

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

February 4, 2014

Present:

Denise Rhoads
Jim Condon
Steven Tucker
Sherill Ketchum
Scott Molnar, Attorney
Karen Barkdull, Secretary
Dennis Dundon, Zoning Officer

The meeting commenced at 7:00 p.m. at Town Hall. Site visits for current applications will occur on Saturday February 22, 2014 beginning at 9 a.m. Previous distribution to the Board of the regular meeting minutes of January 7, 2014 and January 14, 2014 were executed and all members present acknowledged receipt of those minutes.

WHEREFORE a motion was made by Member Condon and seconded by Member Ketchum to accept the January 7, 2014 minutes as submitted and the January 14, 2014 minutes with minor corrections. The Board having been polled resulted in favor of said motion.

Initial Review

Applicant:	Mehdi Marvasti	Property:
	4337 City Lights Terr.	2022 West Lake Road
	Jamesville, NY	Skaneateles, NY 13152
		Tax Map #058.-01-24.0

Present: Mehdi & Kathi Marvasti, Applicants; Andy Ramsgard, Architect

The .66 acre pre-existing nonconforming lot has 57.3' of lake frontage with an existing dwelling and boathouse. The applicant is proposing the demolition of the existing 1,101.5SF dwelling and construction of a 1217.2SF dwelling with a 484SF detached garage. The new dwelling will be located in approximately the same footprint. The proposed detached garage will be located on the existing tarvia turnaround. The proposed footprint will be 6.9% of the lot area, with the lot located within 1000 feet of the lake line. The proposed dwelling will be 7 feet from the south property line due to the bay window projecting into the setback, the same setback as the existing dwelling. The nonconforming lot will require a variance for less than 75 feet of lake front required for a nonconforming lot under 40,000SF. A letter of support from the neighbor to the south, Steven Leverich, was submitted to the Board. The neighbor's dwelling on the property to the north is located 52' closer to the waterfront with the neighbor's dwelling on the southern property located 50' further back from the lake line. Impermeable surface coverage will be reduced from 19.9% to 17.8%. Chair Rhoads stated that application is subject to a special permit for redevelopment as the proposed impermeable surface coverage is over 10%.

Member Condon inquired whether the existing dwelling is for seasonal use. Mr. Ramsgard stated that the existing dwelling is for seasonal use and that the current owners live in Syracuse and is intending to live in the property year round. The existing 3-bedroom septic system was installed in 1987; however, the leach lines will probably need to be replaced. Rudy Zona will be determining what needs to be replaced and will design accordingly. Water for the dwelling is pumped directly from the lake.

Member Tucker stated that the proposed dwelling is 100SF larger than the existing dwelling and inquired as to the percentage increase in size. The footprint of the dwelling is increased by 10.5%, and a reduction in the dwelling or detached garage footprint could remove the need for the footprint variance. Mr. Ramsgard stated that the dwelling is of modest size with small room sizes proposed. Reductions in the dwelling or basic two-car garage would reduce the livability of the dwelling and garage since the lot is narrow. A site visit will be conducted on February 22, 2014.

WHEREFORE a motion was made by Chair Rhoads and seconded by Member Tucker to schedule a Public Hearing on *February 4, 2014 at 7:10 pm*. The Board being polled voted in favor of said motion.

Public Hearing

Applicant: Kevin & Michelle Swindell
312 2nd Street
Solvay, NY 13209

Property:
4880 NW Townline Road
Skaneateles, NY 13152
Tax Map #020.-03-03.1

Present: Kevin Swindell, Applicant

No one requested to have the public notice read. The Onondaga County Planning Board had no comments in their resolution dated January 29, 2014. NYSDOT approved the proposed driveway in their correspondence dated November 12, 2013. Members from the Board have visited the site on January 18, 2014.

The applicant would like to construct a 24'x24' addition to an existing attached garage located 36.1' and 39'1' from Northwest Townline Road. The applicant is currently constructing an addition to the dwelling as he and his family has the intention to move into the dwelling to provide care for his father. The expansion of the garage, with separate access driveway would be for the applicants use.

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 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 Chair Rhoads and seconded by Member Condon to close the Public Hearing. The Board having been polled resulted in the unanimous affirmance of said motion.

At this time Counsel Molnar reviewed with the Board the statutory criteria set forth in Town Code Section 148-45D (a-e) for an Area Variance. Counsel stated that in making their determination the Zoning Board of Appeals is required to consider certain factors, which are:

1. **Whether an undesirable change would be produced in the character of the neighborhood or a detriment to nearby properties:** No. There is an existing driveway in the area and the expansion is at the rear of the existing garage which will be less visible to the neighbors.
2. **Whether the benefit sought by the applicant can be achieved by a feasible alternative to the variance:** No. The applicant has chosen the best option available due to the existing location of the garage and the existing driveway approved by NYSDOT. Placing a detached garage in the back of the property would increase the impermeable surface coverage and is not a viable alternative.
3. **Whether the requested variance is substantial** No. The lot is located in a rural area, on the corner of NW Townline Road and Sheppard Road at the farthest northeast corner of the Town.
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 garage addition will not have an adverse effect to the environment.
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 Condon, that this application be **APPROVED** with standard conditions and additional special conditions:

1. That the Site Plan, dated June 11, 2013 and prepared by Patrick Leamy, be

followed in all respects; and

2. That the Applicant shall obtain all necessary permits and approvals from the New York State Department of Transportation.

