

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

September 3, 2013

Present:

Dave Graham
Denise Rhoads
Jim Condon
Steven Tucker
Sherill Ketchum
Debbie Williams, Codes Enforcement Officer
Scott Molnar, Attorney
Karen Barkdull, Secretary

Also present: Robert Eggleston Daniel Robert
 Thomas Parkes Michael Lazar

The meeting commenced at 7:00 p.m. at Town Hall. The next regularly scheduled Zoning Board of Appeals meeting will be held on October 1, 2013. There will be no site visits scheduled for the Zoning Board of Appeals. Vice Chair Rhoads will not be in attendance at the October 1, 2013 meeting. Previous distribution to the Board of the regular meeting minutes of August 6, 2013 were executed and all members present acknowledged receipt of those minutes.

WHEREFORE a motion was made by Vice Chair Rhoads and seconded by Member Tucker to accept the August 6, 2013 minutes as submitted. The Board having been polled resulted in favor of said motion. Member Condon abstained from the vote due to his absence at the August 6, 2013 meeting.

Amendment

Applicant: Skaneateles Aerodrome LLC
 2685 East Lake Rd
 Skaneateles, NY 13152
 Tax Map #037.-01-07.0

Present: Michael Lazar, Representative

The applicant received a watercourse setback of 87 feet for a proposed T hanger. When the foundation as built was completed an error was discovered that placed the T hanger 67.4' from the watercourse. The applicant is requested an amendment to the variance approval allowed a 67.4' setback to the watercourse.

WHEREAS, the survey dated August 12, 2013 as prepared by Michael Merithew, licensed architect, states the new proposed watercourse setback of 67.4' with dimension, open space, impermeable surface coverage and proposed dwelling all revised figures are within acceptable limits to allow for approval of the variances requested; 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 an Unlisted Action with a negative declaration determination; and

Whereas, the Skaneateles Zoning Board of Appeals reviewed the Survey, and after due consideration, unanimously adopted the following resolution.

WHEREFORE, a motion was made by Member Condon and seconded by Vice Chair Rhoads, and duly adopted by unanimous vote, the Board approved the changes presented by Michael Lazar, project representative, and approves the Survey dated August 12, 2013, prepared by Michael Merithew, as an addendum to the Approving Resolution adopted on June 7, 2011, allowing the setback to the watercourse to be altered to 67.4', with all original conditions of the Approving Resolution remaining in full force and effect, except as modified hereby.

Record of Vote

Chair	David Graham	Present	[Yes]
Vice Chair	Denise Rhoads	Present	[Yes]
Member	Jim Condon	Present	[Yes]
Member	Sherill Ketchum	Present	[Yes]
Member	Steven Tucker	Present	[Yes]

Public Hearing

Applicant: Thomas & Brenda Parkes
6 Saddle Hill
Honeoye Falls, NY 14472

Property:
2809 East Lake Road
Skaneateles, NY 13152
Tax Map #038.-01-17.0

Present: Robert Eggleston, Architect

No one requested to have the public notice read. The Onondaga County Planning Board recommended modifications to the proposal for the applicant to obtain OCDOH septic approval, and DEC and City of Syracuse Water department approvals in their resolution dated August 14, 2013. The City of Syracuse Department of Water commented that the applicant should receive septic system approval from the OCDOH for the existing waste water system in their correspondence dated August 5, 2013. Members from the Board have visited the site on August 10, 2013.

An aerial photograph was submitted with an overlay demonstrating the location of the new dwelling reflecting the alignment of the proposed dwelling to the houses in the neighborhood. The proposed lake yard setback is 71.6' to the dwelling, 65.7' to the proposed deck, and 59.7' to the stairs leading to the deck. Vice chair Rhoads inquired the reasoning behind the proposed location of the new dwelling less than 100' back as the lot is 300' in depth and could support the dwelling without a variance. Mr. Eggleston stated that the house is back further than the existing house but still taking advantage of the lake views on the lakefront property. The proposed location is consistent with the neighbors and moving the dwelling further back would cause this dwelling to have views into the neighbor's homes. Chairman Graham inquired the depth of the proposed deck and commented that the location should be set further from the lake. Mr. Eggleston stated that the deck is 12' deep with the stairs further out. Member Condon stated that

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the applicant could build the house in the same location that is only 49' from the lake line and that this proposal will improve the existing conditions.

