

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

August 8, 2017

Present:

Denise Rhoads
Jim Condon
Sherill Ketchum
David Palen
Mark Tucker
Michelle Jackson, Secretary
Scott Molnar, Attorney
Karen Barkdull, P&Z Clerk

Denise Rhoads opened the meeting at 7:00 p.m. at Town Hall. The next Zoning Board of Appeals meeting will be held on September 5, 2017.

Chair Rhoads explained the applicants' proposal to construct a pole barn. A site visit was made with the applicant and their Architect on July 29, 2017). Bob Eggleston, Architect reviewed the application for Eric and Joe Brillo. The proposed pole barn is going to provide much needed storage for equipment and vehicles. They are asking for two variances. Bob asked if there were any questions. Member Ketchum confirmed that the siding will be the same as the other barn, as well as the roof type and color, as this was mentioned at the site visit. Member Palen asked questions regarding the types of equipment that will be stored inside the pole barn. Chair Rhoads asked if there were any other questions. Having no further questions, Chair Rhoads asked if there was anyone in the audience that would like the Public Hearing notice read.

WHEREFORE, a motion was made by Chair Rhoads and seconded by Member Mark Tucker to make this application a Type II action not subject to SEQR review. The Board having been polled resulted in the unanimous affirmance of said motion.

Public Hearing, Chair Rhoads opened the Public Hearing for this application and asked if there was anyone in the audience that would like to speak in favor of this application. Mr. Eggleston presented a signed document by two unrelated neighbors in support of the application read into the record by Chair Rhoads and added to the file. Chair Rhoads asked for any other comments from the audience.

WHEREFORE, a motion was made to close the Public Hearing by Member Palen and seconded by Member Ketchum.

Applicant: Eric & Joe Brillo
1786 Coon Hill Rd
Skaneateles, NY 13152
Tax Map #035.-04-20

At this time, Attorney Scott Molnar reviewed 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 four variances within each criteria, indicating any specific difference as it pertains to specific variances, which are:

The minimum required front yard setback is 100', whereas the Application site plan shows a proposal to construct a 6,720 square foot storage building (with office, full bath and breakroom) 82.7 feet from the north property line. The maximum allowable cumulative footprint of all non-residential buildings completed after January 1, 1996 is 6,000 sf, whereas the Application site plan shows a proposal to construct a storage building with office, full bath and breakroom with a cumulative total of 6,720 sf in addition to the existing 1,800 sf east barn, resulting in 11,949 sf of cumulative building footprint.

Applicable Section of Town Zoning Code: 148-9E Density and dimensional regulations Table II.

1. **Whether an undesirable change would be produced in character of neighborhood or a detriment to nearby properties:** No, This neighborhood is a mixed use area with many properties improved with barns. The property in question has been used for over 40 years with the same use, within the neighborhood. The granting of the variance for front-yard setback of 82.7 feet whereas 100 feet is required is minimal and would not produce a change in the character of the neighborhood or a detriment to nearby properties. It should be noted that the designated frontage is along the west property line, created by the subject being a flag lot property, instead of along Coon Hill Road which is over 300 feet from the proposed structure. The structure will allow for the indoor storage of equipment that is currently being kept outside, which will improve the appearance of the property. Also, a landscaping border of trees & shrubs will be planted along the western side of the proposed structure to shield the structure from neighboring properties' view.

2. **Whether benefit sought by applicant can be achieved by a feasible alternative to the variance:** No, Development would be possible for the Applicant if the 15 acre lot were subdivided with various buildings on separate lots, however that is not the most feasible. The Applicant's architect stated that the proposed barn could be built on the footprint of the existing barn containing 7,629 sq ft, and doing so would result in total building footprint area of 9,429 sq ft, which is only slightly less than what the total would be under the Application which shall result in a total footprint of 11, 949 sq ft; still an increase over the allowable area. However, the existing barn is in good functional condition, and removing it would not be a

practical option, and the front yard setback variance would still remain. It is also noted that the parcel contains 15 acres and Impermeable Surface Coverage and Open Space are in conformance.

3. **Whether the requested variance is substantial:** No, The building footprint increase of 11,949 sq. ft. on a 15 acre lot is not a substantial variance. Although on paper, the area variance requested for footprint seems substantial, considering the size of the property and the nature of the business it is not substantial for a mixed use parcel where barns already exist.

4. **Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood, or district:** No, The Property is not within 200 ft of the lake and will not have any negative impact on the lake. The impermeable coverage is 7.9% where 10% is allowed. All outdoor equipment will be stored in a building. There will be a new septic installed on the site. There are other buildings in the vicinity that are of the same size as the proposed barn.

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

WHEREAS, In review of the five criteria above, both of the public hearings, the site visit by the ZBA members, and the testimony of the Applicant, the benefit to the Applicant weighed against the detriment to the health, safety and welfare of the neighborhood or community lies in favor of the Applicant.