<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]

Public Hearing

Applicant: Tracy & Nancy Nolan
8400 Canyon Crossing
Latanya, TX 75226

Property:
1390 Thornton Heights Road
Skaneateles, NY 13152
Tax Map #057.-01-15.1

Present: Robert Eggleston, Architect

No one requested to have the public notice read. The City of Syracuse Water department had no comments in their correspondence dated December 27, 2013. Members from the Board have visited the site on January 18, 2014.

In 2006 the property had received a variance for impermeable surface coverage of 12.2% and the applicant is proposing to maintain the 12.2% impermeable surface coverage on the lot. The property is located in Thornton Heights that consists of a small dwelling on an 11,947SF lot. The existing deck is on the north side of the cottage and the applicant would like to construct a second story deck above an existing pavers patio facing the lake and connecting to the existing deck to the north. The two large windows will be replaced with sliders to access the deck. The northwest corner of the proposed 10'x37.2' deck would be 98.5' from the intermittent stream. The proposed second story deck will extend 1 1/2' further west than the existing pergola that will be removed. Variances requested are for the lot under 20,000SF in the LWOD and the 98.5' setback to the watercourse whereas 100' is required for the proposed deck addition. The drainage from the parcel runs parallel to the watercourse and drains into a road drainage channel rather than draining directly into the watercourse. Member Ketchum inquired whether the deck could be angled at the point where it encroaches the watercourse setback. Mr. Eggleston stated that the deck could be angled to comply with the setback if the Board felt it needed to remove the requested watercourse setback variance. The watercourse has been remediated by the Beviere to maintain the quality of the stream; however this property does not drain into the watercourse.

WHEREFORE a motion was made by Member Tucker 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. R.J. Cunningham, property owner to the west, spoke in favor of the proposal. 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 Chair Rhoads and seconded by Member Condon to close the Public Hearing. The Board having been polled resulted in the unanimous affirmance of said motion.

At this time Counsel Molnar reviewed with the Board the statutory criteria set forth in Town Code Section 148-45D (a-e) for an Area Variance. Counsel stated that in making their determination the Zoning Board of Appeals is required to consider certain factors, which are:

1. **Whether an undesirable change would be produced in the character of the neighborhood or a detriment to nearby properties:** No. The proposed deck expansion will replace the existing trellis and will increase the applicant's enjoyment of the property. No neighbor's views will be impacted by the proposed deck expansion.
2. **Whether the benefit sought by the applicant can be achieved by a feasible alternative to the variance:** No. Any proposed improvement will require a variance as the lot is nonconforming to lot size. The second story deck will be located over the existing patio with little soil disturbance. The proposed deck will minimally encroach into the watercourse setback by 1.5 feet.
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 at the lake posed by granting individual variance. This presumption is rebuttable:** No. The proposed second story permeable deck will replace the existing trellis and three feet of the deck minimally encroaches into the watercourse setback by 1.5 feet.
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 impact because of the cumulative risk of degradation of the lake posed by granting individual variance. This presumption is rebuttable:** No. The proposed second story structure will utilize the existing support for the existing trellis being removed and will have minimal impact on the environment.
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 Condon, that this application be **APPROVED** with standard conditions and additional special conditions:

1. That the Site Plan 1 of 2 through 2 of 2, dated December 17, 2013, and the Narrative dated December 20, 2013, prepared by Robert O. Eggleston, Architect, be followed; and
2. Applicant's design professional shall provide location verification to the Codes Enforcement Officer confirming location.

<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]

Public Hearing

Applicant: Dennis & Tracey McCarthy
 1 Sachem Drive
 Skaneateles, New York

Property:
 3241 East Lake Road
 Skaneateles, NY 13152
Tax Map #040.-01-08.0

Present: Dennis & Tracey McCarthy, applicants; Andy Ramsgard, Architect

No one requested to have the public notice read. The City of Syracuse Water department commented that the on-site wastewater treatment systems will need to be approved by the OCDOH in their correspondence dated December 27, 2013. Members from the Board have visited the site on January 18, 2014.

The applicant proposed the demolition of the existing nonconforming dwelling on the nonconforming .6 acre lot with 67.5' of shoreline. The proposed three bedroom dwelling with detached two car garage will conform to all setbacks, footprint and floor space regulations. The proposed impermeable surface coverage is 10% with proposed open space at 84.5%. The shared driveway will be eliminated and a separate driveway for this lot will be developed. A new septic system for the three bedroom dwelling is proposed and the OCDOH has approved the revision to the system with an approval letter forthcoming. The variances requested are for the nonconforming lot size under 20,00SF and less than 75' of lake frontage required.

