

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

January 8, 2013

Present:

Dave Graham
Denise Rhoads
Jim Condon
James Lanning
Debbie Williams, Codes Enforcement Officer
Scott Molnar, Attorney
Karen Barkdull, Secretary

Also Present:	Bruce Parker	Bob Eggleston
	David Campanile	T.K. Greenfield
	Terri Roney	Ed Conan
	Pamela Conan	Michael Olbrych
	Kathy O'Sullivan	Julie Moore
	Brian Manthey	

The meeting commenced at 7:00 p.m. at Town Hall. The next regularly scheduled Zoning Board of Appeals meeting will be held on February 5, 2013. Site visits will be conducted on January 19, 2013 by the Zoning Board of Appeals beginning at 9 a.m. Previous distribution to the Board of the regular meeting minutes of December 4, 2012 were executed and all members present acknowledged receipt of those minutes.

WHEREFORE a motion was made by Vice Chair Rhoads and seconded by Member Lanning to accept the December 4, 2012 minutes with minor corrections. The Board having been polled resulted in favor of said motion.

WHEREFORE a motion was made by Member Condon and seconded by Member Lanning to re-appoint Denise Rhoads as Vice Chair for the 2013 calendar year ending December 31, 2013. The Board having been polled resulted in favor of said motion.

Initial Review

Applicant: David & Jennifer Campanile
1786 Tamarack Trail
Skaneateles, New York 13152
Tax Map # 062.-01-18.0

Present: David Campanile, Applicant; Robert Eggleston, Architect

Over the summer Dr. Campanile had placed a temporary roof over an existing pergola for a celebration party. Liking the effect of the roof he has submitted an application for a proposed permanent covered porch in place of the pergola. The proposed permanent porch will be located slightly to the north and 91.6' from the lake line whereas 100' setback is required. Meeting the

100' setback would reduce the width of the covered porch and would not allow enough space for a table and chairs.

In 2000, the ZBA granted impermeable surface coverage of 17.6%; the existing impermeable surface coverage is 17.4% with the proposal maintaining 17.4% with modifications to an existing slate patio to permeable slate patio. There is a free-standing pergola and garden trellis that will remain.

A second floor will be constructed over the one story wing and does not require a variance. The four bedroom dwelling will remain a four bedroom home; the two bathrooms will be increased to a four bathroom dwelling. The distribution box of the septic system failed last summer and was replaced, and it will be inspected by the City of Syracuse water department when the snow melts this week. Chairman Graham requested that a narrative is submitted to the Board.

WHEREFORE a motion was made by Vice Chair Rhoads and seconded by Member Condon to schedule a Public Hearing on ***February 5, 2013 at 7:10 pm***. The Board having been polled resulted in the unanimous affirmance of said motion.

Chairman Graham recused himself from the next proposal discussion as he is a neighbor and has had conversations with other neighbors regarding the proposal.

Public Hearing

Applicant: Banjo's Home Farm LLC
2696 West Lake Road
Skaneateles, New York 13152
Tax Map # 053.-01-05.1

Present: Tom Greenfield, Applicant

No one requested the public hearing notice to be read. This notice was published in the *Skaneateles Press* on December 26, 2012. All members of the Zoning Board of Appeals attended the site visit. The Onondaga County Planning Board had no comments in their correspondence dated December 27, 2012.

The applicant is seeking a variance for a 2 lot subdivision with the proposed lot bordering Greenfield Lane. The 15.62 acre property borders West Lake Road and Greenfield Lane. Greenfield Lane is a private road owned by the Hulbert Greenfield with easement rights for all properties that adjoin Greenfield Lane. There are seventeen existing lots that use Greenfield Lane for access to West Lake Road. The applicant is proposing the creation of a two acre lot on Greenfield Lane with an existing access easement to the Green property. This lot would be the last lot possible on this private road. The applicant is seeking relief from section 148-11K(5) for the requirement to upgrade the road to Town standards, citing that the upgrade and acquisition of additional property from the existing property owners to widen the road is cost prohibitive.

Bringing the driveway to this lot from fire lane 20 would divide the existing productive farm land into two parcels, and could encourage additional subdivision and reduction in agricultural activities.

At this time Counsel Molnar recommended to the Board that the application be an Unlisted Action and reviewed the short form SEQR with the Board. In evaluating each of the criteria set forth in Part II (A) of the short form EAF, the Board determined that the action does not exceed any type I threshold. Part II (B) No. The Board did not find any significant adverse environment impacts. Part II (C) No, the Board did not find any adverse effects. Part II (D) No, the Board determined that the project would not have any an impact on the environmental characteristics that caused the CEA. Part II (E) No, the Board determined that there is no controversy related to potential adverse environmental impacts.

