

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

**February 3, 2015**

Present:

Denise Rhoads  
Jim Condon  
Steven Tucker  
Sherill Ketchum  
David Palen  
Scott Molnar, Attorney  
Karen Barkdull, Clerk

The meeting commenced at 7:00 p.m. at Town Hall. Site visits will be conducted on Saturday, February 7, 2015 beginning at 9 am. The next Zoning Board of Appeals meeting will be held on Tuesday, March 3, 2015. Previous distribution to the Board of the regular meeting minutes of January 6, 2015 were executed and all members present acknowledged receipt of those minutes.

**WHEREFORE** a motion was made by Member Ketchum and seconded by Member Tucker to accept the January 6, 2015 minutes as corrected. The Board having been polled resulted in favor of said motion. Member Condon and Member Palen abstained from the vote.

**Record of Vote**

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

**Initial Review**

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

Present: Janice Miller and Wayne LaFrance, Architects

The Zoning Board of Appeals had begun review of the proposal of this application in November 2014. The applicant decided that he could excavate to achieve the height needed for the foundation and not raise the height of the shoreline structure and thus avoid the need for a variance. After the due diligence of the contractor, it was determined that the foundation could not be excavated deeper without avoiding the water table. The applicant has returned to request a variance for the height of the proposed structure. The applicant would like to repair the foundation and raise the structure by adding a support beam at 866' elevation with the foundation height at 6'8" making it non-habitable space.. The existing structure would be lifted to install a proper foundation, with the proposed modification increasing the height to 18.3'

above the lake line. The shoreline structure will be four feet shorter than the neighbor's structure located to the north. The increase in height will allow for headroom to hang kayaks.

Member Condon inquired on how the foundation will be constructed. Ms. Miller stated that the shoreline structure may be raised by a crane and set to the side during construction, or could be set on support poles while the work is conducted. Member Condon inquired if the applicant considered placing the structure on piers with a gravel base. Ms. Miller stated that the foundation is needed as the structure is built into the ground.

Member Tucker requested that a revised site plan and narrative be submitted to reflect the adjusted height request. Member Palen inquired if there is an external chimney on the structure. Ms. Miller stated that the chimney will be re-built at the time of the foundation construction as it is located within the shoreline structure.

Member Tucker stated that the entry door to the structure is slightly above grade and raising the height of the structure would require steps to the door, which would trigger redevelopment. Ms. Miller stated that the area would be graded up to the door. Member Tucker stated that grading within 50' of the lake line requires site plan review and would trigger redevelopment. Chair Rhoads stated that the Planning Board minutes from the November 18, 2014 meeting indicated that the Planning Board interpreted the increase in height as redevelopment. Member Condon stated that the entry steps could be of a permeable surface and therefore landscaping, not requiring redevelopment.

Member Ketchum stated that there had been a discussion at the November 3, 2014 meeting regarding the fence variance that was granted, and now the applicant is requesting another variance. It would be helpful to know what the applicant's plans are for the entire property. Ms. Miller stated that she did not represent the applicant for the fence variance. Member Tucker stated it would be helpful for the board to see the entire plan before the applicant comes back with an additional variance request. Ms. Miller stated that the applicant is working on a comprehensive plan to determine what his needs are.

Member Condon inquired if the applicant is looking for a contractor to jack up the house and then build the foundation. Mr. LaFrance stated that their proposal was for the structure to be jacked up, a grade beam installed, and fill the zone that would be excavated as part of the foundation construction around the house graded to meet the entry door. Member Condon stated that the construction plan to add the grade beam with the foundation and berm is a sound plan to prevent erosion of the structure and potential degradation of the lake.

Member Ketchum inquired on the exact height that the structure will be raised. Ms. Miller commented that the increase is 2.83', with a total height of 18.3'. Member Tucker reiterated that a revised narrative and denial needs to be submitted, and also a design plan for the access to the front door and the 100' flood plan demarcation should be shown. Member Condon inquired if the applicant intends to maintain the bathroom and kitchenette in the structure. Ms. Miller affirmed that they will continue with a septic plan. Member Condon stated that a copy of the septic approval will be needed by the board.

A site visit was conducted on November 15, 2014 and the Board did not feel an additional site visit was required.

