

**TOWN OF SKANEATELES
ZONING BOARD OF APPEALS
MEETING MINUTES OF
December 1, 2020**

Present:

Denise Rhoads
David Palen
Kris Kiefer
Michael Ciaccio
Scott Molnar, Attorney
Karen Barkdull, P&Z Clerk
Kim Benda, ZBA Clerk

The meeting commenced at 7:00 p.m. at Town Hall via Zoom. The next Zoning Board of Appeals meeting will be held on January 5, 2021 at 7:00 p.m.

Member Resignation

Chair Rhoads acknowledged Board Member/Vice Chair Jim Condon's 13 years of service on the ZBA. Member Condon's term was set to expire December 31, 2020, however he resigned after the November 2020 ZBA meeting. Chair Rhoads thanked Member Condon for his dedication, time and thoughtful consideration for each application that came before the Board, as well as his input updating the Town Code and Comprehensive Plan. Member Kiefer and Member Palen appreciated Member Condon's perspective, guidance, and counsel in reviewing applications over the years. Counsel Molnar agreed with the Board's sentiments.

Minutes

Previous distribution to the Board of the regular meeting minutes of November 10, 2020 was executed and all members present acknowledged receipt of those minutes.

WHEREFORE, a motion was made by Member Palen and seconded by Member Kiefer to accept the November 10, 2020 minutes as presented. The Board having been polled resulted in unanimous affirmation of said motion.

Record of Vote

Chair Denise Rhoads	Present [Yes]
Member David Palen	Present [Yes]
Member Kris Kiefer	Present [Yes]
Member Michael Ciaccio	Present [Yes]

Member hours for the present Board members were requested and submitted for the month of November 2020 via email.

Initial Review

Applicant: Edward & Christine Szemis
1682 Amerman Rd
Skaneateles, NY 13152
Tax Map #063.-04-05.0

Present: Bob Eggleston, Architect
Chris Szemis, Owner

Chair Rhoads described the proposal for the removal of an existing cottage and shed, then construction of a new seasonal 2-bedroom cottage on a preexisting nonconforming lot within the LWOD. Variances requested are for minimum lot size and minimum lake yard. Bob Eggleston, Architect, stated the Szemis family has owned the existing seasonal cottage for a number of years and there are 6 total nonconforming aspects to the property:

1. The lot is under 20,000 sq.ft. triggering a variance for anything other than a shed or small deck installation, as the lot is 11,542 sq.ft.
2. The existing cottage has a lake yard setback of 38ft. where 60ft. is required.
3. The north side yard setback is 6ft. where 20ft. is required as it is 20% of the 100ft. lot width.
4. The ISC is 24.2% where 10% is required.
5. The open space is 64.7% where 80% is required.
6. The building footprint is 6.7% where 6% is required.

Mr. Eggleston explained the existing cottage has a very nice paint job as the Szemis's have maintained the property well, however the cottage has poor foundations, it is undersized structurally, and ultimately there is nothing worth saving in the cottage to extend its life another 20-30 years. Mr. Eggleston reviewed this application is to demolish the existing cottage and rebuild a new one on the south side of the property. The new location will allow for compliance with the south side yard setback requirement of 20ft., maintain the required 25ft. roadway setback, the deck is allowed to encroach up to 8ft. where 4ft. is proposed, the ISC will be reduced to a conforming 10%, the open space will be increased to a conforming 80.1%, and the existing lake front structures are conforming and will remain intact. The proposed cottage will expand from 963 sq.ft. to 1,100 sq.ft., which will increase the living space from 8.3% to 9.5% while remaining in compliance. The proposed footprint will become compliant, currently it is 6.7% and it will be reduced to 5.9% where 6% is allowed. Mr. Eggleston stated the variance required for redevelopment of a lot less than 20,000 sq.ft. is out of the Applicant's control. He continued; the variance requested for the 50.6ft. lake yard setback is most feasible as the lot allows about 5ft. of buildable lot from roadway to lake line if each proposed setback followed the Code. Mr. Eggleston stated an alternative could be a full renovation of the existing cottage, however the number of proposed mitigating factors outweigh the granting of an area variance for a 50.6ft. setback of the deck to the lake line.

Mr. Eggleston explained the cottage currently has a holding tank; the Applicant has preliminary OCDH approval for replacing the holding tank with a temporary holding tank that will become part of a new septic system. The proposed septic system will be in the north west corner of the lot partially behind and partially under the existing cottage, this is possible because the cottage is sitting on piers so there is undisturbed soil beneath it. The site plan reflects this proposed approach with indicated leach fields. The site plan also shows green areas that are currently impermeable and will be removed if the proposal is approved creating permeable surfaces with a 140% improvement in ISC. A bioswale is proposed to treat the roof and impermeable surface coverage runoff at the lower end of the lawn. A construction sequence has been provided for the Board, as well as the Applicant's review of the Five Criteria.

Mr. Eggleston described the cottage having a non-habitable basement, the main floor will consist of a great room kitchen and half bathroom, and the second floor is a loft with two small bedrooms and a bath keeping the cottage as efficient as possible. The Applicant has tried to be as compliant as possible given the difficulties of the lot.

Member Palen asked for confirmation that the bathroom on the main floor was a full bath as presented on the site plan. Mr. Eggleston apologized for misspeaking and confirmed it is a full bath on the main floor. Member Palen sought clarification on the proposed septic location under the cottage. Mr. Eggleston explained the proposed location is under the existing cottage and further reviewed the proposed septic system for the Board. Member Palen then inquired about the number of bedrooms in the existing cottage. Mr. Eggleston stated there are 2 bedrooms in the existing cottage.

Chair Rhoads inquired about the reason for moving the location of the existing cottage to the new location. Mr. Eggleston explained there is good perk behind the existing cottage allowing for a new septic system and the cottage simply lays better on the south side of the lot. Following the construction sequence the new foundation will be dug and poured prior to the demolition of the existing cottage primarily to prevent construction traffic from driving on the area where the proposed septic is to be located. Mr. Eggleston then summarized the sequence of events for construction following the demolition. Member Palen asked if there will be any modifications to the existing walkway. Mr. Eggleston stated some of the walkway areas will be removed, but most of the permeable walkway will remain where it is as timbers filled with stone. Existing retaining walls will be removed to place the cottage in the new location. The first floor will be close to the parking area so you will walk straight into the entrance from the parking area.

A site visit was scheduled for *Saturday, December 12, 2020 at 9:00am.*

WHEREFORE, a motion was made by Member Palen and seconded by Member Kiefer to schedule a public hearing on *Tuesday, January 5, 2021 at 7:02 pm.* The Board having been polled resulted in unanimous affirmation of said motion.

Other Board Business

Chair Rhoads made the Board aware of the advertisement placed by the Town seeking individuals to fill positions on the PB and ZBA. At this time there is one applicant. Mr. Eggleston asked if the vacancy would be filled prior to the January 5, 2021 meeting. Chair Rhoads stated it was the goal of the Town Board to fill the vacancy as soon as possible, and once the Applicant is appointed they will be brought up to speed on the current application under review. Counsel Molnar stated it is the comfort level of the new Board Member, as they will have the benefit of the full record, whether they would like to vote on the determination of the application.

There being no further Board business, a motion was made by Member Ciaccio and seconded by Member Kiefer to adjourn the meeting. The Zoning Board of Appeals meeting adjourned at 7:26 pm.

Respectfully Submitted,
Kim Benda