Mr. Parkes stated that if the dwelling is pushed further back it will shorten the driveway and parking which is already sloped and difficult to maneuver. The septic system is also located in the back of the proposed dwelling and it would be crowded by moving the dwelling further back. Mr. Condon stated that the existing septic system is for four bedroom dwelling with the proposed dwelling having four bedrooms and two other rooms with bathrooms attached. The applicant needs to remain at four bedrooms and not exceed the septic system capacity. Mr. Eggleston stated that the OCDOH has not responded back regarding the existing septic system as the location of the pump chamber has not been finalized. The existing septic system was installed ten years ago in anticipation of the former owner's proposed four bedroom dwelling plans that were never realized. The alarm for the pump chamber will be added on or before December 2014.

Mr. Parkes stated that they live in Rochester with the intent to move permanently to Skaneateles in approximately five years and live in the year around residence. Chairman Graham stated that he would like to see the dwelling moved further back from the lake and the stairs relocated so as not to encroach the lake yard setback further. Mr. Eggleston stated that he could move the stairs so they are parallel to the deck which would place them 61.7' from the lake line. Member Tucker stated that his concern is with the location of the dwelling and would like to see it relocated 2' further back than what is currently proposed. He continued commenting that the neighbors could tear down their house and put it closer to the lake to align with this house. Mr. Eggleston stated that the neighbor's house is located 73.8' to the lake line and that the proposed dwelling could be moved back to 73.8' from the 71.6' proposed.

WHEREFORE a motion was made by Vice Cahir Rhoads and seconded by Member Ketchum 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. Three letters of support from the neighbors were submitted. 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.

WHEREFORE a motion was made by Member Ketchum 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 applicant and his

professional have proposed the dwelling to be in line with the adjoining neighbors. With the movement back an additional 2.2' further from the first proposal, the revised location for the dwelling and deck would not be an undesirable change to the neighborhood. __

2. **Whether the benefit sought by the applicant can be achieved by a feasible alternative to the variance:** Yes. Although the July 19, 2013 proposed location of the dwelling and deck is 22.6' further back from the lake line than the existing dwelling, the lot has approximately 300' in depth and the proposed dwelling could be located on the property without a variance and without encroaching the septic system.

<u>Record of Vote</u>			
Chair	David Graham	Present	[Yes]
Vice Chair	Denise Rhoads	Present	[Yes]
Member	Jim Condon	Present	[Yes]
Member	Sherill Ketchum	Present	[Yes]
Member	Steven Tucker	Present	[Yes]

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 proposal is for the new dwelling to be located further from the lake line than the existing dwelling and more in line with the neighboring dwellings. Also proposed is a reduction in driveway surface that will reduce runoff to the lake.

<u>Record of Vote</u>			
Chair	David Graham	Present	[Yes]
Vice Chair	Denise Rhoads	Present	[Yes]
Member	Jim Condon	Present	[No]
Member	Sherill Ketchum	Present	[No]
Member	Steven Tucker	Present	[No]

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 footprint will increase by 1000SF, the revised location of the proposed dwelling will be 79' from the lake line as well as the garage moved further back. The proposed dwelling will meet current code and building standards.

<u>Record of Vote</u>			
Chair	David Graham	Present	[No]
Vice Chair	Denise Rhoads	Present	[Yes]
Member	Jim Condon	Present	[No]
Member	Sherill Ketchum	Present	[No]
Member	Steven Tucker	Present	[No]

5. **Whether the alleged difficulty was self-created:** Yes.