**WHEREFORE**, a motion was made by Member Palen and seconded by Member Ketchum to schedule a public hearing on *Tuesday, March 3, 2015 at 7:10 p.m.* The Board having been polled resulted in the unanimous affirmation of said motion.

**Public Hearing**

Applicant: Julie Torrey  
4136 Jordan Road  
Skaneateles, NY 13152  
**Tax Map #027.-03-23.0**

Present: Jeffery & Julie Torrey, Applicants; William Murphy, Architect

No one requested to have the public hearing notice read. The Onondaga County Planning Board recommended a modification that the applicant have the OCDOH review any proposed or existing septic system in their resolution dated January 21, 2015. The Board has visited the site on January 10, 2015.

The applicant is proposing expansion of the first and second floor addition and porch that meets all of the required setbacks. The requested expansion is 71SF over the 500SF allowed for this lot. The impervious coverage and open space comply with the zoning code and the proposal is in keeping with other dwellings in the neighborhood. Given the low ceilings on the second floor, the proposal will give the applicants an improved use and enjoyment of their house.

Member Ketchum inquired on the status of the existing septic system. Mr. Murphy stated that OCDOH has been contacted and their approval is pending for relocation of the existing tank. Chair Rhoads inquired whether the applicants had considered having a deck instead of a porch as was discussed at last month's meeting. Mr. Murphy stated that the applicant wants to keep the proposed covered porch to provide the family with better use of the property year round.

**WHEREFORE** a motion was made by Member Tucker and seconded by Member Palen to declare this application to be a Type II action per section 617.5(c)(10)&(13) 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. Letters of support from the neighbors, Jordan and During were received and read.

**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 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. Other properties in the neighborhood are of similar construction and size. The proposal will improve the neighborhood and add value to the property and the houses in the vicinity. The design blends well with the existing structure and other homes in the area.
2. **Whether the benefit sought by the applicant can be achieved by a feasible alternative to the variance:** No. The expansion of the dwelling is being done in a thoughtful and careful way. The lot is narrow and deep with the proposal taking advantage of the depth of the lot. There is no other feasible alternative to the proposal. The proposed addition meets all of the other dimensional limitations and the variances requested relate to the fact that the applicant is beginning with a small dwelling to work with.
3. **Whether the requested variance is substantial:** No. Although the proposal increases the footprint by 40.6% and volume by 69%, the applicant is only requesting an additional 71SF over the allowed 500SF expansion. The property is not within 200FT of the lake and the risk of degradation is insignificant.
4. **Would the variance have an adverse impact on the physical or environmental condition in the neighborhood:** No. The property is not located within 200' of Skaneateles Lake or near a watercourse and the proposed addition will not have an adverse effect to the environment. Effort should be made to preserve the large tree in the back yard. The OCDOH will also be reviewing the existing septic system and relocation of the tank.
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 Tucker 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 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 November 7, 2014 prepared by Eric Mau, Space Architectural Studio, P.C. be followed in all respects; and
2. That the Applicant shall obtain all necessary permits and approvals from the New York State Department of Health of the existing septic system; 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.

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

**Public Hearing Continuance**

Applicant: Barbara Delmonico  
2432 Wave Way  
Skaneateles, NY 13152  
**Tax Map #056.-02-41.1; 056.-02-40.2; & 056.-02-47.0**

Present: Barbara Delmonico, Applicant; Robert Eggleston, Architect

The public hearing was opened at last month's meeting. A type II SEQR action was declared at January's meeting not requiring further SEQR review. Letters of support have been received from the Wilsons and the Winding Way Association. The Daubenspecks have been satisfied with the submitted changes to the site plan. Comment was also received by Beth Estes, Planning Board member, who was in attendance at the meeting. Possible alternatives were discussed at the meeting with the board.

The applicant has three properties on Winding Way. The first is a 19,887SF lot with the primary dwelling located on it. In 1996 the existing 5 bedroom dwelling was removed and replaced with a 3 bedroom dwelling, with the septic system for the dwelling located 50FT from the lake. The second property consists of a 10' x 315' strip that runs to the lake. The third property (formally

Kitt) is located behind the existing dwelling and contains a 2957SF dwelling with a 668SF garage.

