

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

March 3, 2015

Present:

Denise Rhoads
Jim Condon
Steven Tucker
Sherill Ketchum
David Palen (Excused)
Scott Molnar, Attorney
Karen Barkdull, Zoning Clerk
Michele Norstad, Secretary

The meeting commenced at 7:00 p.m. at Town Hall. The next Zoning Board of Appeals meeting will be held on Tuesday, April 7, 2015. Previous distribution to the Board of the regular meeting minutes of February 3, 2015 were executed and all members present acknowledged receipt of those minutes.

WHEREFORE a motion was made by Member Ketchum and seconded by Member Condon to accept the February 3, 2015 minutes as corrected. The Board having been polled resulted in favor of said motion.

Record of Vote

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

Public Hearing

Applicant:	Five Fires LLC	Property:
	4584 Bamerick Lane.	3395 East Lake Road
	Jamesville, NY	Skaneateles, NY 13152
		Tax Map #041.-01-21.0

Present: Janice Miller and Wayne LaFrance, Architects

Chair Rhoads explained the applicants proposal to raise the shoreline structure approximately 2.91FT, allowing more headroom and boat storage under the structure. Maximum allowable height is 12FT. The existing structure is 15.5FT and is being raised to 18.3FT. No one requested to have the notice of public hearing read. The Onondaga County Health Department correspondence dated May 6, 2014 approved a 1000 gallon minimum septic tank and disposal bed expansion of square feet as shown on the plan. The Onondaga County Planning Board correspondence dated November 19, 2014 determined that said referral will have no significant adverse inter-community or county-wide implications.

Ms. Miller gave a requested overview of the variance. The current basement is in disrepair with a north wall collapse. There is currently 5.3FT of headroom underneath and the overall interior

height is less than 7FT tall. They looked at ways to construct and the best option was to pick the floor level up 2.91FT. The building footprint itself does not change, only the foundation/floor level. Photos were submitted of proposed changes. Ms. Miller stated that this is only an existing structure repair and they were not changing the footprint. The ultimate goal is to get it out of the water table. In addition, a revised narrative, county health department approval, and a revised site plan showing the 100 year flood plan were submitted.

Member Condon asked if they would be raising the floor of the crawl space also. Ms. Miller said that they were raising it to 8.6FT to get it out of the mean high water mark. Member Ketchum asked if the trees would have to be removed. Member Tucker asked the reason for tree removal. Ms. Miller answered that the tree was a dead scrub tree. Member Tucker noticed that the tree was very large and that the bank could be affected. Ms. Miller said it was all shale and gravel. Root depth was discussed. Ms. Miller stated that there is already a berm. Ms. Miller stated that the trees to be removed were dead and hazardous. Member Tucker questioned erosion control after tree removal and thought the bank would be compromised. Ms. Miller said there is no bank, only a berm. Counsel Molnar asked if the tree root system could be left. Ms. Miller said she would have to ask the owner. Member Tucker is concerned about removing something that is already protecting the lake line. Member Condon asked if there might be some sort of wall built after tree removal. Tree removal was shown to be noted on the previous site plan.

Member Condon suggested an erosion protection plan be submitted to the Town. Member Tucker and Ms. Miller agreed.

Member Tucker wished to continue the Public Hearing until next month for the purpose of presenting an erosion control plan for the tree removal. Member Tucker is concerned about adverse environmental factors. Counsel Molnar suggested that this be made a condition of approval, if acceptable. Member Condon asked if the Planning Board would review this concern. Member Ketchum agreed that there are environmental concerns with having large trees removed but would not be opposed to having this as a condition. Member Tucker asked if there will be a special permit required for grading.

Chair Rhoads asked when the work was anticipated to begin on the project. Ms. Miller hopes to begin as soon as they can.

WHEREFORE a motion was made by Member Condon 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 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. Chair Rhoads asked if there was anyone wishing to speak in opposition, or had any other comments. A letter of support from Leonard Rice, the neighbor to the south and to the west, dated March 2, 2015 was received and read. The ZBA Board requested a letter from Mr. Bersani as well. Counsel Molnar advised that public notice and mail notifications had already been executed on one or more occasions and to request an in writing opinion would be of

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adverse effect to the applicant. It was resolved that the ZBA could send one more notification to said neighbor. Another notification will be sent per Clerk Barkdull as this project will be presented to the Planning Board.