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

1. That the Planning Board, and all other authorities having jurisdiction, approve the Application; and
2. A copy of the approval issued by the Onondaga County Department of Health regarding the septic system be presented before the building permit is approved; and
3. That the Site Plan 1 of 1 dated June 28, 2017, Floorplans and elevations 1-2 of 2 dated June 21, 2017, and Narrative with construction sequence dated July 30, 2017, prepared by Robert O. Eggleston, Licensed Architect, be followed in all respects. .

WHEREFORE a motion was made by Vice Chair Jim Condon and seconded by member Sherill 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	Jim Condon	Present	[Yes]
Member	Sherill Ketchum	Present	[Yes]
Member	David Palen	Present	[Yes]
Member	Mark Tucker	Present	[Yes]

Applicant: Jason & Georgia Yokom
807 Britcher Road
Skaneateles, NY 13152
Tax Map #023.-02-18.0

Present: Robert O. Eggleston, Architect

Chair Rhoads explained the applicant’s proposal to construct a dwelling addition with pool and patio. A site visit was made with the applicant and their Architect on July 29, 2017.

Mr. Eggleston explained that since the initial meeting the applicants have decided to modify their requests and scaled back their request to an 18 x 26 addition on the front of the house. The pool will be connected to the house with a patio off the west side of the house. The neighbor Nathan Card could not sell them the additional 29 feet due to the fact that he needs that area to protect his own permeable coverage on his property. Mr. Eggleston asked if there were any questions on the modified plan. Chair Rhoads asked if the addition was now on crawl space vs a basement. Mr. Eggleston said it is now slab on grade, the addition includes the patio/porch which is 108 sq. ft. Member Palen asked if the pool was an in ground vs above ground. Member Ketchum asked if the applicants would consider pavers. Mr. Eggleston said that the cost and the option of having this around the pool make pavers a less desirable option for the applicants. Chair Rhoads asked if there were any other question, as well as if anyone in the audience would like the Public Hearing Notice read.

WHEREFORE, a motion was made by Member Palen 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.

Public Hearing

Chair Rhoads opened the Public Hearing for this application. Chair Rhoads asked if there was anyone in the audience that would like to speak in regards to the application. Mr. Eggleston presented a signed document by neighbors in acknowledgement of the application read into the record by Chair Rhoads and added to the file. Chair Rhoads asked for any other comments from the audience.

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

At this time, Chair Rhoads asked Attorney Scott Molnar reviewed 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 four variances within each criteria, indicating any specific difference as it pertains to specific variances, which are:

A nonconforming structure or use may be expanded by up to a total of 500 sq. ft. of floor space and 5,000 cubic feet of interior volume without a variance or special permit, provided that such expansion does not increase the nonconformity of the structure or expand the nonconforming use. The 500 square feet of permitted expansion shall be cumulative and shall include all prior expansions since January 1, 1996. For purposes of the applicable subsection, the floor space and interior volume of a garage and the floor space of decks and patios shall be counted toward the total floor space and interior volume. The increased floor space or volume may result in an increase in the height of the structure consistent with the height limits of this chapter, provided that no part of the structure is located within 50 feet of the lake line. The site plan shows a proposal to expand an existing 1,669 SF nonconforming structure by 1,134 SF, which exceeds the 500 square feet of floor space expansion allowed.

Applicable Section of Town Zoning Code: 148-12C (3) Nonconforming uses, structures & lots-alteration & restoration.

1. **Whether an undesirable change would be produced in character of the neighborhood or a detriment to nearby properties:** No, the Applicant is seeking approval for a modest house addition of 486 sq. ft. with a 6 ft porch. The Applicant also wishes to add a patio and pool which will increase the total floor area to 1,333 sq. ft. The property contains 1.4 acres. The proposed addition, in-ground pool and porch would not produce a change in the character of the neighborhood or a detriment to nearby properties.
2. **Whether benefit sought by applicant can be achieved by a feasible alternative to the variance:** No, as mentioned by the Architect, the Applicant has tried to purchase additional property from the adjoining land owner to comply with the zoning code. However, the adjoining property is a commercial property which needs all of its area to comply with current zoning needs.
3. **Whether the requested variance is substantial:** No, This is not a substantial variance. The property is not located within 200 feet of the lake. This is a modest

addition of 486 sq ft of living area, with a porch, pool and patio. The applicant meets all the other zoning rules.

4. **Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood, or district:** No, The Application would not have an environmental impact on the surrounding neighborhood. Impermeable coverage is at 11.6%, well under the minimum 15%. A new septic design will be approved before a building permit is issued and the watercourse is well over 100 ft from the proposed structure.
5. **Whether the alleged difficulty was self-created:** Yes, Due to the applicant wanting to develop the property.