WHEREFORE, a motion was made by Vice Chair Rhoads and seconded by Member Condon to declare this application to be an Unlisted action, and after review of the SEQR short environmental assessment form and determined that the proposed action will not result in any significant adverse environmental impacts. The Board having been polled resulted in the unanimous affirmance of said motion

At this time Vice Chair Rhoads opened the public hearing and asked if there was anyone wishing to speak in favor of the application. There was no one who wished to speak in favor of the proposal. Vice Chair Rhoads asked if there was anyone wishing to speak in opposition, or had any other comments. Ed Conan, 1216 Greenfield Lane, requested a continuance on the public hearing stating that he has ongoing discussions with the applicant regarding the proposal. Mr. Greenfield confirmed that he is amenable to the postponement until the next regularly scheduled meeting.

WHEREFORE a motion was made by Member Condon and seconded by Member Lanning to continue the Public Hearing on ***February 5, 2013 at 7:20 pm***. The Board having been polled resulted in the unanimous affirmance of said motion.

Chairman Graham rejoined the Board at this time.

Public Hearing Continuance

Applicant: Bruce Parker

Parker Family Limited Partnership
5891 Bennett's Corner
Camillus, New York

Property:
1427 Thornton Heights Rd
Skaneateles, New York
Tax Map # 057.-01-10.2

Present: Bruce Parker, Applicant; Brian Manthey, Architect

A new site plan reflecting the elimination of the front yard setback request, prepared by Brian Manthey dated December 27, 2012, was submitted. The proposed entrances to the north and

north-west sides of the garage will have a 7.5' width to accommodate law equipment and restrict vehicular access.

The remaining variances requested include the proposed side yard setback 10' from the property line whereas 20' (20% of the lot width of 100') is required. The proposed 751SF garage will increase the total cumulative footprint from 3.7% to 6.5% and over the 6% cumulative footprint allowed for this nonconforming lot. The lot is located within 1000' of the lake line and has 50LF of lake frontage whereas a minimum of 75' of lake frontage is required for the nonconforming lot.

The applicant is proposing a two story detached garage on Thornton Heights Road. The property is located on two parcels with separate tax map numbers and with Thornton Heights Road, a private right-of-way, running through it. For purposes of zoning, the two lots will be treated as one lot totaling 26,878SF, meeting the minimum lot area for a non-conforming lot. The proposed 25'x28' garage will be located on the west side of the road aligning with the dwelling to reduce shade fall on the neighboring property.

WHEREFORE, the Zoning Board of Appeals adopted and ratified its prior SEQRA determination at the December 4, 2012 meeting, for the Application, which was a determination that the Application constitutes a TYPE II action not subject to further SEQRA review.

At this time Chairman Graham opened the public hearing and asked if there was anyone wishing to speak in favor of the application. There was no one who wished to speak in favor of the proposal. Chairman Graham asked if there was anyone wishing to speak in opposition, or had any other comments. There was no one who wished to speak in opposition or had any other comments. Letters of support for the proposal from the neighbors to the north, the Scotts, and an email approval letter from the neighbor to the south, Mr. Fox have been submitted. The Onondaga County Planning Board had no comments in their correspondence dated December 27, 2012.

WHEREFORE a motion was made by Member Lanning and seconded by Vice Chair Rhoads 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 148-45D (a-e) for an Area Variance. Counsel stated that in making their determination the Zoning Board of Appeals is required to consider certain factors, which are:

1. **Whether an undesirable change would be produced in the character of the neighborhood or a detriment to nearby properties:** No. The proposed garage is of average size and good design. Many homes in the neighborhood have had upgrades and renovations and the proposed garage will be in keeping with the neighborhood. Very few garages in the neighborhood are located across the road from the cottages.