WHEREFORE a motion was made by Chair Rhoads and seconded by Member Ketchum to close the Public Hearing. The Board having been polled resulted in the following vote tally and the closing of the Public Hearing:

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

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 to the character of the neighborhood or detriment to nearby property. The renovation of the structure will be more ascetically pleasing as it is currently in need of repair.

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

2. **Whether the benefit sought by the applicant can be achieved by a feasible alternative to the variance:** No. Complete removal of the structure (per the Woodford Contractors Report) and then rebuilding with a new foundation at 2.91FT higher was discussed verses simply repairing the building without raising it. As it is, the building is already above the 100 year flood mark and raising it won't provide any extra benefit other than storage room for the applicant. Much effort and care are being taken to protect the shoreline. There are feasible alternatives to the variance, as Member Tucker suggested. One alternative is to replace the existing foundation at its same height, however, the requested variance overall is minimal, raising the foundation 2.91FT above its existing height.

<u>Record of Vote</u>			
Chair	Denise Rhoads	Present	[Yes]

Vice Chair	Jim Condon	Present	[No]
Member	Sherill Ketchum	Present	[No]
Member	Steven Tucker	Present	[Yes]
Member	David Palen	Excused	

3. **Whether the requested variance is substantial:** No. The footprint will be the same with a much safer structure. The raising of the property is minimal.
4. **Would the variance have an adverse impact on the physical or environmental condition in the neighborhood:** No. Granting of the height variance would not have an adverse effect on the physical or environmental condition in the neighborhood; however, concern is given to removing trees so close to the shoreline. The proposed addition will not have an adverse effect to the environment. The applicant has already cleaned up the property and proven to be a good steward of the lake so far, making substantial investment to maintain the property and the character of the neighborhood. Tree and vegetation removal is a concern without an erosion control plan.

Record of Vote

Chair	Denise Rhoads	Present	[No]
Vice Chair	Jim Condon	Present	[No]
Member	Sherill Ketchum	Present	[Yes]
Member	Steven Tucker	Present	[Yes]
Member	David Palen	Excused	

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 Member Condon and seconded by Chair Rhoads 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:

1. That the Site Plan and Narrative, dated March 3, 2015 prepared by Lake Architectural be followed in all respects; and that the building plan be corrected to reflect the 2.91FT height difference with corrected dates on drawings before being presented to the Planning Board, and

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; and
3. That the applicant submit a site erosion control plan; and
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.

Record of Vote

Chair	Denise Rhoads	Present	[Yes]
Vice Chair	Jim Condon	Present	[Yes]
Member	Sherill Ketchum	Present	[Yes]
Member	Steven Tucker	Present	[No]
Member	David Palen	Excused	

Public Hearing

Applicant: Skaneateles Country Club
 3344 West Lake Street
 Skaneateles, New York
Tax Map #049.-02-02.1

Present: Jim Fields, SCC General Manager; Steve Breitzka EDR

Member Ketchum recused herself.

The Skaneateles Country Club has requested an amendment of a variance for shoreline structures which was granted by the ZBA in 2013. Shoreline structures granted 38,175 square feet which were primarily floating docks. Since that time, the State has determined that floating docks are outside of the municipality's jurisdiction; therefore the applicant is proposing other shoreline structures totaling 3,053 square feet bringing the revised total shoreline structures to 22,969 square feet where 10,160 square feet is allowed. No one requested to have the notice of public hearing read.

The Board visited the site on February 7, 2015, however, due to a recent snowfall and significant accumulation, the shoreline was not highly visible. Mr. Breitzka gave an overview including the request for an amendment of variance. He explained that country clubs and other amenities are looking to maintain members with the decline of golfers. The Skaneateles Country Club would like to utilize the lakefront in a safer more effective way. The existing condition is a grass slope on both the north (smaller 10-12% grade) and south (larger 20% grade) ends with two parking lots. Neither lot has safe access to the waterfront area. Existing grass slope grades do not provide ease to host day events and sailing camps. Mr. Breitzka's plan would provide circulation from the parking lots and increase usable space adjacent to the club house. The idea would be to flatten the space by leveling the grade from the existing walkway attached to the bulkhead toward the clubhouse. The southern parking lot walkway would end at an elevated parking lot

(the perch) then turning north stairways lead to a larger flat space directly outside of the clubhouse. Two connecting walkways connect that space out to the walkway connected to the bulkhead. All proposed walls serve as dual purpose to hold the grade and serve as a seawall. Railings and guardrails will be minimized so that the view will not be impeded. Walkways, steps and overflow areas without terracing were explained.