WHEREAS, 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' visit to the property.

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

1. An as-built survey be submitted to the Codes Enforcement Officer with verification of conformance of completed project within sixty (60) days of completion of the project; and
2. Approval is conditioned upon the Applicant obtaining approval of Onondaga County Department of Health, if required, and the approval of all other authorities having jurisdiction over the Application; and
3. Approval is based upon survey dated June 26, 2017 by Paul J. Olszewski, Registered Surveyor; and
4. That the Site Plan 1 of 3 dated July 27, 2017, Site Plan 2-3 of 3 dated June 27, 2017, and revised Narrative dated July 27, 2017, prepared by Robert O. Eggleston, Licensed Architect, be followed in all respects..

WHEREFORE, a motion was made by Chair Rhoads and seconded by Vice Chair Condon, 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.

<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	Mark Tucker	Present	[Yes]

Applicant: Richard Moscarito
2699 E. Lake Road
Skaneateles, NY 13152
Tax Map #037.-01-04

Chair Rhoads explained the applicant's proposal to construct a second floor with a deck, new septic, and rebuild the boat house with seawall repairs. The board has made a site visit with the applicant's architect on July 29, 2017.

Mr. Eggleston reviewed the application and explained that the applicant has added additional information but has not changed the plans. The existing lot has an existing 778 sq. one story dwelling that is a two bedroom dwelling that has a low pitched roof. There is also an existing shed and a boat house structure with a dock on the shoreline. The applicant is proposing to add a second floor and a peaked roof to the existing low pitched roof structure that will provide for a bedroom and a bathroom on the second floor. This will increase the height to 23.2 ft and increase the floor space to 1054 sq. ft. In addition a proposed 12 x 14 deck will be added to shoreline structure(s), this does not require a variance. The boat house will be rebuilt on the same foot print. The current parking is on the side of the right of way and the proposal includes raising the grade so that it is level with the road and will be kept in the existing location. There is a proposed state of the art septic system being designed by a septic engineer and is being reviewed by the Onondaga Health Department. Drainage concerns and a proposal of relocating the shed to the south side which will allow a swale to be placed on the property line that will be lined with rocks and will improve erosion. The variances requested are to develop a lot of less than 20,000 sq ft., the square footage of the living space which is less than 200 sq. ft of increase, as well as increasing the height of the building. Bob Eggleston, asked if the board had any additional questions pertaining to the application.

Chair Rhoads asked if this would be considered redevelopment and Architect Eggleston affirmed that this would be considered redevelopment and that the applicant will be paying into the fund at a rate of \$500.00.

Jeff Davis, Attorney is also present and had no additional questions or information to add at this time.

Member Palen asked about drainage and how severe the problem was during the site visit. Architect Eggleston responded that there would be reinforcements made to put the bulk of the lot

into a grass area by eliminating some trees that are no longer viable, anything 8 inches or larger will remain unless it is in poor condition; possibly enhancing the view for the neighbors. Member Palen expressed concern regarding the proposal due to the small lot and the proposed use of the property as a rental.

Member Ketchum asked if the purchase was contingent upon the variances being granted. Architect Eggleston responded that 'no' the purchase is going through either way.

Vice Chair Condon asked Architect Eggleston questions regarding the septic and what would protect it from renters driving over septicity due to the fact that it is proposed location is near the parking. Architect Eggleston responded that barriers could be place to deter septic damage. Septic systems are utilized more due to the rental proposal.

Member Ketchum questioned the plowing issues that may be presented and how the applicant proposes taking care of the snow, and plowing issue. Architect Eggleston explained that the curb would be in place as well allowing the ability to push the snow to the bank.

Member Tucker asked questions regarding the legality of parking in the right of way.

Vice Chair Condon asked if waiting for DOT and how their feedback would impact the variances. Architect Eggleston said that they would be starting conversation with DOT during the week.

Attorney Scott Molnar recommended that it would be a worthy exercise to hold the public hearing for one month so that the letters of concern from the neighbors be reviewed thoroughly as well as the critical elements of the application being presented and reviewed by DOH as well as DOT are able to be received by the Zoning Board and reviewed thoroughly.

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.

Public Hearing

No one requested that it be read that the public hearing notice be read.

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

Chair Rhoads opened the Public Hearing for this application. Chair Rhoads asked if there was anyone in the audience that would like to speak in regards to the application.

Lisa Ford, resident at 2698 E. Lake Rd would like to speak to the board; she had written a letter that has been submitted to the record. Mrs. Ford expressed concern that the improvements to the existing structures, as well as drainage are of no opposition. The concern she has is in regards to making changes to the house to facilitate a rental property for short term rentals and that they do not have a lot to lose if the applicant is not being allowed to obtain the variances in order to make the home larger for a profit business. The drainage is a major concern as it will impact the drinking water for the surrounding properties. She is asking for the board to deny the variances.

