediment before it hits the lake. Member Palen asked how far the retaining wall will be placed. The retaining wall will be along the curb and catch anything that falls within the side of the curb. Mr. Eggleston submitted the revised Narrative dated October 14, 2017 along with the construction sequence. Chair Rhoads pointed out a correction on page 2 reading ISC maintained at 10.7 as opposed to the 11 that was in the narrative. Bob is going to fix the typographical error and re-submit a corrected copy.

Mike Ryan has been promoted at DOT but has communicated effectively with the new acting director. The DOT cannot deny access to an existing property in some shape. There are no requirements from DOT for the number of parking spaces. Mr. Eggleston explains that this is a non-conforming lot with no parking and the current plan offers a parking space and will no longer rely on the shoulder parking as is the current practice.

Because the property is still under contract to purchase, the driveway permit cannot be obtained until the sale of the property is complete. There is an email from Jeff Till who has reviewed the revised septic plan and there is one waiver that is needed in regards to being 85 ft. as opposed to the required 100ft from the lake. In an email provided to the ZBA, Mr. Till had no objections.

The current plan offers minimal impact on the view of the neighbors, and shows that the typical homes along this area are of similar size. Better vegetation will be offered and will improve the property, with the removal of old and deteriorating trees.

The requested variance is: redevelopment of a lot less than 20,000 sq. ft. and an increase of the height to a building that is within 50 ft. of the lake. The floor area will exceed the 10% allowed by 217 sq ft. The Narrative includes the addressing of the five criteria; this is a single family dwelling and will continue to be a single family dwelling. This project will be cleaning up a neglected property on the lake.

The project has been reviewed by the professionals of the Town and revised to accommodate recommendations. The property has warranted many neighbors' concerns and although the documents submitted the information that was received.

Chair Rhoads asked if this parking plan utilizing the grass strip had been used in other properties and if it is a good alternative to a full tarvia driveway. Mr. Eggleston explained that it has been used in other applications, the grass is kept low and it is a type of mini rain garden.

Attorney Matt Kernin spoke in regards to the neighbors' comments and that a few comments regarding the change of DOT personnel would affect the property, and that perhaps a disconnect had been identified in the neighbors letter. According to Mr. Kernin the promotion of Mike Ryan will have little to no impact on the conclusion that Mike Ryan came to the criteria to review is the same across the board. The property will be a single family use and used in the same manner as all other properties along the lake. Mr. Moscarito plans on purchasing and making improvements and then selling the property.

Attorney Scott Molnar asked if the property would be rented. Attorney Kernin explained that he plans to sell the property after the modifications have been made. Bob Eggleston explained that the variances stay with the property not the applicant.

Attorney Scott Molnar went on to ask the board if they would like to proceed the fact that the applicant is considering renting the property and that the variances to be considered are unrelated to use, that it is a single family dwelling in an RF district. The board should consider the statements from the interested parties and as the board always does, consider the information as part of the record. He recommends that the board take time to review the information and how this will impact the decision. The board has 62 days to consider the issue and make a determination. The 62 day is marked as November 7 and Scott asked the applicant if he would be opposed if the board took the time to review the information and then carry this decision to the November meeting.

Attorney Kernin explained that due to the fact that this is a single family residence and he has the same rights to utilize this property as other residents of the town are able to utilize their property, even if it should be a rental at any time. Due to the fact that there is no law or ordinance currently in place by the Town regarding short term rentals, then the consideration should comply with the current laws and ordinances in place. Mr. Kernin explained this is not a use variance. Mr. Kernin explained that the client is planning to sell the property and the use is beyond the purview of these variance decisions.

Attorney Scott Molnar explained that the board would have the 62 days to render a determination to the applicant. If the board wants to carry this forward then a special meeting would have to be scheduled sometime prior to November 6, 2017.

Mr. Eggleston spoke regarding the client stating that he has been patient and that he would be interested and is anxious to proceed with the process. He is hopeful that a decision could be rendered sooner than later so that he can proceed with the renovations of the property. Mr. Eggleston said the applicant feels as though he would not be able to have peaceful enjoyment of the property and feels as if he would be harassed by the neighbors.