Member Condon asked what the elevation change would be walking off the back steps, how much dirt would be dug out and if underdrain piping would be installed. Mr. Breitzka explained that 2FT would be dug out and moved for two series of four steps. Their goal is to balance, cut and fill; encouraging percolation by using porous materials using an existing storm pipe starting work in the fall.

Member Tucker broke down the 3053 square footage increase. 1476 square feet account for patios with the additional going to walks and stairs primarily. Mr. Breitzka described the existing walk along the bulkhead being renovated using porous pavement. The patios are to be constructed of porous pavers with spacing in between. Mr. Breitzka described a concrete modular wall to construct the new sea wall. Member Tucker wanted to make sure that most of the slope would remain. Mr. Breitzka said that the slope would be addressed and leveled as much as possible. Other options were examined but deemed unusable due to negative real estate affect.

Member Tucker and Member Condon discussed existing concrete stairs that washed out. Mr. Fields confirmed that the mentioned unprotected independent stairs were still in existence. What had washed out was the underside of them. Member Tucker asked about preventative plans for future wash outs and erosion with fairly steep slopes. The new steps are of a different design and would not have the lake lapping up against them on the shoreline. Mr. Fields mentioned that the April 2011 storm took the independent stairs out and this was of more concern to Member Tucker.

The Planning Board has visited the site on January 3, 2015.

Member Tucker asked if an alternative without such a large patio has been considered. Mr. Breitzka explained that there will be large grass panels and hard space added. Mr. Fields mentioned that the current grass space does not hold up well in the rain. Member Tucker said that the visibility of the club and lack of green would show patios more than anything. Mr. Breitzka showed landscape plant material planned with large planting beds blooming at different times of the year. The break wall is only 18-22 inches tall. Terraced walls will be staged with plant material. Additional trees will be added for shade.

WHEREAS, a motion was made by Member Condon and seconded by Member Tucker, 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

At this time Chair Rhoads opened the public hearing and asked if there was anyone wishing to speak in favor of the application. Bob Eggleston, having no relationship to this project, being familiar with the club, encouraged the project and brought to focus the comparison of the project size to the thousands of lineal feet in existence at the club in its natural state. The concentration of the structure to one area and the benefit the community is a good use of concentrated shoreline space. The extra patio helps to protect an area of high concentration.

Chair Rhoads asked if there was anyone wishing to speak in opposition, or had any other comments. There was no one wishing to speak in opposition or that had other comments.

WHEREFORE a motion was made by Member Tucker and seconded by 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 character of the neighborhood would be improved by the proposed shoreline structure improvement, increasing safety as well as the tree plantings and shrub plantings will also be more aesthetically pleasing as you view the property from the lake. It also condenses the shoreline structures and makes them more viewable and usable for the community.
2. **Whether the benefit sought by the applicant can be achieved by a feasible alternative to the variance:** No. Alternatives were discussed such as grass in place of the patio areas and as discussed there are safety concerns as well as stabilization of that area and the area will be improved by plantings.
3. **Whether the requested variance is substantial:** Yes. The request is substantial, asking for over twice their allowed shoreline structure. This is a very well thought out and planned request making good use of the shoreline over its current use.
4. **Would the variance have an adverse impact on the physical or environmental condition in the neighborhood:** No. The proposed shoreline structures are going to greatly improve the shoreline environmental conditions by removing steep slopes that have large runoff replacing them with large areas that are much more likely to absorb the water. The site update improves storm water management with the use of pavers, the lawn area, trees and the planting beds that are proposed. Site leveling will also benefit.
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 Chair Rhoads and seconded by Member Tucker that this variance amendment 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:

1. That the Site Plan and Narrative, dated January 23, 2015 prepared by Environmental Design & Research be followed in all respects and
2. The Applicant shall obtain any approval necessary from the Skaneateles Town Planning Board for a Special Permit Amendment; and
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	Denise Rhoads	Present	[Yes]	
Vice Chair	Jim Condon	Present	[Yes]	
Member	Sherill Ketchum	Present	[Yes]	
Member	Steven Tucker	Present	[Yes]	
Member	David Palen	Excused		

Member Ketchum returned to the Board.

