

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

**May 1, 2018**

Present:

Denise Rhoads  
Jim Condon  
David Palen  
Kris Kiefer  
Michael Ciaccio -absent  
Scott Molnar, Attorney  
Karen Barkdull, P&Z Clerk

The meeting commenced at 7:00 p.m. at Town Hall. The next Zoning Board of Appeals meeting will be held on June 12, 2018 and a site visit is scheduled for May 7, 2018.

Previous distribution to the Board of the regular meeting minutes of April 3, 2018 was executed and all members present acknowledged receipt of those minutes.

**WHEREFORE** a motion was made by Member Palen and seconded by Vice Chair Condon to accept the April 3, 2018 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		

Initial Review

Applicant: Kenneth Osmun  
3436 East Lake Road  
Skaneateles, NY 13152  
**Tax Map #042.-05-04.0**

Present: Kenneth Osmun Applicant

The applicant has recently moved to the area and purchased the property, and has been surprised at the speed of the traffic on Route 41/East Lake Road. The existing layout of the property does not provide a turnaround for a vehicle thereby causing any vehicle to need to back out onto Route 41 and there is a hill on East Lake Road to the south that limits visibility of a vehicle backing out. The applicant would like to add an asphalt turnaround but would consider pavers if the board desired. The property is the last one in the town before approaching the village boundary line where the speed reduces to 30 mph.

Vice Chair Condon inquired if the applicant has considered acquiring land from the property owner behind his property. Mr. Osmun stated that he had inquired and that the parcel owner had no interest in selling a portion of his land to him. Mr. Osmun will provide a copy to the board of the communication with the neighbor regarding the potential acquisition of land.

The stormwater of the site drains to the road ditch and then flows south, then underneath the road through a culvert. The additional impervious coverage would not flow onto the neighbor's property to the north as their property is at a slightly higher elevation than the applicants. A site visit will be conducted on May 7, 2018.

**WHEREFORE**, a motion was made by Vice Chair Condon and seconded by Member Kiefer to schedule a public hearing on *Tuesday, June 12, 2018 at 7:05 p.m.* The Board having been polled resulted in the unanimous affirmation of said motion.

**Public Hearing**

Applicant: James & Kimberly Tracy  
2833 Shamrock Road  
Skaneateles, NY 13152  
**Tax Map #036.-02-02.0**

Present: David Mosher, Architect

No one wished to have the public notice read. A site visit has been conducted by the Board on April 7, 2018. The Onondaga County Planning Board commented that the applicant consult with the City of Syracuse Department of Water, and that the wetlands delineation be confirmed and shown on the site plan in their resolution dated April 11, 2018.

The application is for an attached two-car garage and breezeway to connect to the existing single family dwelling. The proposed location of the garage will be 14 feet to the south property line and 82 feet to the west property line. The dwelling was constructed in the 1980s without a garage, and there is a septic system and well limiting the location for the attached garage. The garage will be a single story garage with no storage or living space above.

Member Palen commented that the applicant could locate the attached garage to the other side of the dwelling. Mr. Mosher commented that it would be cost prohibitive as the entire floor plan of the dwelling would have to be re-configured to accommodate the connected access. Member Palen commented that the lot is so large that it could be located on the other side without the need of a variance.

**WHEREFORE**, a motion was made by Vice Chair Condon and seconded by Member Palen to consider the proposed action as a Type II SEQR action as per section 617.5(c)(12) and not subject to SEQR review. The Board having been polled resulted in the unanimous affirmance of said motion.

At this time, Chair Rhoads opened the Public Hearing and asked if there was anyone in favor of the project. No one spoke in favor of the proposal. Chair Rhoads inquired if there was anyone who would like to speak in opposition or had any comments. No one spoke in opposition to the project. An email was submitted by John Ryan, neighbor to the south expressing his support for the proposal.

**WHEREFORE** a motion was made by Member Palen 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 148-45D (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 There will not be an undesirable change or detriment to the character of the neighborhood by the 799 square foot attached garage. The dwelling is located in a rural area and a garage is practical in this environment to have an attached garage. Many neighboring homes also have garages and/or barn buildings, so the attached garage would not be out of character of the neighborhood. While it does come close to the neighboring property lines, the neighboring property is mostly open farmland. It will not be a detriment to the neighborhood as evidenced by the letter of support from the neighbor, Mr. Ryan.
2. **Whether the benefit sought by the applicant can be achieved by a feasible alternative to the variance:** No. Although the garage could be attached on the other side of the dwelling eliminating the need for variances, the proposed location is the most practical and feasible solution as the garage will connect to an existing door to the kitchen with the driveway location already in place. The possible location for garage was limited by the location of the septic field and well. The applicant could not achieve the proposal with a feasible alternative as it would be cost prohibitive to place the garage on the other side of the dwelling as the entire dwelling floorplan would need to be reconstructed.
3. **Whether the requested variance is substantial:** No. The proposed 14 foot side yard and the 82 foot rear yard setbacks are not substantial. As this lot is a mixed use lot with a residence and commercial business, the minimum setback would be 100 feet' if it was a residential lot only the side yard setback would be 30 feet and the rear yard setback would be conforming.
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 impact on the environment or the neighborhood, as the proposal is not within 200 feet of the lake not within 100 feet of a watercourse or steep slopes, has an approved septic system, and the area of disturbance will be minimal due to the proposed structure being build slab on grade.
5. **Whether the alleged difficulty was self-created:** Yes. When the dwelling was constructed in 1986 without a garage located closed to the property lines on the 12.8 acre parcel, it was self-imposed.

**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 Kiefer, that this application be **APPROVED** with standard conditions and additional special conditions:

Additional Condition No. 1 That the Site Plan dated March 14, 2018, prepared by David Mosher, Licensed Architect, be followed; and

Additional Condition No. 2: That based on the representations of the applicant that there will be no living space above the garage, the approved variances are conditioned upon no living space being created above the garage; and

Additional Condition No. 3 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.

<b><u>Record of Vote</u></b>			
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	

**Discussion**

The Zoning Board of Appeals Standard Conditions will be updated to include the additional conditions:

- That the Applicant shall obtain all necessary permits and approvals from the Planning Board and any agency or authority having jurisdiction over the Property or Application.
- That the applicant provide an as-built survey of the completed project before a certificate of occupancy/certificate of compliance is issued.

The board also recommended that a checklist be prepared that includes some of the more common conditions that are more site specific that they could reference when reviewing applications.

There being no further business, a motion was made by Member Palen and seconded by Vice Chair Condon to adjourn the meeting. The Zoning Board of Appeals meeting adjourned at 8:00 p.m.

Respectfully Submitted,  
Karen Barkdull