Attorney Molnar asked the board to consider if they proceed this evening or if they would like to wait and consider the determination at a special meeting called for that purpose.

The board being polled decided they would be comfortable moving forward this evening.

This application has already been determined a Type II action.

At this time, Chair Rhoads asked Attorney Scott Molnar to review with the Board the statutory criteria set forth in Town Code Section 148-12G (1) (a) [4] for an Area Variance. Scott Molnar stated that in making their determination the Zoning Board of Appeals is required to consider certain factors, viewing all variances within each criteria, indicating any specific difference as it pertains to specific variances, which are:

Requirement for which Variance is Requested: (1) The minimum lot area required for development of a nonconforming lot located in the LWOD is 20,000 SF, with a minimum of 75' of lake frontage, whereas the proposed site plan shows an existing nonconforming lot of 9,011 SF located in the LWOD, with a proposal for construction of a 276SF addition to the second level of the existing dwelling; and

(2) No accessory structure or improvement shall be built or expanded within 50 feet of the lake line or within the one-hundred-year floodplain as shown on Flood Insurance Rate Maps of the Federal Emergency Management Agency, except pump houses, docks, seawalls, retaining walls, gazebos, stairways, storage buildings, fire pits not exceeding two feet in height or 16 square feet in area, children's playground equipment, and boathouses, whereas the proposed site plan shows a proposed second floor addition to an existing dwelling located 32.7 feet from the lake line; and

(3) On nonconforming lots of less than 40,000SF and within 1000' of the lake line, the total floor space of all principal and accessory buildings shall not exceed 10% of the lot area, whereas the proposed site plan shows a proposed 276 SF addition to the existing dwelling which will increase the existing total floor space of 8.6% to 11.69% .

Applicable Section of Town Zoning Code: 148-G (1)(a)[1] Existing nonconforming lots, Section 148-36A(1)(b) Supplementary Lake Yard Restrictions –Expansion, Section 148-12 G(1)(a)[7][a][ii] Existing nonconforming lots.

1. Whether an undesirable change would be produced in character of neighborhood or a detriment to nearby properties: No, : According to the latest plans of the site, the ZBA is persuaded that the modifications, as proposed, will greatly improve the property and enhance the character of the neighborhood. As observed at the site visit, the current conditions of the lot and related structures could be described as fairly primitive and in disrepair. The lot is covered with debris and is overgrown with trees and brush. The fence located on the northern border of the property is unsightly and in need of repair. The Western shoreline bank and retaining wall are collapsing into the lake and stairway access to the existing pump/boat house is dangerously deteriorated. The cottage is a one-story cement block structure with a shingled roof that is angled toward the lake. The lot is relatively narrow and slopes in varying degrees toward the lake. The current plan as provided by the Applicant greatly improves the nature of the property and the structures located thereon. It will remain a small two-bedroom cottage with modern upgrades that enhance the property and bring it more in line with the character of the neighborhood. The current plan also attempts to address and ameliorate neighbor concerns for surface water run-off through storm water diversion and control. The ZBA is not persuaded that seasonal or periodic rental of the property or any property is within the purview of this board as it pertains to the variance approval.

The ZBA also finds that granting of the area variances will not create an undesirable change to the character or detriment to the nearby properties, as improvements from revised drawings dated 9/14/17 include: repairing the deteriorated seawall that has already partially fallen into the lake and is a safety hazard to the whole community; repairing and replacing the shore line dock that is in bad shape currently; replacing the septic system with a septic system that is approved by Onondaga County Health Department, when currently there is no documentation of what type of system is being used and even if it is currently leaching into the lake and causing a safety & health concern to the community; the proposed septic system to be installed is the latest technology and currently being installed in most new and remodeled properties on the lake and in the community; cutting down dead trees and large branches on the