Public Hearing

Applicant	J&A Properties	Property:
	John Pennisi	1250 Minnow Cove
	4435 Dolomite Drive	Skaneateles, NY 13152
	Syracuse, NY	Tax Map #054.-01-14.0

Present: Robert Eggleston, Architect

Chair Rhoads explained that the applicant's proposal is to demolish the existing structure and construct a new three bedroom dwelling and shoreline patio. The requested variances are for building footprint, minimum lake yard setback and minimum setback to a water course. No one requested to have the notice of public hearing read.

The City of Syracuse correspondence dated 2/5/15 had the following comments regarding the requested proposal:

1. Proposed driveway location on Site Plan encroaches on existing leach field area. Driveway should be shifted as far south as possible to allow for maximum permeable surface area between driveway and leach field.
2. Due to shallow installation of drip irrigation septic system, isolation of absorption area should be maintained throughout duration of construction activity.

Mr. Eggleston pointed out the extent of the buildable area without variances which comes to approximately 200 square feet if one were to keep the 100FT setback from the lake and the water course with required septic and side yard setback. Site visit revealed that this water course is almost equal to the lake according to Mr. Eggleston. The property includes a wide stream that is at lake level. 60FT setbacks have been maintained from both directions. The footprint is over by 3/10ths of one percent or .3% with driveway improvements (now conforms to 20FT setback) from 78FT to 88FT, pulling it farther away from the water course, a condition of the Syracuse Department of Water which has already been complied with.

Member Tucker would like the proposed dwelling to be moved back from the lake and closer to the watercourse. Member Condon inquired about the leach field and septic. Mr. Eggleston stated that there is not much (maybe 100 square feet) flexibility with regards to the leach field (required 20FT setback) and septic (required 10FT setback). Member Tucker indicated that a variance was avoidable by completely eliminating the .3%. This is a very visible lot. Mr. Eggleston could achieve this by eliminating the shed or cutting it in half. Chair Rhoads inquired about foundation requirements and storage in the crawl space according to FEMA guidelines. Mr. Eggleston said that there would be no storage with a full foundation (stone or concrete) on the bottom which could be used as storage with not much headroom; it would require a trench access.

Mr. Eggleston has spoken to the neighbors; John Reiffenstein (letter submitted with no objection), Joseph and Debra Paduda, who are willing to sign a no objection letter, and Lindsay Groves has no objection other than work zone noise early in the morning.

Counsel Molnar mentioned the January 20th letter that states three variances needed in order to complete the project plus the driveway. The driveway still has a setback because it is not 100FT according to Mr. Eggleston. Three variances still exist.

Member Ketchum brought up Member Tuckers thought at the site visit that maybe it is better to be closer to the water course because of the filtration aspect with runoff filtering before entering the lake. Mr. Eggleston likened this water course to a lagoon and could creatively think of a detached deck accessory structure 50 feet away from the lake. This would alleviate the deck variance.

The Planning Board site visit is scheduled for March 14, 2015.

WHEREFORE a motion was made by 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 Chair Rhoads opened the public hearing and asked if there was anyone wishing to speak in favor of the application. None were spoken.

Member Tucker would like to see this home moved farther away from the lake although he is not sure – would like a new site plan with a further lake yard setback if possible.

Chair Rhoads and Member Tucker would like to see the .3% reduction to the variance.

Counsel Molnar recommends those in opposition to speak or comments be given.

WHEREFORE, a motion was made by Chair Rhoads and seconded by Member Ketchum to continue the public hearing on *Tuesday, April 7, 2015 at 7:10 p.m.* No additional site visit is planned. The Board having been polled resulted in the unanimous affirmation of said motion.