WHEREFORE a motion was made by Member Ketchum 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 favor of the application. Chair Rhoads asked if there was anyone wishing to speak in opposition, or had any other comments. Ted Spenser, neighbor to the north, stated that he had no problems with the relocation of the driveway and the requirement for him to establish his own driveway.

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. There are similar dwellings of a similar size on nonconforming lots in the neighborhood. The proposed dwelling complies with the dimensional regulations for a nonconforming lot.
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 75' lake front requirement. The applicant and their design professional designed the project to comply with all other dimensional requirements.
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. 7.3 foot variance for lake frontage is not substantial with the new dwelling located over 200 feet from the lake line.
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 impact because of the cumulative risk of degradation of the lake posed by granting individual variances. This presumption is rebuttable:** No. The proposed dwelling will be located over 200 feet from the lake line with a new septic system proposed. The proposal will improve the physical and environmental conditions that exist.
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 Member Condon and seconded by Chair Rhoads, that this application be **APPROVED** with standard conditions and additional special conditions:

1. That the Site Plan Z-1.1 and Z-1.2, dated December 20, 2013 and the Narrative dated December 19, 2013 prepared by Andrew Ramsgard, Architect, be followed in all respects; and
2. Onondaga County Department of Health ("DOH") approval of the septic system and City of Syracuse Department of Water approval be received prior to demolition of the existing dwelling; 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]

Amendment Request

Applicant: Dwight Perry & Alexandra Doyle
 1812 Webster Street
 Philadelphia, PA

Property:
 1698 Amerman Road
 Skaneateles, NY 13152
Tax Map #063.-04-01.0

The property owners would like to modify their approved deck with the inclusion of a 10'x24' covered porch on the deck. The proposal will increase impermeable surface coverage; however it will be under the 10% maximum allowed. Member Ketchum stated that the proposed porch may block the view of the lake from the neighbor's lot. Member Condon stated that the porch would be a structure placed on top of another structure and cannot exceed 12' above the shoreline and will need an additional variance. Mr. Eggleston clarified that shoreline structures are limited to 12' in height above the lake line. Mr. Eggleston, architect in the Town of Skaneateles and representative for the neighbor's to the south on their proposal, stated that Mr. Boudreau was concerned that the new proposal was not going through the proper process to obtain a variance for all proposed changes at one time. Mr. Eggleston stated that the Board was Z.B.A.02.04.2014

extremely generous in granting the variance for the 10' wide deck portion in front of the dwelling. He continued stating that the approved deck is not 20' from the side yard setback and that the Boudreau/Stafford approval complies with the 20' setback. The Boudreau deck is located on the north side of the dwelling and away from the Perry property. He continued stating that he is concerned that the covered porch could be converted to living space in the future. He recommended locating the covered porch to the north as an alternative and that Boudreau/Stafford would be in support of the north location. Member Condon stated that the Board would not have approved the porch if it was presented at the time of the original proposal. Member Tucker stated that the applicant would need a variance for the porch since it is within 50' of the lake line.

Whereas, at the Skaneateles Zoning Board of Appeals meeting held on **Tuesday, February 4, 2014**, Alexandra Perry ("Applicant") for property located at 1698 Amerman Road in the Town of Skaneateles (063.-04-01.0), submitted a revised site plan dated January 24, 2014 ("Revised Site Plan") reflecting proposed modifications to the original approved site plan dated April 24, 2013, reflecting a proposed modification of the approved 473SF deck by reducing the deck to a proposed 230SF and the addition of a 283.5SF screen porch (the "Requested Amendment"); and

Whereas, the Applicant was granted variances on November 12, 2013 for a proposed deck 42' from the lake line and 12' from the south property line; and

Whereas, these variances were approved subject to standard conditions as well as a number of conditions necessary in order to manage adverse impacts upon the neighborhood or community; and

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

WHEREFORE, upon a motion made by Member James Condon, seconded by Member Sherill Ketchum, and duly adopted, the Zoning Board of Appeals denied the Requested Amendment, based on the substantial increase in potential living space and the height of the proposed screened porch located within 50' of the lake line. The Applicant is encouraged to consider and submit an application to amend the approved site plan locating the proposed covered porch on the north side of the dwelling.

<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]

Discussion

There are upcoming training opportunities at the On Center on March 13, 2014 and in Watertown/Tug Hill on March 27, 2014.

Discussion

The most recent applications were missing denial notices and the Board would like to have them included with the variance applications.

There being no further business a motion was made by Member Ketchum and seconded by Member Tucker to adjourn the meeting. The Zoning Board of Appeals meeting adjourned at 8:15 p.m.

Respectfully Submitted,

Karen Barkdull

Karen Barkdull