The applicant would like to merge all three properties and demolish the dwelling and garage on the former Kitt property. A 12'x 14' addition is proposed for the remaining dwelling taking it from 3 to 4 bedrooms. The new addition on the front of the house will not increase the nonconformity of the dwelling. A new septic system designed for four bedrooms will be placed over 200' from the lake line. A detached 600SF 2 story garage with non-habitable basement storage and a second story studio with bathroom will be added at the back of the property, with storage for a boat and truck located on the main floor.

There is a small den on the first floor of the Delmonico residence that will be expanded to accommodate a first floor bedroom. The alternative to the requested variances is for the applicant to maintain the two dwellings and parcels and rent out the Kitt property with the boat being stored in the garage.

Impermeable surface coverage of the combined lots will be reduced by over 2000SF or 7.9%; increasing the open space by 2400SF or 6.9%. The floor space is being reduced by 2200SF or 6.4% to the requested 14.1%; and the footprint is being reduced by 1300SF or 3.7%. There are six existing bedrooms on the properties with a reduction down to four bedrooms with the proposal. The two existing septic systems will be discontinued with a proposed new septic system located over 200FT from the lake line. The impervious surface coverage will be reduced from 24.8% to 18.7% and the applicant will be making a sizeable contribution to the LDRAF in the amount of \$7,122.64. The variance requested for an 18.7FT north side yard setback for the addition is no more nonconforming than the existing deck.

Member Condon inquired about the existing septic systems on the two lots. Mr. Eggleston stated that each of the dwellings have separate septic systems. Proposed is the abandonment of the septic system located 50' from the lake line, removal of the remaining septic system and installation of a new septic system located over 200FT from the lake line to support the proposed 4 bedroom dwelling.

The existing driveway on the north west corner is 10' wide and narrow passing the existing Kitt dwelling. By removing the existing Kitt dwelling and placing the proposed garage on the south west corner of the property it will provide more lawn and open space, and afford better visibility for the driveway. The arborvitae will be cleared along Wave Way.

Member Tucker commented that the one of the suggestions from the Planning Board was moving the location of the proposed garage to the location of the removed Kitt dwelling to reduce disturbance. Mr. Eggleston stated that the lot is only 100' wide and when the dwelling is removed it will disturb more than the footprint of the dwelling. Moving the garage to the dwelling location would not reduce the disturbance of the land by much. Member Tucker stated that to construct the garage in the proposed location would require the removal of some trees. Mr. Eggleston stated that the evergreen trees being removed block the view of the lake for the

neighbors. The amount of disturbance for the demolition, construction of the garage, addition and new septic system is well under an acre of disturbance.

Member Tucker inquired on the Delmonico garage. Mr. Eggleston stated that the existing Delmonico garage is a two car garage. Member Tucker commented that the proposed garage will add an additional space for a boat and vehicle. He inquired whether the proposed garage could be smaller to achieve the 80% open space. Mr. Eggleston stated that if the proposed garage was reduced by 100SF to meet the open space of 80%, then the applicant could not store the boat in the garage. He continued stating that the applicant has sacrificed the value of the second house for the garage and opening up the lot. They are giving back 2400SF of open space.

Member Condon stated that achieving the 80% open space isn't as big an issue with these properties as the proposal will provide more visual continuous open space and look less cluttered. Member Tucker stated that although he appreciates the improvements proposed, the ZBA has been charged to grant the minimal variances as possible. This applicant is requesting a large amount of them and it would be more palatable to reduce the number of them. Mr. Eggleston stated that one way to accomplish that would be to put a grass strip down the driveway but they are not always effective.

Member Condon commented that the Delmonico's 2800SF dwelling was built in 1996, replacing a 3600SF dwelling, and because of the location of the lot it required a long driveway.

Member Tucker reiterated that if the proposed garage was reduced in size that it would remove the open space variance and reduce the footprint variance. He continued stating that not a lot of houses have 3-4 car garages. Member Ketchum stated that the existing properties total four car garages combined.

Member Condon stated that the applicant is proposing the removal of two old septic systems and installing a new system away from the lake. These changes are better for the environment than leaving the two dwellings and septic systems as is. Member Tucker acknowledged that it is better but that the applicant could do more. Just because you make improvements does not mean that the board does not need to look at reducing the number of variances requested.