property and overhanging adjacent properties, which is currently a real time safety and health concern to anyone on this property or for any person on the neighboring properties; the addition of an engineered rain water retention system approved by the City of Syracuse; between the rain water system, planting grass on the property (currently there is no grass on the property, and rain water on the property and from across the street runs directly in to the lake) will eliminate rain runoff and prevent it from running directly into the lake un-filtered or slowed down, which will correct a current health, safety and welfare issue that affects the whole community. The revised plan also addresses a current safety plan by the addition of parking onsite if approved by the D.O.T., and the revised plan will make parking and entering and leaving the property in a vehicle safer than the current parking on the property that has been this way for years and is dangerous. It is too bad that the health, safety and welfare to the whole community and the lake was not recognized before this application came in front of the ZBA by the applicant or the neighboring community, and that these issues have gone on so long. The repairs noted will be a good thing for the whole community. The Board also finds that the applicant is willing to invest a substantial amount of money to improve this property and it will increase the value of the nearby properties.

2. Whether benefit sought by applicant can be achieved by a feasible alternative to the variance: No, : Because of the nature of the lot and existing structure, any modification would require an area variance. Maintaining the size and configuration of the existing property might be an alternative option; however, due to the condition of the existing structures, it would not be feasible. As per the current site plan, not expanding the structural footprint, but adding living space on a second floor is a reasonable and viable approach. However, it still requires a variance. The ZBA also finds that unless a party was to buy this property and make all the repairs listed previously and tear down the existing structures, and was to make this a forever-wild park like building lot, the Applicant's plans is the most feasible, by adding a pitched roof to a flat roof structure is the most practical thing to do in this climate. The property currently is listed on the tax roles as a two bedroom home, this will not change with the current plans.

The ZBA also finds that the second floor addition will result in the least disturbance to the site as opposed to adding on to a one story structure.

3. Whether the requested variance is substantial: Yes, The ZBA is persuaded that the requested variances are substantial; however, the ZBA also finds the argument persuasive that the modifications as proposed by the Applicant in the current site plan will lessen the risk of potential degradation of the lake caused by the water flow on the property, storm water run-off from adjacent properties and the roadway, and an existing improper septic system. The current plan calls for the regrading of the upper portions of the property to accommodate a parking area and the construction of a swale along the norther edge of the property to divert and channel water flow and run off along the edge of the property culminating in access on the lakeside near the proposed dock. According to the plan, trees will be maintained to prevent erosion and water will be diverted from the cottage roof to the swale channel. It is unclear whether or not an adequate septic system is present on the property. The applicant has

put forth a plan that, subject to Onondaga County approval, appears to address the septic system with construction of a leach field on the upper portion of the property.

The ZBA is not persuaded that the addition of a second bathroom will have an appreciable effect on the overall outflow of wastewater.

The ZBA reviews this property and weighs the positive against the negative items on this property as it does with all applications that come in front of the ZBA, and finds these three variances are also not substantial. Any property less than 20,000 SF automatically needs a variance for rehabilitation. The increase height to 23'2" is not substantial on this property, and the square footage limitation of 10% requires a variance for the 276 SF addition.

The ZBA is governed to give relief to properties that are not within the current Zoning laws, because not all properties have the same layout, topography, water course, steep slopes and many obstacles that could not all be spelled out in the Zoning Law. In the experience of the ZBA, this is a positive thing for the whole community and every property owner has the same right to approach the ZBA to review all applications. All applications are weighed with the positive vs negative in the same way. By the applicant reusing the same structure, this represents lean type building techniques, by not tearing down existing and starting over, which is a very positive thing.

The ZBA also finds that ISC remains the same, open space and building footprint are reduced slightly from the existing, which is important to recognize for this non-conforming lot.

The ZBA concludes that the fact that there are three variances on paper do seem substantial; however as mentioned, the application it is outweighed by the improvements to protect the lake, with the floor space substantial increase achieved by maintaining the existing footprint.

