

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

July 5, 2016

Present:

Denise Rhoads
Jim Condon -absent
Sherill Ketchum
David Palen
Curt Coville
Scott Molnar, Attorney
Karen Barkdull, P&Z Clerk

The meeting commenced at 7:00 p.m. at Town Hall. The next Zoning Board of Appeals meeting will be held on Tuesday, August 2, 2016. Site visits will be conducted by the Board on July 23, 2016. Previous distribution to the Board of the regular meeting minutes of June 14, 2016 was executed and all members present acknowledged receipt of those minutes.

WHEREFORE a motion was made by Member Palen and seconded by Member Coville to accept the June 14, 2016 as submitted. The Board having been polled resulted in unanimous affirmation of said motion.

<u>Record of Vote</u>				
Chair	Denise Rhoads	Present		[Yes]
Vice Chair	Jim Condon	Absent		
Member	Sherill Ketchum	Present		[Yes]
Member	David Palen	Present		[Yes]
Member	Curt Coville	Present		[Yes]

Initial Review

Applicant: Cherie Haines
3500 County Line Road
Skaneateles, New York
Tax Map # 047.-01-41.0

Present: David & Cherie Haines, Applicants

The proposal is for the construction of a 627SF two-story garage that will incorporate a laundry room with mud room located on the first floor with storage on the second floor. The proposed garage will encroach on the south side yard setback where there is a 30' utility easement. The proposed building will be 16.4' and 17.4' from the south property line whereas 30' is required and a 27.4' existing setback. The proposed garage is smaller than the approved 2012 garage that was never built. Impermeable surface coverage will increase from 11.5% to 12.1% and below the 15% allowed. The style of the proposed garage will integrate with the existing dwelling. A site

visit will be conducted on June 23, 2016 at 9 a.m. Mr. Haines stated that he will mark the corners of the proposed location of the garage.

WHEREFORE, a motion was made by Member Ketchum and seconded by Member Palen to schedule a public hearing on ***Tuesday, August 2, 2016 at 7:10 p.m.*** The Board having been polled resulted in the unanimous affirmation of said motion.

Public Hearing

Applicant: John & Louisa Cohan
241 Kenlyn Rd
Palm Beach, FL 33480

Property:
3007 East Lake Rd
Skaneateles, NY 13152
Tax Map #039.-01-15.0

Present: Robert Eggleston, Architect

No one requested to have the public hearing notice read. The Onondaga County Planning Board commented that approval and any necessary permits be obtained from the NYSDOT, NYSDEC, ACOE, and the City of Syracuse Water Department in their resolution dated June 29, 2016. The City of Syracuse Department of Water deferred comment pending further review and evaluation of the engineered septic system in their correspondence dated June 8, 2016. The Board has visited the site on June 18, 2016.

A revised plan dated June 26, 2016 and narrative dated June 29, 2016, reflecting the removal of the 1026SF north deck and modification of the dock to permeable pavers. The existing 6,695SF of shoreline structures will be reduced to 3,763SF; however, over the 800SF of shoreline structures allowed for the lot. Mr. Eggleston stated that the property would have been allowed 1600SF of shoreline structures if the lake frontage was 5.2FT longer. With the proposed changes the impermeable surface coverage within 100FT of the lake line is reduced from 22% to 4.6%.

Mr. Eggleston continued stating that the proposed accessory apartment located next to the tennis court will be reduced to one story and under 1000SF, eliminating the need for a variance. In the revised narrative is a listing of other boathouses on the lake that includes large living space. This lot was developed in the 1980s, with the boathouse constructed prior to that time. Chair Rhoads commented that the boathouse appeared to be in deferred maintenance condition at the time of the Board's site visit, and inquired if the boathouse is structurally sound to continue its use as a boathouse/living quarters. Mr. Eggleston stated that it is the finishes and exterior cosmetics that are in disrepair on the structure, with the foundation and structure is in good condition.

Member Ketchum inquired about the proposal of the removal of the existing dock. Mr. Eggleston commented that the existing impermeable concrete dock will be removed and replaced with a paver dock. With the installation of the paver dock, the correct drainage and base will be used.

WHEREFORE a motion was made by Member Coville and seconded by Member Palen to declare this application to be a Type II action per section 617.5(c) (10) 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. No letters were received from the neighbors.

