

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

March 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. There will be no site visits this month. Previous distribution to the Board of the regular meeting minutes of February 4, 2014 were executed and all members present acknowledged receipt of those minutes.

WHEREFORE a motion was made by Member Condon and seconded by Member Tucker to accept the February 4, 2014 minutes with minor corrections. The Board having been polled resulted in favor of said motion.

Public Hearing

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

Present: Mehdi Marvasti, Applicants; Andy Ramsgard, Architect

No one requested to have the public notice read. The Onondaga County Planning Board stated that the OCDOH and City of Syracuse Water Department need to approve the proposed septic system; that all necessary approvals be obtained from the OCDOH, City of Syracuse Water Department and the NYSDEC in their resolution dated February 19, 2014. The City of Syracuse commented that the applicant needs to submit documentation and drawings for on-site waste water system for their review and approval in the correspondence dated January 29, 2014. Members from the Board have visited the site on January 18, 2014.

Submitted was a drawing Z-1.3 that reflected room sizes as requested by Member Tucker. A revised site plan Z-1.1 was revised on March 4, 2014 reflecting reduction in impermeable surface coverage with the implementation of a grass strip for the driveway. A prior application, Scutari had implemented a curve-linear grass strip and it has worked effectively for the last five years for the driveway runoff and has been plowed with the use of a brush blade plow that does not disturb the grass strip. The proposed impermeable surface coverage has an additional 2% reduction with the proposed impervious coverage at 16.1% from the existing coverage of 19.9%.

The dwelling is 1800SF and with the existing code allowing 6% footprint and 10% floor space designs a dwelling with a larger cantilevered second story. The design demand today is for having some bedrooms on the first floor and it can be difficult with the 6% limitation. On drawing Z-1.3 reflects that 295SF would need to be removed from the first floor to comply with the 6% footprint requirement. This would require the removal of the proposed master bath from the first floor and requiring the applicant to use the stairs to use a bathroom. As the applicant is intending to use the dwelling as a retirement residence, the lack of a first floor master bath would be problematic.

The applicant could add almost 900SF on the second floor to take advantage of the 10% floorspace allowed; however, the applicant is not looking to have the largest possible dwelling on the lot. Although a reduction of the two car garage to one car would assist the proposal to achieve 6% footprint it would not help to reduce impervious surface as the lot would still need to provide parking for two cars and not provide any benefit to the lake protection.

Member Tucker inquired on the calculation of the square footage needed to be removed to achieve 6% of lot area. The removal of the 295SF master bath would bring the footprint to under 6%, although this square footage could be located on the second floor. Member Condon stated that he is comfortable with the design and felt it would fit with the surrounding neighborhood. He appreciated the reductions in impervious coverage. The septic system would be improved and the aesthetics improved. Member Tucker stated that he discovered discrepancies between the survey and the site plan regarding the dwelling size. The dwelling and porch on the survey is 87.5 feet smaller than on the site plan. Mr., Ramsgard stated that the steps are large and that it was included in his calculation but may not have been included in the surveyor's calculations. Member Tucker stated that the deck calculations differ. Mr. Ramsgard stated that the survey considered the entire deck as permeable and that his office included the covered portion of the deck in the impermeable surface calculations. He continued stating that his office will research the discrepancies.

Member Tucker stated that the Board is charged to grant the minimal variances possible. Mr. Ramsgard stated that the zoning code has been modified over the years and that lots that are small like the applicants were not considered when establishing the 6% footprint and 10% floor space guidelines. Member Condon stated that the Board is given the authority to grant relief in this type of case where the code does not work with the existing nonconforming lot. Member Tucker stated that he believes the lot is large enough to design a dwelling that will not exceed the 6% footprint maximum.