2. **Whether the benefit sought by the applicant can be achieved by a feasible alternative to the variance:** No. The existing dwelling is located on a nonconforming lot in the Lake Watershed Overlay District and there is no alternative than to pursue a variance for the garage. The applicant has revised his request to reduce the scope of the variance requested and placed the proposed garage further back from the front yard to comply with the 30' required front yard setback. An existing slope on the property would be problematic if the garage was located further north, and also allows the applicant to more easily access lawn equipment.
3. **Whether the requested variance is substantial; within 200 feet of Skaneateles Lake, any area variance that enlarges a building or enables it to encroach into a required lake yard shall be presumed to be substantial because of the cumulative risk of degradation of the lake posed by granting individual variances. This presumption is rebuttable:** No. The requested variances are minimal as the neighbor to the south, Mr. Fox, is in support of the proposal with the proposed garage located 10' from the property line. Open space and impermeable surface coverage are within the guidelines set forth; the proposed footprint is only 5% over the maximum allowed. The applicant has reduced the number of variances requested and has merged three smaller lots to improve open space.
4. **Would the variance have an adverse impact on the physical or environmental condition in the neighborhood; within 200 feet of Skaneateles Lake, any area variance that enlarges a building or enables it to encroach into a required lake yard shall be presumed to have an adverse environmental impact because of the cumulative risk of degradation of the lake posed by granting individual variances. This presumption is rebuttable:** No. The proposed garage is located more than 200' from the lake and will have minimal disturbance to the surrounding area.
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 Vice Chair Rhoads and seconded by Member Lanning, that this application be **APPROVED** with standard conditions and additional special conditions:

SPECIAL 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:

Condition No. 1: That the Site Plan drawing S1 and the Preliminary Plan and Elevations drawing SK1 dated December 27, 2012 prepared by Brian Manthey, Architect, be followed in all respects; and

Condition No. 2: That the entrance on the north and northwest sides of the proposed garage are excluded for vehicular access; and

Condition No. 3: : Applicant shall obtain a foundation only permit and provide a foundation location survey to the Codes Enforcement Officer confirming location prior to continuing construction of the structure; and

Condition No. 4 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.

	<u>Record of Vote</u>		
Chair	David Graham	Present	[Yes]
Vice Chair	Denise Rhoads	Present	[Yes]
Member	Jim Condon	Present	[Yes]
Member	James Lanning	Present	[Yes]

Modification Request

Applicant: Robert F. Pickup
2220 West Lake Road
Skaneateles, New York 13152
Tax Map # 057.-01-04.1

Present: Bob Eggleston, Architect

The applicant had received site plan and area variance approvals in 2011 for a garage addition and renovation of an existing single family residence on a nonconforming lot. Construction currently underway, the applicant has determined that they would like to modify their deck by making it four feet wider on the angle, adding 51SF of area to the deck. The 30' setback will be maintained and there will be no change in the variances approved. The impermeable surface coverage remains the same as the proposed 9.9%. Open space will be reduce to 88.3% from 88.5%; however over the 80% minimum open space required.

Whereas, the revised site plan as supplied by Robert O. Eggleston, Licensed Architect, states the new proposed dimensions, open space, impermeable surface coverage and proposed dwelling; all revised figures are within acceptable limits to allow for approval of the variances requested as shown on Site Plan 1 of 1 dated November 27, 2012 ("Revised Site Plan"), and Mr. Eggleston also supplied new Drawing 4 of 6 reflecting the first floor plan, dated December 7, 2012 ("Revised Drawing"); and

Whereas, the Zoning Board of Appeals adopted and ratified its prior SEQRA determination for the Application, which was a determination that the Application constitutes a TYPE II single family residential project, not subject to further SEQRA review; and

Whereas, the Skaneateles Zoning Board of Appeals reviewed the Revised Site Plan and Revised Drawings, and after due consideration, unanimously adopted the following resolution.

WHEREFORE, a motion was made by Chairman David Graham and seconded by Vice Chair Denise Rhoads to approve the changes presented by Architect Eggleston and approve the Revised Site Plan and Drawings, as an addendum to the original Resolution adopted on October 4, 2011 with all of the original conditions and that such prior Resolution is hereby ratified and confirmed, as amended hereby.

Discussion

A recent publication “Skaneateles Wave Reviews” was sent from the City of Syracuse that discussed topics such as: what farms are doing to reduce pollution impacting the lake, and invasive species impacting the lake.

Discussion

Local resident, Thom Filicia, has recently published a book “American Beauty”, discussing the renovation of his home. Included in the book is a complimentary comment on the Zoning Board proceedings that occurred for his project.

Executive Session

WHEREFORE a motion was made by Chairman Graham and seconded by Vice Chair Rhoads to enter an executive session to discuss potential litigation. The Board having been polled resulted in favor of said motion.

The Board returned at 9:15 pm.

There being no further business a motion was made by Vice Chair Rhoads and seconded by Member Condon to adjourn the meeting. The Zoning Board of Appeals meeting adjourned at 9:15 p.m.

Respectfully Submitted,

Karen Barkdull