

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

February 5, 2013

Present:

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

Also Present:	Bob Eggleston	T.K. Greenfield
	David Campanile	Eric Williams
	Peggy Card	Steven Tucker
	Ed Conan	Pamela Conan
	Terri Roney	Julie Moore
	Toni Mosey	Frank Mosey
	Jim Moore	

The meeting commenced at 7:00 p.m. at Town Hall. The next regularly scheduled Zoning Board of Appeals meeting will be held on March 5, 2013. There will be no site visits conducted this month by the Zoning Board of Appeals. Previous distribution to the Board of the regular meeting minutes of January 8, 2013 were executed and all members present acknowledged receipt of those minutes.

WHEREFORE a motion was made by Member Lanning and seconded by Vice Chair Rhoads to accept the January 8, 2013 minutes as submitted. The Board having been polled resulted in favor of said motion.

Discussion

Applicant: John Cherundolo
4443 Dolomite Drive
Syracuse, New York 13215

Property:
West Lake Road, Route 41A
Skaneateles, New York
Tax Map # 061.-01-12.1

Chairman Graham stated that Mr. Cherundolo will be withdrawing his application for a variance and will be submitting a withdrawal letter to the Board.

Public Hearing

Applicant: David & Jennifer Campanile
1786 Tamarack Trail

Skaneateles, New York 13152
Tax Map # 062.-01-18.0

Present: David Campanile, Applicant; Robert Eggleston, Architect

No one requested the public hearing notice to be read. This notice was published in the *Skaneateles Press* January 30, 2013. All members of the Zoning Board of Appeals attended the site visit. The City of Syracuse Department of Water had no comments in their correspondence dated January 15, 2013.

The second floor addition part of the proposal does not impact the variance requested, and a building permit has been obtained. A narrative dated February 1, 2013, for the variance request has been submitted to the Board. The proposed 14'x24' permanent porch will be located slightly to the north and 91.6' from the lake line with the existing non-regulated pergola located 92' from the lake line, whereas 100' setback is required. Other properties in the neighborhood have patios and porches located closer to the lake line and the proposed porch is in keeping with the homes in the area. 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.

The distribution box of the septic system failed last summer and was replaced, and was inspected by the City of Syracuse water department. They determined that the repair was successful and had no further comments regarding the proposal.

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

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 adjoining neighbors have been submitted.

WHEREFORE a motion was made by Vice Chair Rhoads and seconded by Member 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. The proposal is to replace the existing pergola to a covered porch in a similar footprint. Many homes in the area have

a porch, patio or deck overlooking the lake and the proposal is in keeping with the neighborhood.

2. **Whether the benefit sought by the applicant can be achieved by a feasible alternative to the variance:** No. The existing pergola is 92' from the lake line with the proposed covered porch located 91.6' from the lake line to allow safe access/egress through the doors leading to the dwelling.
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 applicant is requesting the minimal variance in their proposal as the pergola is located 92' from the lake line with the proposed covered porch located 91.6' from the lake line. There will be no increase in impermeable surface coverage as a result of the variance.
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. Although the permeable pergola is being replaced with a covered porch, the applicant is replacing the impermeable slate patio with a permeable slate patio to maintain the impermeable surface coverage on the lot.
5. **Whether the alleged difficulty was self-created:** Yes. However, there is strong support from the neighbors for the proposal

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 1 of 2 dated December 14, 2012; the Site Plan

drawing 2 of 2 dated December 14, 2012; and narrative dated February 1, 2013 prepared by Robert O. Eggleston, Architect, be followed in all respects; and

Condition No. 2: Verification of the correct spacing of the permeable slate stone patio completed by the Code Enforcement Office to confirm compliance with the impermeable surface guidelines; and

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.

	<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]

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 Continuance

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

Present: Tom Greenfield, Peggy Card, Applicants

At this time Vice Chair Rhoads re-opened the public hearing. The applicant is proposing to subdivide the 15.62 acre parcel into two lots, lot two consisting of 13.62 acres and lot one of 2 acres with access off Greenfield Lane. Greenfield Lane is a private road owned by Hulbert Greenfield with easement rights for all properties that adjoin Greenfield Lane. There are seventeen existing lots that use Greenfield Road to access West Lake Road.

WHEREFORE, the Zoning Board of Appeals adopted and ratified its prior SEQRA determination at the January 8, 2013 meeting, for the Application, which was a determination that the Application constitutes an Unlisted action and after review of the SEQR short environmental assessment form, determined that the proposed action will not result in any significant adverse environmental impacts.

Mr. Greenfield submitted a letter of support for the proposal signed by five permanent resident neighbors- Bloomer, Fox, Phau, Green, and McLennan. Of the seventeen properties, seven have full time residents including Mr. & Mrs. Conan and Mr. Graham.

At this time Vice Chair Rhoads asked if there was anyone wishing to speak in favor of the application. There was no one who spoke in favor of the application. Vice Chair Rhoads asked if there was anyone wishing to speak in opposition, or had any other comments. Ed Conan, 1216 Greenfield Lane, stated that he submitted a letter of request for the ZBA to deny the variance. He stated that in his opinion, the subdivision is a major subdivision based on the number of dwellings that have been created. He stated that based on his research of the nearby area; there are fourteen other common driveways with an average of 3.4 dwellings per road. Greenfield Lane has more than four dwellings, which is more than what is allowed in the code, and the additional lot having access to Greenfield Lane is substantial. Mr. Conan suggested that the applicant create a two acre parcel off West Lake Road or Fire Lane 20 or condition that the proposed lot to have access off Fire Lane 20.

Counsel Molar clarified that the proposed subdivision is considered minor as this will be the third lot created within the last ten years. Section 148-11K(5) regarding the limit of four dwellings per common driveway was added to the Town code as of June, 2007.