Mr. Ramsgard stated that the Planning Board is also reviewing the application and has scheduled a site visit for this month. It is a balancing act to design for nonconforming lots. The Planning Board concerns are with impermeable surface coverage on the lot as they are comfortable with the overall design of the structures. Member Condon stated that he does not see that the 6.9% footprint will have an impact on the lake. Member Tucker stated that if every lot on the lake was over .9% on the footprint of their structures it would have a direct impact on the lake and believes that the dwelling could be designed at 6% footprint. Chair Rhoads stated that an 1800SF dwelling is reasonable in size and fits the nonconforming lot. The proposed

improvements to the lot outweigh the variances requested. She continued stating that if the applicant would prefer to continue the public hearing until the next ZBA meeting, that the Board would entertain that request. Mr. Dundon stated that the footprint variance is a 15% increase over what is allowed, however the proposed improvements offset the requested increase in footprint. Member Ketchum stated that the applicant and his design professional had proposed the best option for development of the small lot. Mr. Ramsgard requested that the public hearing be finalized tonight so that the application could continue with the Planning Board public hearing.

WHEREFORE a motion was made by Member Condon and seconded by Member Ketchum to declare this application to be a Type II action pursuant to sections 617.5(12)&(13) and 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. A letter of support for the neighbor to the south, Mr. Leverich was submitted.

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.

Homes are of similar size on nonconforming lots in the neighborhood and the applicant and his architect have worked to reduce the modest dwelling size. The proposed garage will be built on the existing tarvia turnaround and will be improving the drainage on the lot along with a proposed septic system replacement

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 lake frontage. The dwelling will be located over 100 feet from the lake line with the unchanged seven foot setback to the south property line as the existing dwelling, although the dwelling could have been designed to the same size as the existing dwelling.

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

3. **Whether the requested variance is substantial:** Yes.

Although the applicant is reducing the impermeable surface coverage and improving the septic and drainage of the lot, the footprint variance requested is 15% greater than the allowable 6% of lot area and therefore substantial.

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

4. **Would the variance have an adverse impact on the physical or environmental condition in the neighborhood:** No.

The existing property will be substantially improved with the construction of a new dwelling located more than 100 feet from the lake line and complying with NYS building code, improved driveway runoff control with the implementation of grass strips and a new septic system.

<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]

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:

STANDARD CONDITIONS:

1. That the applicant obtain any necessary permit(s) from the Codes Enforcement Officer or otherwise commence the use within one (1) year from the filing of the variance decision. Any application for zoning/building permit(s) shall terminate and become void if the project is not completed within the eighteen (18) months from the issuance of the permit(s).

2. That the applicant notify the Codes Enforcement Officer on completion of the footing of any project for which a variance has been obtained.

3. That the applicant obtain a Certificate of Occupancy and/or Certificate of Compliance, as required, from the Codes Enforcement Officer.

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 Z-1.1 dated March 4, 2014, Z-1.2 dated January 27, 2014, and Z-1.3 dated March 4, 2014 , and the Narrative dated January 27, 2014, prepared by Andrew Ramsgard, Architect, be followed; and

Additional Condition No. 2 Reconciliation of Site Plan prepared by Andrew Ramsgard and Survey prepared by Paul Olszewski to clarify lot coverage calculations submitted to the Town; and

Additional Condition No. 3 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 cottage; and

Additional Condition No. 4 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. 5 The applicant shall obtain a foundation only permit and present the Code Enforcement Officer with a foundation location survey confirming that the setback and size of the footprint for the house comply with this variance prior to receiving a building permit.

Additional Condition No. 6 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	[No]

Discussion

There are upcoming training opportunities at the On Center on March 13, 2014. Members Tucker and Ketchum will be in attendance.

Discussion

An in house training session will be conducted with a date to be chosen shortly.

Discussion

New York State has jurisdiction over the navigational water and any structures on the lake beyond the mean high water mark are under the States jurisdiction. The Town will regulate any structures for NYS building code compliance.

Discussion

Member Tucker has coordinated the formation of a committee to review the definitions in our code and suggested changes to enhance the clarity of the code. Any suggestions for areas of the code needing clarification should be directed to the Board secretary. Member Condon suggested that pictures or drawings should be included in the definitions.

There being no further business a motion was made by Member Condon and seconded by Chair Rhoads to adjourn the meeting. The Zoning Board of Appeals meeting adjourned at 8:30 p.m.

Respectfully Submitted,

Karen Barkdull

Karen Barkdull