4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood, or district: No, The ZBA is persuaded that the proposed variances will not have an adverse effect upon the physical and environmental conditions of the neighborhood and the lake. There is the potential that the expansion of the structure and the increase in traffic could pose a risk to the lake water quality. However, the site plan as presented appears to address many of the issues and the problems that may result from frequent use and run-off from adjacent properties and the highway. The channeling of the run-off through the construction of a swale, grading of the upper portion of the property, diversion of roof rainwater, and an approved septic system and leach field will serve to mitigate potential risks. The increase in height of the structure does not appear to seriously impact lake views, especially with removal of excess vegetation. Parking is limited by the nature of the lot, but is not appreciably different than comparable nearby properties on the lakeside of the highway, and modifications of the parking area will require DOT approval.

The ZBA historically is firm on the no increase to impermeable surface and tries to work with each applicant to address all concerns with impermeability on their property. The ZBA works with the applicant and professionals to stay within code. There are currently a lot of neighboring properties well over the 10% impermeability requirement.

5. Whether the alleged difficulty was self-created: Yes, Due to the applicant wanting to improve the property.

The ZBA, after taking into consideration the above five factors, upon a motion made Member Palen and seconded by Vice Chair Vice Chair Condon, and after an affirmative vote of all Members present as recorded below, finds as follows:

The Benefit to the Applicant DOES outweigh the Detriment to the Neighborhood or Community. Reasons: Based on the Board members' site visits, review of the entire record before the ZBA, and discussions before the Board at the public hearing, it is the finding of the ZBA that the desired variances would not pose a detriment to the community and will not have significant adverse impacts on the character of the neighborhood and the physical or environmental conditions of the property.

Requirements: Based on the findings set forth above, the ZBA requires:

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 is to notify the Codes Enforcement Officer on completion of the footing of any project for which a variance has been obtained.
3. That the Applicant obtain a Certificate of Occupancy and/or Certificate of Compliance, as required, from the Codes Enforcement Officer.

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

1. The Applicant is required to obtain an as-built survey and submit same to the Code Enforcement Office with verification of conformance of completed project within sixty(60) days of completion of the project,
2. The Applicant obtains Planning Board approval, and conforms to all conditions imposed by the Planning Board,
3. The Applicant obtains Department of Heath septic approval,
4. The Applicant obtains Department of Transportation approval of parking area,
5. The Applicant place a barrier in front of the Septic to prevent parking on the septic field,

6. The Applicant is required to submit an inspection report to the Code Enforcement Officer verifying septic system compliance to Department of Health Department requirements one year after completion.
7. The Applicant is required to obtain approval from any agency or authority having jurisdiction over the property.
8. That the Site Plan 1 through 4 of 4, dated 9/14/17, and the Narrative dated September 14, 2017, as corrected on October 13, 2017, prepared by Robert O. Eggleston, Architect, be followed in all respects.

Record of Vote

Chair Denise Rhoads	Present	[Yes]
Vice Chair Condon	Present	[Yes]
Member Sherill Ketchum	Present	[Yes]
Member David Palen	Present	[Yes]
Member Mark Tucker	Present	[Yes]

WHEREFORE a motion was made by Member Sheryl Ketchum and seconded by Member David Palen to accept the August 8, 2017 and September 5, 2017 as submitted. The Board having been polled resulted in unanimous affirmation of said motion.

Record of Vote

Chair Denise Rhoads	Present	[Yes]
Vice Chair Condon	Present	[Yes]
Member Sherill Ketchum	Present	[Yes]
Member David Palen	Present	[Yes]
Member Mark Tucker	Present	[Yes]

Board Business: Chair Rhoads shared that several members met with Joel Russell to review the draft revised zoning code and provided him with their comments. Joel will be reporting back the comments from the various groups and submitting it to the Town Board. He is adding comments to the existing code so that it is easier to comprehend the changes.

Attorney Molnar advised the Board to enter into an Attorney Advise Session.

WHEREFORE a motion was made by Chair Rhoads and seconded by Member Vice Chair Condon to enter into Attorney Advice Session.

WHEREFORE a motion was made by Chair Rhoads and seconded by Member Mark Tucker to exit Attorney Advice Session.

There being no further business, a motion was made by Member Sheryl Ketchum and seconded by Member Tucker to adjourn the meeting. The Zoning Board of Appeals meeting adjourned at 9:20 p.m.

Respectfully Submitted,
Michelle Jackson