Member Condon stated that the variance is in reference to the four bedroom dwelling proposed although the dwelling could potentially have seven bedrooms. If the dwelling housed seven bedrooms, then it would jeopardize the variance approval.

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 Member Condon and seconded by Member Tucker, that this application be **APPROVED** with standard conditions and additional special conditions:

ADDITIONAL 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:

Additional Condition No. 1 That the Site Plan 1 of 6 through 6 of 6, dated July 19, 2013, and the Narrative dated July 30, 2013, prepared by Robert O. Eggleston, Architect, be amended to reflect the modification of the lake yard setback of 79' for the dwelling, 156.2' for the detached garage and 61.9' for the deck with alteration of the stairs; and

Additional Condition No. 2 The applicant shall obtain any approval necessary from the New York State Department of Health and the City of Syracuse Department of Water; and

Additional Condition No. 3 The applicant shall comply with all conditions imposed by the Town of Skaneateles Planning Board in connection with issuance of the Special Permit and/or site plan approval; and

Additional Condition No. 4 Applicant shall obtain a foundation only permit for the proposed dwelling and provide a location survey to the Codes Enforcement Officer confirming location prior to continuing construction of the structure; and

Additional Condition No. 5 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	[No]
Member	Jim Condon	Present	[Yes]
Member	Sherill Ketchum	Present	[Yes]
Member	Steven Tucker	Present	[Yes]

Public Hearing

Applicant: Daniel & Agnes Robert
 2707 East Lake Rd
 Skaneateles, NY 13152
Tax Map #037.-01-01.0

Present: Daniel Robert, Applicant; Robert Eggleston, Architect

No one requested to have the public notice read. The Onondaga County Planning Board had no comments on the proposal in their resolution dated August 14, 2013. The City of Syracuse Department of Water had no comments in their correspondence dated July 29, 2013. Members from the Board have visited the site on August 10, 2013.

In 1999 the applicant was granted a variance for construction of one dormer on the east side of the residence and to raise the height of an existing reverse gable on the west side. The approval expired and the applicant is proposing the same alterations. The center dormer is approximately 6 ½' high with an existing bathroom less than 6' in height, making it difficult for the applicant to stand without the requested modifications. The existing chimney is sized to the existing roof ridge height that will not change; the proposed roof will become the same height as the existing house. There will be 138 SF increase in floor space with 500' allowed as the proposal does not increase the nonconformity of the dwelling.

A variance is required for developing a lot under 20,000 in the lake watershed overlay district. There will be no increase in the footprint of the building and the roof will be raised 4' in the proposed dormers areas

WHEREFORE a motion was made by Vice Chair Rhoads and seconded by Member Tucker 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. A letter of approval signed by four neighbors was submitted. 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.

WHEREFORE a motion was made by Member Ketchum 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 applicant is proposing a minor improvement with the dormer addition that will be in balance with the existing dormered roof
2. **Whether the benefit sought by the applicant can be achieved by a feasible alternative to the variance:** No. Any proposed improvement would require a variance due to the lot being under 20,000SF.
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. There will be no increase in the footprint and lot coverage. The 138SF increase in floor area will be a minor change that will improve the living space for the applicant by providing more height to the interior of the second floor.
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 modification will not impact the footprint of the dwelling with the proposed dormer and raising a portion of the roof height, and will be in keeping with the architectural design of the dwelling.
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 by Vice Chair Rhoads and seconded by Member Ketchum, that this application be **APPROVED** with standard conditions and additional special conditions:

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

Additional Condition No. 1 That the Site Plan 1 of 3 through 3 of 3, dated July 18, 2013, and the Narrative dated July 24, 2013, prepared by Robert O. Eggleston, Architect, be followed; and

Additional Condition No. 2 The applicant shall comply with all conditions imposed by the Town of Skaneateles Planning Board in connection with issuance of the Special Permit and/or site plan approval.

