

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

**March 5, 2019**

Present:

Denise Rhoads  
Jim Condon  
David Palen – Absent  
Kris Kiefer – Absent  
Michael Ciaccio  
Scott Molnar, Attorney  
Karen Barkdull, P&Z Clerk  
Kim Benda, Zoning Secretary

The meeting commenced at 7:00 p.m. at Town Hall. The next Zoning Board of Appeals meeting will be held on April 2, 2019 at 7:00 p.m. Previous distribution to the Board of the regular meeting minutes of February 5, 2019 was executed and all members present acknowledged receipt of those minutes.

**WHEREFORE** a motion to accept the February 5, 2019 minutes as submitted was postponed due to lack of quorum of members present during previous meeting.

**Record of Vote**

Chair	Denise Rhoads	Present	[Abstain]
Vice Chair	Jim Condon	Present	[Abstain]
Member	David Palen	Absent	
Member	Kris Kiefer	Absent	
Member	Michael Ciaccio	Present	[Abstain]

Member hours for the members present were turned in for the month of February, 2019. Emails will be sent to absent members Dave Palen and Kris Kiefer, requesting February, 2019 hours.

**Other Board Business**

Vice Chair Condon attended the Cornell Cooperative Extension event February 16, 2019, at the Skaneateles Creamery, about the effect of road salt entering tributaries and the lake.

**Public Hearing**

Applicant: Patricia Woodcock  
3833 East Street  
Skaneateles, NY  
**Tax Map #044.-01-13.0**

Present: Patricia Woodcock, Applicant  
Jeff Davis, Attorney  
Scott Gasparini, Contractor

The existing fence was installed in violation of the Zoning Code requiring a minimum 12 inch setback, due to Codes Enforcement Officer approval of a Building Permit reflecting a 6 inch minimum setback. The fence was installed in compliance with the original Building Permit issued, with setbacks ranging between 6 inches and 12 inches at various locations. It was later discovered by the Codes Enforcement Officer, the applicant's fence was in violation of the Zoning Code, at which time he informed Ms. Woodcock of the violation and she promptly applied for an Area Variance.

Z.B.A.03.05.2019

A survey was taken prior to the fence installation to create a Site Plan, a second survey was taken post fence installation to show compliance with the Building Permit issued by the Codes Enforcement Officer. Member Ciaccio requested clarification on the survey submitted with the building permit and Contractor Gasparini reviewed the process of submitting the survey with his notes on them to the Codes Enforcement Officer.

**WHEREFORE**, a motion was made by Vice Chair Condon and seconded by Member Ciaccio to consider the proposed action as a Type II SEQR action as per section 617.5(c)(12) and not subject to SEQR review. The Board having been polled resulted in the unanimous affirmance of said motion.

No one wished to have the public notice read. A site visit was not conducted by the Board, members drove by the property at their discretion.

At this time, Chair Rhoads opened the Public Hearing and asked if there was anyone in favor of the project. There was no one who spoke in favor of the application. Chair Rhoads inquired if there was anyone who would like to speak in opposition or had any comments. Neighbor Barbara Butler, owner of property west of 3833 East Street, asked to make a comment at this time. Ms. Butler noted she and her husband had their property surveyed after the fence was installed. They found Ms. Woodcock's fence was within 7/10 of the property line. Ms. Butler stated, good fences make good neighbors and she is not opposed to the fence remaining so long as it is not moved any closer to her property line. That also noted the applicant has brought forth a letter in favor of the fence was submitted by neighbor Elizabeth Bettis, as well as identifying attempting communication with other neighbors in a memo to the Board which is part of the file.

**WHEREFORE** a motion was made by Member Condon and seconded by Member Ciaccio 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 148-11G (3) 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 or detriment to the character of the neighborhood by allowing a four foot high white picket fence to remain as an existing structure within the required setback area at various points.
2. **Whether the benefit sought by the applicant can be achieved by a feasible alternative to the variance:** No. The proposed variance is the most feasible, to allow an existing fence to remain in place according to the original approved Building Permit, whereas the fence is setback in places a distance of 6 inches from the Applicant's property line.
3. **Whether the requested variance is substantial, this presumption is rebuttable:** No. The requested variance is not substantial, as the structure is approximately 6 inches from the property lines at certain points, where a 12 inch setback is the Zoning Code requirement.

4. **Would the variance have an adverse impact on the physical or environmental condition in**

**the neighborhood:** No. The variance of the fence having a 6 inch setback to the property line, whereas a 12 inch setback is required by Zoning Code, is not substantial.

5. **Whether the alleged difficulty was self-created:** No. This situation was not self-created as the Building Permit was approved by the Codes Enforcement Officer with a 6 inch setback from the property line. This error was brought to light by the Codes Enforcement Officer post-fence installation, whereas said fence is in compliance with the approved plan upon which a Building Permit was issued.

**WHEREAS,** in review of the above findings of the Zoning Board of Appeals, the benefit to the applicant, as weighed against the detriment to the health, safety and welfare of the neighborhood, or community, lies in favor of the applicant. Based on the Board members' site visits and discussions before the Board at the public hearing the benefit to the applicant outweighs the detriment to the community and will not have significant adverse impacts on the character of the neighborhood or the physical or environmental conditions of the property.