Member Condon stated that the property owner purchased a second property to merge with the existing property and is willing to pay for the costs associated with the proposal to improve the open space. You have to look at the big picture with this proposal as the benefits of the proposed improvements outweigh the open space not being at 80%.

At this time Chair Rhoads continued 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 application. Chair Rhoads 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 Palen 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. Several of the neighboring homes have garage and/or storage buildings. The proposed structure will be designed in keeping with the existing dwelling's design character. The existing un-occupied dwelling will be demolished, with one of the lots being merged with two other contiguous lots owned by the Applicant, into one parcel with increased open space on the combined lots. The proposed detached garage will be smaller than the demolished dwelling. The proposed porch addition will maintain the north side yard setback of the deck and not increase the nonconformity of the dwelling.
2. **Whether the benefit sought by the applicant can be achieved by a feasible alternative to the variance:** No. Alternatives to the requested variances were discussed including placement of the proposed garage in the location of the demolished dwelling. Another alternative would be to retain the second dwelling and not merge the two properties. All of the alternatives were not as aesthetically pleasing or amendable to the applicant. Demolishing the single family dwelling and combining the three lots into one parcel, removing one of the existing septic systems, abandoning the septic system 50' from the lake line and replacing both systems with one new septic system located over 200' from the lake line will be a positive improvement to the property. Reducing two single family properties into one single family property is a benefit as it will reduce the density on the lake frontage. The applicant and architect spent many hours developing the most feasible alternative. If the garage were to be constructed on the demolished dwelling site near the fire lane and driveway, it could pose a hazard to emergency vehicles accessing the remaining dwelling. The proposed location of the detached garage will open the space up for easier access on the driveway.
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. While the requested variances may be somewhat substantial, both lots are existing nonconforming lots, each of which has significant existing impermeable surface coverage and nonconforming setbacks. By combining the lots, demolishing the existing vacant dwelling and garage, and replacing the septic systems with one new septic system located further from the lake, the nonconformities are significantly reduced. The proposed addition to the existing dwelling of the applicants is a modest addition

conforming to front yard setbacks. The request variances are not substantial in light of these improvements.

<b><u>Record of Vote</u></b>			
Chair	Denise Rhoads	Present	[No]
Vice Chair	Jim Condon	Present	[No]
Member	Sherill Ketchum	Present	[No]
Member	Steven Tucker	Present	[Yes]
Member	David Palen	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 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 variances, if approved, would not have an adverse impact on the physical or environmental conditions in the neighborhood. The garage structure is being located further from the lake than the existing dwelling. The applicant is taking care to divert any water runoff or erosion by the existing or proposed driveways by installing a swale. A new septic system located further from the lake will also be replacing two older systems. If the two lots with the two dwellings remain, there would be two families using the area causing more stress on the environment that could impact the lake. To mitigate the impervious surface coverage, the applicant is prepared to make a significant payment into the Town’s DRAF fund. The applicant has reduced the impervious coverage by merging the lots and removing the second 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 Chair Rhoads and seconded by Member Condon, 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 5 dated January 6, 2015, 2 of 5 through 4 of 5

dated November 18, 2014, and 5 of 5 dated December 3, 2014 , with the Narrative dated December 3, 2014, 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; and

Additional Condition No. 3 The applicant shall merge all three lots into one tax parcel; and

Additional Condition No. 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	Present		[Yes]

Member Ketchum recused herself as she is a member of the Skaneateles Country Club.

**Amendment**

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

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

Chair Rhoads requested clarification on whether the application should be viewed as an amendment or be considered a new application. Counsel Molnar stated that the applicant had received prior variances for shoreline structures according to site plans submitted. The applicant is now requesting additional shoreline structures upland of the high water mark. They are requesting an amendment of the currently valid variances. The applicant is before both boards(Planning Board for site plan review) to amend their prior approvals. Member Condon stated that the prior variance approvals were conditioned on a specific dated site plan. Counsel Molnar stated that if the applicant had not received any variances for shoreline structures then it would be considered a new application.