Record of Vote

Chair	David Graham	Present	[Yes]
Vice Chair	Denise Rhoads	Present	[Yes]
Member	Jim Condon	Present	[Yes]
Member	Sherill Ketchum	Present	[Yes]
Member	Steven Tucker	Present	[Yes]

Amendment

Applicant: Marchuska
2685 East Lake Rd
Skaneateles, NY 13152
Tax Map #037.-01-07.0

The Marchuska as built survey reflects a larger lot size than what was approved by the Board in 2011. A surveyor error caused the 125 SF increase in calculation as the northern shoreline was miscalculated based on the location of the lake line. Submitted was an as-built survey prepared by D. W. Hannig L.S, P.C. dated July 19, 2013 reflecting a correct lot size of 18,625SF.

Whereas, the revised Survey as supplied by D. W. Hannig, Licensed Surveyor, dated July 19, 2013 (“As-Built Survey”), states by correction the new dimensions, meets and bounds of the property, 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; 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 submitted as-built survey dated July 19, 2013 disclosing said changes correcting a misrepresentation of the lake line caused by surveyor error, and after due consideration, unanimously adopted the following resolution.

WHEREFORE, by a motion made by Chairman Graham, seconded by Member Condon, the Board approved the changes presented, and approves the As-Built Survey as an addendum to the Approving Resolution adopted on July 29, 2011 with all other original conditions of the Approving Resolution remaining in full force and effect, except as modified hereby.

<u>Record of Vote</u>			
Chair	David Graham	Present	[Yes]
Vice Chair	Denise Rhoads	Present	[Yes]
Member	Jim Condon	Present	[Yes]
Member	Sherill Ketchum	Present	[Yes]
Member	Steven Tucker	Present	[Yes]

Amendment

Applicant: Fred Singler
2685 East Lake Rd
Skaneateles, NY 13152
Tax Map #037.-01-07.0

In 2004 the applicant received variance approval for modifications to a deck and stairs to the lake based on a stated lot size of 12,016SF and 27% impermeable surface coverage as reflected on the survey prepared by Jon Dussing Sr. The 2006 survey completed by Paul Olszewski, reflects a more accurate lot size of 13,514SF with 22.5% impermeable surface coverage. The Zoning Board of Appeals needs to reconcile the lot size and impermeable surface coverage approvals.

Whereas, the Site Plan supplied by Robert O. Eggleston, Licensed Architect, dated May 31, 2013 (“ Site Plan”), states the new dimensions, meets and bounds of the property, open space, impermeable surface coverage and proposed dwelling; with all revised figures within acceptable limits to allow for approval of the variances requested, as shown; 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 Planning Board reviewed and accepted the submitted Site Plan, at the request of the Applicant, reflecting both existing and proposed conditions and granted amended site plan approval on July 15, 2013 for the proposed modification, and:

Whereas, the Skaneateles Zoning Board of Appeals reviewed the submitted site plan dated May 31, 2013 and adopted the site plan as confirmation of the correct lot size and coverage calculations, as approved by the Planning Board on July 15, 2013, and after due consideration, unanimously adopted the following resolution.

WHEREFORE, by a motion made by Chairman Graham, seconded by Vice Chair Rhoads, and duly adopted, the Board approves the presented Site Plan as confirmation of the correct lot size and coverage calculations, as approved by the Planning Board on July 15, 2013, and approves

the Site Plan as an addendum to the Authorizing Resolutions, with all original conditions of the Approving Resolutions remaining in full force and effect, except as modified hereby.

<u>Record of Vote</u>			
Chair	David Graham	Present	[Yes]
Vice Chair	Denise Rhoads	Present	[Yes]
Member	Jim Condon	Present	[Yes]
Member	Sherill Ketchum	Present	[Yes]
Member	Steven Tucker	Present	[Yes]

Discussion

The 2014 Town Budget is being prepared and will be departmentally reviewed next week.

There being no further business a motion was made by Vice Chair Rhoads and seconded by Member Tucker to adjourn the meeting. The Zoning Board of Appeals meeting adjourned at 8:40 p.m.

Respectfully Submitted,

Karen Barkdull