Kathy Murphy, 2700 E. Lake Rd would like to speak to the board regarding the application; her father had written a letter that has been submitted to the record. She expressed concern for the proposals due to the boat house structure increasing in size and will be a dramatic change in the neighboring structures as most others are able-temporary and the proposal is for a permanent dock. This change will alter the neighborhood and will not blend in with the other neighbors. The rental property with a high turnover rate will impact the neighborhood as most of the homes are one family residential. The drainage is being impacted due to the increase of rain and the proposal could potentially impact the current drainage problem in a negative manner.

Here on behalf of her daughter Kim Purse, Susan Pietrononico: To rent the property to potentially 10 people would increase parking issues as well as impact the familiarity of the neighborhood. Parking could become a major issue due to the number of rentals. The trees that currently absorb the water are vital to the drainage that is in place. The wetlands and the water condition is a vital concern for her.

Lisa Ford, 2698 E. Lake Rd. also would like to add that the proposed drainage did not seem to be well thought out.

Gary Ford, 2698 E. Lake Rd. expressed concern regarding the drainage and how these changes will impact the seawall and how it will impact their property and their drinking water, and be detrimental to the Lake.

Vice Chair Condon asked Bob Eggleston if the applicant could buy the property and leave it as is and rent out as is. In response Bob responded in the affirmative. Vice Chair Condon expressed that this is one of the worst properties that he has seen and that the proposed alterations have the potential to improve the quality of the property.

Lisa Ford, expressed that they are not opposed to the improvements but they are opposed to the variances requested.

Attorney Jeff Davis, representing the applicant Richard Moscarito, expressed that variances would be required to do anything on this property. The question is that the applicant would need a variance for any improvements that would need to be done on this property. Nothing can be done without the granting of the variance.

David Rapasadi, the next door neighbor, expressed that the property does need to be improved, and that the objections are in regards to the property being small and the issue is very sensitive and he supports his neighbors. He expressed that he would like to have the board be conscious and give attention to the neighboring oppositions. The rental issue will impact the neighborhood atmosphere. Bigger is not necessarily better. The problems with the drainage will be creating an impact on the neighbors.

Attorney Scott Molnar clarified that any questions or opinions expressed be in direct relation to the variances and all questions be addressed to the board.

Chair Rhoads asked for a motion to continue the Public Hearing to September meeting.

WHEREFORE, a motion was made by Member Mark Tucker and seconded by Member Ketchum to continue the public hearing on Tuesday, September 5, at 7:02 p.m. The Board having been polled resulted in the unanimous affirmation of said motion.

Initial Review

Applicant: William & Jane Cummings
2356 W. Lake Rd
Skaneateles, NY 13152
Tax Map #056.-02-02.1

Present: Jane Cummings and Robert O. Eggleston, Architect

Chair Rhoads explained the applicant's proposal construct a garage with additional modifications to the driveway.

Mr. Eggleston reviewed the application and explained that the prior owners had received a variance to expand the floor plan however the prior owners were not able to build the additional garage. The applicant is requesting a variance to construct a garage that is 28'x24' There will be a smaller entry porch and the existing shed will be removed because of the building of the garage. One of the challenges-is that it is a Ranch style house and this proposal is the most practical improvement that the owners had considered.

Vice Chair Condon asked what the driveway was constructed out of. Currently it is gravel.

The proposed garage will reduce the driveway by 100 sq. ft. and the addition will line up with the porch.

Mr. Eggleston has a signed letter from the four adjacent neighbors who have reviewed the plans and they have no objections. This letter will be added to the record.

A Zoning Board of Appeals site visit is scheduled for August 12, 2017 at 9:00 a.m. A second site visit to the Moscarito property will occur following the Cummings property.

WHEREFORE, a motion was made by Vice Chair and seconded by Member Tucker to schedule the public hearing on Tuesday, September 5, 2017 at 7:00 p.m. The Board having been polled resulted in the unanimous affirmation of said motion.

Other Board Business:

WHEREFORE, a motion was made by Chair Denise Rhoads and seconded by Vice Chair Condon to enter Attorney Advice at 8:45 pm. The Board having been polled resulted in the unanimous affirmation of said motion.

WHEREFORE, a motion was made by Chair Denise Rhoads and seconded by Vice Chair Condon to return from Attorney Advice at 8:59 pm. The Board having been polled resulted in the unanimous affirmation of said motion.

There being no further business, a motion was made by Vice Chair Condon and seconded by Member Ketchum to adjourn the meeting. The Zoning Board of Appeals meeting adjourned at 9:00 p.m.

Respectfully Submitted,
Michelle Jackson