Member Tucker stated that there were at least two amendments to the original variance approval for shoreline structures. Counsel Molnar stated that this application would still be considered an amendment as the applicant is seeking to add shoreline structures to the approved number. Chair Rhoads stated that shoreline structures can be in various forms and the board approved one form of shoreline structures. Counsel Molnar stated that the prior approved site plan encompassed all of the shoreline structure areas. Counsel Molnar stated that if the board would be more

comfortable procedurally handling the application as a new application, then the board can determine that as it sees fit. Member Condon stated that he would like to treat it as an amendment but go through the public hearing and five criteria. The board determined that they would like to proceed in that manner.

Counsel Molnar stated that the application is currently under review by the Planning Board with a public hearing scheduled for February 17, 2015. The planning board will open and adjourn the hearing pending the outcome of the Zoning Board of Appeals.

Mr. Breitzka stated that the proposal is for the east side of the clubhouse approximately 400LF between the clubhouse and the lake. The Skaneateles Country Club was incorporated in 1915 with a 9-hole golf course developed in 1916 with an additional 9-hole course added in 1963. Golf has been declining for some years and in early 2014, the National Golfing Association reported numbers indicating that one new golf course is added for every eleven courses that close. This shift has caused country clubs to offer different amenities to their members. Tennis courts were added in 2008 at the Skaneateles Country Club and there is more demand from its members for waterfront usage.

The total waterfront area is 2500LF with the proposed project affecting 400LF of the total encompassing from the north side of the mole to the existing beach area. The existing condition reflects an open grass area sloping away from the clubhouse to the lake. There is an existing sidewalk adjacent to the bulkhead wall and a small sidewalk leading to the clubhouse. Even with the minimal development in this area, the Club uses this area for multiple events throughout the year. It is also used for picnicking and various camps during the summer. One of the design goals for this project is how to make the space safer as there is a 20% slope from the building to the walk.

There are two parking lots, the southern parking lot that had received Planning Board approval in 2008, and a northern parking lot that is smaller; both lots do not have stair access to the waterfront grass area. Ramps will not be possible for access due to the required amount of space necessary. Proposed are stairs from the north and south parking lots. The southern stairs begin with a large viewing platform encircled with planting beds that leads to a set of stairs going north to the patio area. The walk along the bulkhead will be renovated to employ the use of pavers. Staircases will also be coming down from the clubhouse with terracing walls throughout the patio area designed at 18-24" and providing an edge to the planters allowing additional seating.

The existing beach area will be enlarged slightly on the north side, and new staircases to access the water will be added. To the north will be more grass area for a children's play area. In regards to the mole, the wall has been damaged and repair is included as part of the application.

This plan was presented to the Planning Board which prompted the need for the reconciliation of shoreline structure approval previously granted by the Zoning Board of Appeals. In 2013 the variance granted for shoreline structures was for 38,175SF including the floating docks. There has been a court decision since then that has removed the floating docks from the calculations. The reconciled number without structures that are located out of the jurisdictional range of the Z.B.A.02.03.2015

Town, including the floating docks is 19,916SF. Member Tucker inquired on what the zoning code allows based on the shoreline on the property. Mr. Breitzka stated that the code allowed 10,160SF and that the applicant had received a variance for a total of 19,916SF of shoreline structures without the floating docks.

The existing 19,916SF of shoreline structures consist of concrete stairs, a dock for swimming, brick walks, a concrete walk along the lakefront, a concrete ramp for boat launching, and the driveway to the mole. Requested are improvements that include new stairs by the beach, seating walls, staircases, and a 1476SF permeable paver patio area in from of the clubhouse that is more level and safe that would increase shoreline structures to a total of 22,969SF.

Member Tucker inquired on the area directly in front of the clubhouse. Mr. Breitzka stated that it is the patio area that has direct access from the clubhouse from the lower area and from stairs leading from the second level.

Member Palen inquired on the enhanced beach area. Mr. Breitzka stated that it is an existing beach area with a timber wall that is above lake level to hold the sand back. The wall will be extended slightly.