Public Hearing

Applicant

John & Catherine Kane
137 Park Way
Camillus, NY

Property:
2524 Lakefront Lane
Skaneateles, NY 13152
Tax Map #054.-03-06.1

Present: Robert Eggleston, Architect;

Chair Rhoads summarized that the applicant is proposing a 768 square foot addition and a 264 square foot deck on a non-conforming lot with requested variances of building footprint, building floor space and minimum lake yard. No one requested to have the notice of public hearing read.

The City of Syracuse correspondence dated 2/5/15 and the Onondaga County Health Department correspondence dated 12/9/14 have no objection to the requested permits and proposals.

Chair Rhoads mentioned the ZBA Board's site visit on February 7th, 2015. Significant snow accumulation hindered the visit, but, a general idea of the vicinity was perceived.

Changes to the site plan include removal of the existing shed, lowering the building footprint to 6.3%, where 6% is required. The variance request has been cut by 2/3rds. 11.3% of living space remains the same, using 80% of the entire basement and 100% of the first floor to characterize the total potential living space. Final plans for the interior renovations have not been made. The one story addition keeps the same height as the existing structure. A two story addition would be
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a bigger obstruction to the neighbor's views. Preservation of the interior cedar planks was a consideration. These plank walls would not support a second story addition. Currently, the home has 1600 square feet of first floor living space with 3 bedrooms and 2 bathrooms. The unsafe spiral staircase access to the basement will be changed to a traditional staircase. January 20, 2015 site plan shows 24x36 proposed addition. This will be corrected to reflect a 24x32 proposed addition. The correct water source is a well located on the south property line.

The OCDOH in their correspondence dated December 9, 2014 reviewed the proposal and have no objection with respect to arrangements for water supply and sewage disposal.

Building footprint reduction was discussed. One method would be to cantilever the foundation 2FT, thus reducing the total footprint. Mr. Eggleston offered this as a solution. Floor space would reduce 20% of 72FT. Lake yard setback for the house, the deck and potential living space remain the same. Member Ketchum asked if there is any way to make the addition smaller. Not putting a full basement under the addition was one solution offered by Mr. Eggleston. The current proposal is 343 square feet over limit and reducing the full basement would come within a couple hundred square feet of the limit. Taking part of the basement that becomes storage and making it 6' 7 1/2" tall would make it uninhabitable. Member Tucker suggested making the addition shorter all together. A reduction to 10% living area was understood to be the best solution to eliminate one variance.

WHEREFORE a motion was made by 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.

WHEREFORE a motion was made by Member Tucker and seconded by Member Ketchum to open the public hearing and asked if there was anyone wishing to speak in favor of the application.

A letter was submitted from Margaret W. Lynch in favor of said proposal.

Chair Rhoads asked if there was anyone wishing to speak in opposition, or had any other comments. There was no one wishing to speak in opposition or that had other comments.

Gary Heyer, representing; himself, Joyce Levitre, Bill Lavin and The Haswells, was in attendance and spoke in opposition to the proposal citing various concerns. His concerns included potential blocked lake views, character changes to the neighborhood and changing a camp to a "large home". Percentage of living space in relation to lot area statistics for the neighborhood and a detailed photo showing the proposed addition superimposed over the existing property were submitted. Visual impact reduction and maintaining a camp like structure was requested. A change from 24FT to 56FT of width constitutes "large home" in these neighbors' opinions.

Jeff Ryan, 1/5th owner of the property adjoining and owner of property to the west of the Kanes, representing himself and his wife, was in attendance and spoke of various concerns to the project. Building footprint size, side yard setback reduced from 51.5FT to 19.5FT infringing on the 25FT easement of southern common property and location of elevated deck, grade change and traffic flow were Mr. and Mrs. Ryan's concerns. Reduction in overall size of the addition was requested.

Chair Rhoads inquired if there were any additional questions. Feasible alternatives and blockage of lake view was discussed. Mr. Eggleston submitted panoramic photos from the adjacent cottages showing tree foliage superimposed and percentage of potential living space including garages, basements and porch areas in relation to lot area statistics. Mr. Heyer asked the board if the addition were to be reduced to the south, and shifted forward towards the lake carrying the deck in front, however, Mr. Eggleston pointed out that the lake yard setback would be increased which is a concern and would be counterproductive to overall variances. The board requested a revised site plan.