Member Lanning inquired when the Conan residence was built. Mr. Conan stated that the original camp was built in the 1960s and he has owned the property since 2006.

Vice Chair Rhoads commented that the suggestion of locating the subdivided lot off Fire Lane 20 is not an alternative the Zoning Board can consider as the applicant's requested variance is specific to the proposed two acre lot bordering Greenfield Lane with proposed access off Greenfield Lane. Mr. Greenfield stated that it would not be feasible for the proposed lot to be located off Fire Lane 20 as there are drainage tiles in place in addition to water for the barn and cows. There are also underground utilities through the farm land for the active farm. He continued stating that he did a survey of common driveways within one mile and noted that Terrace Lane, Thornton Heights, and Thornton Grove all have over 10 dwellings per private driveway.

Counsel Molnar inquired on the ownership of the land to be subdivided. Mr. Greenfield stated that it has been under his family's ownership, however, the LLC was recently formed.

Mr. Conan stated that the underground utilities location is not indicated in the plans and reiterated that in his opinion, the Board should consider a different location for the proposed lot. Counsel Molnar stated that the variance requested is specific to the proposed location of the lot and that the Board will review the request based on the feasibility of the proposed lot and not speculate other locations. Mr. Condon asked if Greenfield Lane is used as access for farm equipment. Mr. Greenfield stated that they rarely use Greenfield Lane for the farm equipment although it could be used for access to the fields.

Peggy Card, co-owner of the property, stated that she had a discussion with her father regarding the location of the two acre lot to subdivide that would not impede the active farm. They determined that the proposed location would be the most feasible to allow the continuance of the agricultural business due to the proximity to Greenfield Lane without dividing the farm land in half. Member Condon state that it would be human nature for the owner of the two acre lot to

Z.B.A.02.05.2013

use the existing driveway easement on the proposed lot that accesses off Greenfield Lane rather than use the access drive off Fire Lane 20. Adding the driveway through the farm land would not necessarily stop the owner from using Greenfield Lane. Member Lanning stated that the shared driveway easement located on the proposed lot would be used by the owner of the lot and no additional driveway cut would be required.

WHEREFORE a motion was made by Member Lanning and seconded by Member 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. The proposed lot has always been intended to have access off Greenfield Lane, with the use of the existing shared driveway easement, as it would not impact the productive farm. The existing shared easement could be used by the lot owner, even if the driveway for the proposed lot had access off Fire Lane 20. In addition, 5 Of 7 permanent neighbors with access using Greenfield Lane support the variance.
2. **Whether the benefit sought by the applicant can be achieved by a feasible alternative to the variance:** No. Other alternative include access from Fire Lane 20 to the south that would require a 400'-500' driveway through an active farm, dividing the farm into two parcels and significantly reducing the agricultural productivity of the land. Enlarging Greenfield Lane to Town standards would require obtaining land from all the adjoining property owners and would require significant expense, creating an undue hardship for the applicant. Greenfield Lane has existing seventeen lots that border and use Greenfield Lane access to West Lake Road. The proposed lot has an existing shared driveway easement on the property that the property owner can use making the proposed two acre lot location the most feasible option.
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 addition of one more possible dwelling located off of Greenfield Lane would not significantly change or impact the environmental conditions of the neighborhood. Greenfield Lane is currently being used by the other property owners for the same residential purpose, and the applicant could use Greenfield Lane for agricultural use. The proposed lot has an existing shared driveway easement and development of the lot would not incur another driveway cut onto Greenfield Lane.

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 than 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 lot would be in keeping with the lots in the neighborhood and the proposed lot will be the last lot that can be created accessing Greenfield Lane. It was the intention of the owner to develop this lot some years ago reflected in the 1986 deed and prior to the change in Town code. There is an existing ROW easement for two adjoining property owners which would provide access for the created lot thereby reducing any land disturbance for road access.
5. **Whether the alleged difficulty was self-created:** Yes. The lot was not included in the original subdivision and is being created after the zoning change in 2007 that restricts the number of dwellings on a common driveway to four; however, there is strong support from 5 of 7 of the permanent resident neighbors for the proposal.

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 The applicant shall obtain any approval necessary from the Skaneateles Town Planning Board for subdivision approval; and

Condition No. 2 The final approved subdivision will require Lot 1 to obtain Planning Board site plan approval prior to issuance of any building permit; and

Condition No. 3: The applicant obtains all necessary approvals prior to development of the proposed lot.

Record of Vote

Chair	David Graham	Present	[Recused]
Vice Chair	Denise Rhoads	Present	[Yes]
Member	Jim Condon	Present	[Yes]
Member	James Lanning	Present	[Yes]

Chairman Graham rejoined the Board at this time.

Discussion

Congratulations go out to two of Scott Molnar's children with their recent sports successes. Megan Molnar achieved a height of 8'6" in the pole vault and Nate Molnar achieved a distance of 43'9" in the shot put event which also set a school record.

Discussion

Thanks were expressed to Jim Lanning for his service to the Town Zoning Board of Appeals. He continues in his duties as a Village Trustee. Jim stated that he was honored to serve on the Board and assist with protecting Skaneateles Lake.

Discussion

Chairman Graham introduced the two new ZBA members effective February 7, 2013. Eric Williams is a long term resident and will be sworn in for a five year term. Steven Tucker is a lifelong resident of Skaneateles and will be sworn in for the remaining four years of the term vacancy of Scott Winkelman.

There being no further business a motion was made by Member Condon and seconded by Member Lanning to adjourn the meeting. The Zoning Board of Appeals meeting adjourned at 8:13 p.m.

Respectfully Submitted,

Karen Barkdull