Member Tucker inquired about the dock that is shown on the plans. Mr. Fields stated that it is a temporary floating dock that is existing and used seasonally. Member Condon stated that the applicant is now requesting an additional 3,000SF of shoreline structures and inquired whether that prior approval for 38,175SF is tied to the property already. Counsel Molnar stated that as a result of a mutual mistake of the applicant, Zoning Board, and the Planning Board were looking at the shoreline structures beyond the lake line as being subject to regulation. The site plan was created based on that assumption and the ZBA granted relief based on that site plan. The 38,175SF shoreline structures approval was based on the site plan approved and not on the site plan proposed. The difference will need to be reconciled.

Member Condon stated that a prior variance granted was for lake access stairs that washed out and inquired if the proposed stairs will be constructed of a stronger material. Mr. Fields stated that the stairs are still existing but had suffered some damage. He continued stating that the existing stairs at the beach are wood and is removed seasonally. Member Palen inquired if the proposed stairs on the beach will be removable. Mr. Breitzka stated that the stairs will be permanent and made of concrete.

Member Tucker inquired about the two circular areas on the plan north of the clubhouse. Mr. Breitzka stated that the circles are topography lines that show the drainage of the lawn area. There will be some regrading of the lawn area. All of the shoreline structures will have focused draining to the underdrains including the lawn areas, to reduce any stormwater sheeting to the lake.

Member Tucker inquired if all of the areas are impermeable or permeable. Mr. Breitzka stated that they are permeable, and that the stairs will increase the impermeable surface coverage by .04% with the proposed improvements.

Member Condon stated that all we are doing is amending the plan with the removal of the floating docks and approving an additional 3000SF in shoreline structures. Member Condon inquired if there are additional modifications to the site plan intended for the future. Mr. Fields stated that although he cannot predict more than five years out what the club will want to do, it took three to four years to create this plan and they have no additional plans for the immediate future. The proposal is with safety as the number one concern in mind for the improvements in the shoreline area and resolving the runoff into the lake.

Member Tucker inquired if there are any plans to extend the floating docks. Mr. Fields stated that they already have in 2013. Chair Rhoads stated that because the site plan is different from prior site plans, she recommends that the application be taken to public hearing next month. Member Palen stated that he will not be available at next month's meeting, which would reduce the quorum to three members. Member Condon inquired when the applicant plans to commence work. Mr. Fields stated that they intend to begin work in the fall.

Member Tucker recommended that a site visit be conducted. The board was in agreement to conduct a site visit and take the application to a public hearing. Counsel Molnar stated that the Planning Board will be conducting their public hearing on February 17, 2015 and that the Zoning Board of Appeals will have that information available from the Planning Board for them for their review. The board can conduct their own public hearing to gage public input or the board can collect it from the Planning Board public hearing. Member Condon stated that he is amenable to using the minutes from the Planning Board public hearing for public comment instead of a separate public hearing. Counsel Molnar recommended that the board hold the public hearing and deliberate the application at the next month's meeting.

**WHEREFORE**, a motion was made by Member Tucker and seconded by Chair Rhoads to schedule a site visit on February 7, 2015 and a public hearing on ***Tuesday, March 3, 2015 at 7:20 p.m.*** The Board having been polled resulted in the unanimous affirmation of said motion.

Member Ketchum returned to the Board.

**Initial Review**

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

Present: Robert Eggleston, Architect

The property was recently acquired and is located two doors down from Mr. Pennisi's property. The lot is 29,123SF with 135.8FT of shoreline, and located within a 100-year floodplain. There is a watercourse that is located on the southeast corner of the property. Proposed is the demolition of the existing structure and construction of a new 3 bedroom dwelling built two feet  
Z.B.A.02.03.2015

above the floodplain and without a basement. It will be constructed as a year round house although the dwelling will be a second home for the applicant, and the applicant would like to maintain the existing 133SF shed as there is no garage proposed.

The existing dwelling is located 80.0FT from the lake line and 55FT from the watercourse. The proposed dwelling would be 63.6FT for the house and 60.3FT for the deck from the lake line; and the proposed watercourse setback of 80.4FT. The driveway would be relocated to be 88.5FT from the watercourse.

The existing building footprint is 4.7% with a proposed building footprint of 6.3%, 88SF over the allowed. Impermeable surface coverage will increase from 7.4% to 9.9% and open space will decrease from 92.4% to 87.1%. A 400SF shoreline permeable patio is proposed whereas 600SF of shoreline structures is allowed.