WHEREFORE, a motion was made by Member Rhoads and seconded by Member Ketchum to continue the public hearing on ***Tuesday, April 7, 2015 at 7:20 p.m.*** The Board having been polled resulted in the unanimous affirmation of said motion.

Public Hearing

Applicant

Jane Garrett/Paul Garrett
8155 W. Ivy Trail
Baldwinsville, NY

Property:
2160 West Lake Rd
Skaneateles, NY 13152
Tax Map #057.-04-18.0

Present: Robert Eggleston, Architect

Chair Rhoads explained the applicant's proposal to relocate an existing non-conforming cottage, adding a basement and a 192 square feet screened porch with a variance requested for minimum lake yard setback, whereas 100FT is required. The proposed dwelling will be 69FT from the lake which is further than it currently exists at 55FT. No one requested to have the notice of public hearing read. A site visit was conducted on February 7, 2015.

The City of Syracuse correspondence dated 2/5/15 had the following comment:

1. Application should be forwarded to Onondaga County Health Department for review and to determine if a plumbing permit will be necessary. This office will provide comment following DOH response.

The Onondaga County Planning Board correspondence dated 2/12/15 had recommends the following MODIFICATION(S) to the proposed action prior to local board approval of the proposed action:

1. The Onondaga County Health Department must formally accept or approve, respectively, any existing or proposed septic system to service this property prior to issuance of a building permit.

Mr. Eggleston reviewed the requested variances to shift the cottage, adding a basement to help seal it up, and adding storage space. If said basement were to be used as living space, percentage would be 6.9% where 10% is allowed. Footprint is 4.1% where 6% is allowed. South property line setback is currently 19.5FT which can be adjusted to 20FT. 55FT of lake yard setback to 69FT for the existing house and 73FT for the 12FT by 16FT screened porch addition with the basement being used as a retaining wall. The house will be pulled 14FT back from the top of the bank. The second driveway will be reduced to achieve 10% impermeable coverage. As discussed with the Planning Board, a temporary driveway for the purpose of site work will be established.

Member Tucker discussed the need for lake yard setback. The side porch addition was built before 2001 and is allowed to be 60FT.

WHEREFORE a motion was made by 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 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 opposition or had any other comments.

WHEREFORE a motion was made by Member Tucker and seconded by Member Tucker 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 dwelling is being relocated further from the lake than it presently is located. Raising the structure and adding a basement foundation will allow the seasonal camp to have storage and provide protection to the structure which is now on piers. The structure will remain in character with the neighboring properties which are also primarily seasonal camps in a well wooded area with no changes to the lake view.
2. **Whether the benefit sought by the applicant can be achieved by a feasible alternative to the variance:** No. The proximity to power lines and dry wells as well as the

steep slope to the lake it would be difficult if not impossible to relocate the dwelling anywhere else without triggering a variance for lake yard setback.

3. **Whether the requested variance is substantial:** No. The dwelling is moving further away from the lake than it was previously.
4. **Would the variance have an adverse impact on the physical or environmental condition in the neighborhood:** No. With the addition of the basement, the dwelling will be raised a modest 4FT, space will not be habitable with no interior stairs planned and the porch addition will only increase the size of the structure by 192 square feet. By turning the structure parallel with the lake, the lake yard setback will increase by 14FT which is more beneficial to the lake. The gravel driveway will be reduced to meet impermeable surface maximums and the both living space and building footprint are well within current code. Moving the building back will also move it away from the steep slope.
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 Chair Rhoads 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:

1. The OCDOH approval on the existing septic system be obtained prior to issuance of a building permit; and
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; and
3. That the Site Plan dated January 19, 2015, and Narrative dated February 2, 2015, prepared by Robert O. Eggleston, be followed in all respects; and
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	Denise Rhoads	Present	[Yes]
Vice Chair	Jim Condon	Present	[Yes]
Member	Sherill Ketchum	Present	[Yes]
Member	Steven Tucker	Present	[Yes]
Member	David Palen	Excused	

There being no further business a motion was made by Member Tucker and seconded by Member Ketchum to adjourn the meeting. The Zoning Board of Appeals meeting adjourned at 9:43 p.m.

Respectfully Submitted,

Michele Norstad

Michele Norstad