**WHEREFORE** a motion was made by Vice Chair Condon and seconded by Member Ciaccio, that this application be **APPROVED** with standard conditions and additional special conditions:

**ZBA STANDARD CONDITIONS:**

**STANDARD CONDITIONS:**

1. That the applicant obtains 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 shall obtain all necessary permits and approvals from any agency or authority having jurisdiction over the Property or Application; and

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:

1. That the as built survey as dated January 14, 2019, prepared by Paul Olszewski, Licensed Surveyor, depicting the location of the installed fence be followed in all respects, shall always be complied with, and the fence shall not be moved any closer to the property lines.

<b><u>Record of Vote</u></b>				
Chair	Denise Rhoads	Present		[Yes]
Vice Chair	Jim Condon	Present		[Yes]
Member	David Palen	Absent		
Member	Kris Kiefer	Absent		
Member	Michael Ciaccio	Present		[Yes]

**Initial Review**

Applicant: Robert & Gail Gosson  
1881 Old Seneca Turnpike  
Skaneateles, NY  
**Tax Map #021.-02-38.1**

Present: Robert & Gail Gosson, Applicants  
Nick DeSantis, Consultant

The 14.9 acre lot has conforming impermeable surface coverage, uncalculated, but under 10%. The existing dwelling currently has a non-conforming setback of 49.2 feet from County road Old Seneca Turnpike. Proposed is to demolish the existing single-story living room, on the north side, and replace it with an addition on the north and west elevations of the existing dwelling. The addition will allow for a living room, additional bedroom, 2.5 car garage, mudroom, laundry room, and bathroom. The addition of the 2.5 car garage will decrease the current 49.2 foot setback from Old Seneca Turnpike to a 39.2 foot setback. The change in footprint will not exceed impermeable surface coverage which will remain under 10%. The proposed garage will allow space for a new septic/leech system to accommodate the additional bedroom.

Vice Chair Condon suggested a site visit and stated that the applicant should clarify why the garage is not proposed on the East side of the home and would not require a variance. Consultant DeSantis pointed out that it is where the existing septic and well are located. Vice Chair Condon asked if the current septic will remain in place. Consultant DeSantis informed him the Applicant is currently working with an Engineer to determine if the new septic will accommodate the entire home and the current septic will be removed, or if the current septic will remain and an additional new septic will be added.

Vice Chair Condon asked why the garage is not designed to go on the East side of the dwelling to avoid the variance completely. It was pointed out the driveway to the barn behind the house runs along that side of the existing dwelling and the elevation of the land does not allow for placement of the garage on the east side. Vice Chair Condon then questioned the angle of proposed garage. Consultant DeSantis stated this has been planned since 2003 and it will allow for 2 curb cuts instead of 3 with a safe sightline, and if the garage is square with the house, not splayed, it will require a turnaround which is not ideal entering the driveway from Old Seneca Turnpike.

Counsel Molnar affirmed once the Board receives a final drawing then a determination of the Variance can be made. Vice Chair Condon commented the Site Visit will take place and final drawings will have to be submitted in order for a determination to be made in regard to the Area Variance. Chair Rhoads stated, Site Visit will be conducted on Saturday March 16, 2019 at 9am.

Vice Chair Condon inquired about watercourses located on the property as well as an original survey from the house being constructed. The Applicant is unaware of any water course, and the house was built in the 1800's so there is not an original survey, however the owner did supply a survey from April 22, 2011. The survey included information about the elevation of the property. Member Condon then requested the submission of the Construction Plans, which can be acquired from the Codes Enforcement Officer, for the Site Visit.

**WHEREFORE**, a motion was made by Chair Rhoads and seconded by Member Ciaccio to schedule a public hearing on **Tuesday, April 2, 2019 at 7:02 p.m.** The Board having been polled resulted in the unanimous affirmation of said motion.

Member Condon recommended the Applicant contact the neighbors and request letters in support of the proposal to the Board.

**Discussion**

Clerk Barkdull made the Board aware of the Small-Scale Stormwater Management Guidelines as updated by John Camp, PE, CPSWQ.

**Discussion**

Counsel Molnar explained changes to Zoning Code Section 148-12, updates to the definitions of alteration, demolish/demolition, disturbance, and renovation. These changes will require applicants to come before the Planning Board or ZBA to regulate storm-water management, disruption of the land, and protection of the lake. It is proposed both conforming and non-conforming lots within 1,000 feet of the lake will require review. Counsel Molnar assured the Board in speaking with CEO Herrmann at the P&Z meetings, CEO Herrmann is confident he will be able to determine applicant compliance with building permits and is comfortable denying applicant requests if they don't meet the code or issuing Stop-Work Orders if there are code violations. These actions may require the applicant to be reviewed by the ZBA. All of the changes to Zoning Code Section 148-12 will clarify current grey areas within the Zoning Code. The Board agreed these changes would be best if put into effect immediately.

**Discussion**

Vice Chair Condon inquired if the Gosson's have an architect. Clerk Barkdull stated there is a Design Professional being consulted and a stamped plan has been supplied; there were not enough copies for each Board Member. She then pointed out the prevailing setback of the homes in the neighborhood and the Board reviewed satellite photos supplied by Clerk Barkdull and Clerk Benda.

**Discussion**

Member Condon asked for an update on the Murphy tennis court project. Clerk Barkdull informed him the tennis court has been withdrawn from the project, and the impermeable surface coverage has been lowered to 11%.

There being no further business, a motion was made by Vice Chair Condon and seconded by Chair Rhoads to adjourn the meeting. The Zoning Board of Appeals meeting adjourned at 7:54 p.m.

Respectfully Submitted,  
Kim Benda