The floodplain level is at 867' and the first floor of the dwelling will be constructed at 869'. Chair Rhoads commented that the footprint variance is 88SF over the 6% allowed and inquired if this number could be brought into compliance. Member Tucker inquired why the proposed site plan has the dwelling encroaching more into the lake yard setback than the watercourse setback. Mr. Eggleston stated that it is a tossup since under prior zoning existing houses were allowed to be 60' from the lake line with the neighboring houses at similar setbacks. Member Tucker stated that the expansion on the front of the dwelling could be placed on the south side and be less nonconforming. He continued stating that he would like to see dwellings placed further back from the lake as they are being redeveloped to be in compliance with the comprehensive plan and zoning code. A site visit will be conducted on February 7, 2015.

**WHEREFORE**, a motion was made by Chair Rhoads and seconded by Member Tucker to schedule a public hearing on ***Tuesday, March 3, 2015 at 7:30 p.m.*** The Board having been polled resulted in the unanimous affirmation of said motion.

**Initial Review**

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

The property is a nonconforming 26,700SF lot with 116.3FT of shoreline. The seasonal cottage is constructed of cedar planks without stud walls and insulation. The applicant would like to convert the seasonal residence to a year round residence and add a 24'x32' addition on the south side of the dwelling. Due to the existing construction of the dwelling, the dwelling cannot support a second addition, and they would like to keep it single story so as not to block the views for the neighbors behind them.

The existing cottage is 60.4FT from the lake line and 12.9FT from the north property line. The proposed addition will be 77.5FT from the lake line with a 12'x22' deck located 72.6FT from the lake line. The side yard setback will be conforming at 19.5' to the south property line. The existing septic system approved for four bedrooms is located in the back of the property with the tank and vents located directly behind the house. The addition will be for a master bedroom and expansion of the living room replacing the spiral staircase with a conventional staircase to the lower level. To winterize the existing dwelling, insulation will be placed on the outside of the dwelling to preserve the cedar on the inside of the dwelling. The existing footprint is 3.9% of the lot area with a proposed footprint of 6.8% and over the allowed 6% of lot area. Floor space of the existing dwelling is 6.1% with a proposed floor space of 11.3%, including 80% of the basement, and over the 10% maximum allowed. Impervious surface coverage will be maintained at the 2002 approved 12.3%. The 12.3% impervious surface coverage was granted based on the fact that the lot supports a shared driveway. The entire dwelling is within 100' of the lake line. Member Tucker commented that the requested footprint at 6.8% should be re-analyzed to see if any reduction is possible. A site visit will be conducted on February 7, 2015.

**WHEREFORE**, a motion was made by Member Tucker and seconded by Member Ketchum to schedule a public hearing on ***Tuesday, March 3, 2015 at 7:40 p.m.*** The Board having been polled resulted in the unanimous affirmation of said motion.

### **Initial Review**

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

The lot is a nonconforming 25,907SF lot with 114.1FT of shoreline. The 2 bedroom cottage was built in the 1950s and built on piers. The dwelling is located 55' from the lake line and less than 10' from the top of the bank of the lake; it is also 19.5' from the south property line. The proposal is to relocate the dwelling that will conform to the south property line and be located 69' from the lake line and 25' from the top of bank. In addition a basement will be added and a 12'x16' porch located on the north side. The dwelling will be lifted four feet to work with the existing topography and provide the ability to have light into the basement on two sides of the dwelling. The footprint and floor space will be in compliance with zoning code.

The variance requested is for a proposed lake yard setback of 69FT whereas 100FT is required. Impermeable surface coverage will be reduced from 15% to 10% by removing a portion of the circular drive. The applicant is working with the City of Syracuse to maintain the existing septic system utilizing the three drywells located 120FT from the lake. The applicant intends to keep the dwelling for seasonal use. A site visit will be conducted on February 7, 2015.

**WHEREFORE**, a motion was made by Member Tucker and seconded by Member Palen to schedule a public hearing on *Tuesday, March 3, 2015 at 7:50 p.m.* The Board having been polled resulted in the unanimous affirmation of said motion.

### **Discussion**

The Board was presented with a revised draft local law C 2014 regarding abandonment. The ZBA reviewed the proposed Local Law C of 2014, a Local Law Amending the Town Code of the Town of Skaneateles to define when an application before the Planning Board and Zoning Board of Appeals will be deemed to be abandoned. Chair Rhoads noted that what had changed from the prior approved draft was the ability of the Board to reach out and reverse a closed application due to inactivity. Counsel Molnar stated that an abandoned application can be restarted under the suggested modification; however, the application would be subject to any rules and regulations in effect at the time of restart. Member Tucker stated that he was told that the main purpose for the change was if there is an application that has settled for a while, and code changes have occurred then the application would be subject to the new regulations. Member Ketchum inquired what the criteria is for extending an application so that it is not considered abandoned. Counsel Molnar stated that an application would be considered abandoned if there has been no activity from the last regularly scheduled meeting at six months for a minor application and one year from a major application. Member Tucker commented that it still remains unclear what is considered inactive. The applicant would have to be on the agenda for it to continue.

Mr. Eggleston inquired if the applicant would be contacted prior to the closure of an application. Counsel Molnar stated no. Mr. Eggleston commented that the removal of the clause allowing an applicant to re-instate their application within 30-45 days after its closure is unfriendly and it is inappropriate not to notify the applicant that their application has been closed. He continued stating that with large applications there are things going on that take time. An example was the Briggs project where he was required to do three different percolation tests during three different times of the year and that does not happen overnight. Counsel Molnar stated that this legislation is mainly to address those applications where they are submitted just under the wire and then do not progress.

Mr. Eggleston inquired that an application has to abide by the rules when submitted and if the rules change then they have to abide by them. Counsel Molnar clarified that the laws state that an application is bound to the laws at time of submittal and not at time of conclusion.

Member Condon stated that as he reads the draft, there is no notification given to the applicant when an application is closed. Mr. Eggleston stated that it displays poor sportsmanship. Member Tucker stated that although it is not in the draft, it could still be procedurally done. Mr. Eggleston stated that in the prior version it allowed the Board to reconsider a closed application if information came to light. Chair Rhoads stated that the former draft had it that it was at the Board's discretion on determining whether an application was inactive or not. Member Ketchum stated that the new version allows the Board to waive the fee for a new application if the applicant's last application had been closed.

**WHEREFORE**, a motion was made by Member Condon and seconded by Chair Rhoads to disapprove the amended text change to the proposed Local Law C of 2014, a Local Law Amending the Town Code of Skaneateles to define when an application before the Planning Board and Zoning Board of Appeals will be deemed to be abandoned, and maintain the prior version of the draft as approved by the Zoning Board of Appeals on November 3, 2014.

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

The motion failed.

The ZBA recommends Town approval of the attached copy of proposed Local Law C of 2014, a Local Law Amending the Town Code of the Town of Skaneateles to define when an application before the Planning Board and Zoning Board of Appeals will be deemed to be abandoned, provided that the Town Board also authorize and approve an amendment to the rules of procedure for both the PB and ZBA, by adding reference to abandonment therein, and by authorizing an amendment of the Common form Application used by both the PB and ZBA, so that the abandonment time frames be clearly provided to all interested parties. The ZBA also recommends that a discussion of abandonment be added to the Town's website, wherever appropriate, to notify all interested parties of these time requirements. Accordingly, the ZBA adopted the following:

**WHEREFORE** a motion was made by Member Sherill Ketchum and seconded by Member Steven Tucker, and approved unanimously by all Members present, that the Town of Skaneateles Zoning Board of Appeals **RESOLVED** to recommend adoption by the Town of Skaneateles of Local Law C of 2014, a Local Law Amending the Town Code of the Town of Skaneateles to define when an application before the Planning Board and Zoning Board of Appeals will be deemed to be abandoned, in the form attached, provided that the Town Board also amends the zoning and planning applications, as well as the rules of procedure applicable to the Planning Board and ZBA, to reflect the abandonment policy, and that the Town's website be adjusted, wherever required, to reflect the abandonment policy as well.

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

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 9:40 p.m.

Respectfully Submitted,  
*Karen Barkdull*

Karen Barkdull