WHEREFORE a motion was made by Member Palen 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. This property has existing legal and nonconforming shoreline structures. The applicant has purchased the property and is demolishing the main structure, removing significant tarvia areas, increasing open space, and decreasing impermeable surface coverage. There will be a reduction in the existing shoreline structures from 6,695SF to 3,763SF by removing portions of the existing deck/dock area and replacing it with grass plantings or permeable coverings. Rehabilitation of this property will enhance the character of the neighborhood as well as the reduction in shoreline structures. The proposed changes are a significant improvement to the property and the reduction in shoreline structures along with the repairs and updates to the boathouse will be beneficial to the neighborhood and will not be a detriment to nearby properties.
2. **Whether the benefit sought by the applicant can be achieved by a feasible alternative to the variance:** Yes. There are alternatives which would include a tear down of the existing boathouse and existing dock, replacing it with a smaller compliant structure. The applicant wishes to retain the existing boathouse and a portion of the docking and decking, renovating it to a more aesthetic structure and keeping with the new proposed dwelling. There is a reduction in the existing shoreline structures of 2,932SF or 44%, which is a significant improvement to the property. It can be achieved, but financially and practically not feasible to tear down the existing boathouse and construct another in its place. For environmental reasons and others, it is better to leave the existing structure and do the proposed reductions and aesthetically improve it.

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:** Yes. The requested variance is substantial; the property will have 3,762SF of shoreline structures whereas 800SF of shoreline structures is allowed. It is noted that if the property did have an additional 5.2FT of lake frontage, 1600SF of shoreline structures would be allowed per the code. The requested variance is substantial but in a positive way. There are currently 6,695SF of shoreline structures on the property and if the owner were to change nothing the current square feet of shoreline structures would remain. However, the owner is proposing to reduce the square footage to 3,762SF. This will reduce the risk of degradation of the lake and will significantly improve the shoreline and make it more natural.

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. Removing significant areas of existing shoreline structures and demolishing the existing dwelling while increasing the open space and decreasing the impermeable surface coverage will improve the property and environmental conditions in the neighborhood. The property has suffered significant deferred maintenance over the past few years and is in need of major rehabilitation. The owner is also proposing to reduce the impermeable surface coverage from 8,800Sf to 1,841SF within 100 feet of the lake line reducing it from 22% to 4.6%. This will also have a positive impact on the lakeside environment and reduce the amount of potential degradation of the lake.

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 Coville, that this application be **APPROVED** with standard conditions and additional special conditions:

Condition No. 1 That the Site Plan 1 & 2 of 2 prepared by Robert O. Eggleston, licensed architect, dated June 24, 2016, be followed; and

Condition No. 2 The Applicant shall obtain any approval necessary from the Skaneateles Town Planning Board for special permit/site plan approval; and

Condition No. 3: That the Applicant shall obtain all necessary permits and approvals from NYSDOT, NYSDEC, AROC, and City of Syracuse Department of Water, and any other approvals needed for the application; and

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	Absent		
Member	Sherill Ketchum	Present	[Yes]	
Member	David Palen	Present	[Yes]	
Member	Curt Coville	Present	[Yes]	

Public Hearing

Applicant: Nelda Amidon
1939 Coon Hill Rd
Skaneateles, NY 13152
Tax Map #035.-02-09.1

Present: Richard Schmidt, Real Estate Broker representative; Dale Amidon, Power of Attorney for Nelda Amidon

No one requested to have the public hearing notice read. The Onondaga County Planning Board commented that all existing and future access for the proposed Lots 1 and 2 must occur from the existing driveway/access lane and no additional access shall be permitted from either proposed lot in their resolution dated June 8, 2016. The Board has visited the site on June 18, 2016.

Proposed two-lot subdivision with less than required road frontage on a 15.7 +/- acre lot with 396.4FT of road frontage. Per the Town of Skaneateles zoning code, the minimum lot size in the RF district for a lot without water and sewer is 2 acres with 300FT required road frontage on a County road. The applicant proposes two lots, the existing house on 2 acres with 200FT of road frontage and the remaining 13.7+/- acres with 196.4FT of road frontage. Currently there are purchase offers on both of the proposed lots pending variance and subdivision approval.

WHEREFORE a motion was made by Member Palen and seconded by Member Coville to declare this application to be a Type II action per section 617.5(c) (12) 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. Christopher McNeil-Yeckel, 1919 Coon Hill Road, stated that

he is in favor of the variances and subdivision. Chair Rhoads asked if there was anyone wishing to speak in opposition, or had any other comments. Jim Lanning, 12 Hannum Street, inquired on the nature of the existing parcel. Chair Rhoads stated that it is level farmland that is actively farmed, and it will be purchased by an adjoining property owner that wishes to continue to have it farmed. The lower right of the parcel is where the two acre lot will be created that will have the existing single family dwelling.

WHEREFORE a motion was made by Member Coville 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. The current lot consists of approximately 15.7 acres in an RF District with a house located on the far eastern edge of the lot with 396.4' of frontage on Coon Hill Road. The proposal would break away a parcel to include the house and 2 acres of land with approximately 200' of frontage on Coon Hill Road and a second parcel to include 13.7 acres of land with approximately 196.4' of road frontage. The bulk of the acreage is located well back from the road. While the two acre parcel would have direct access to Coon Hill Road, the larger parcel would only have access through the easement located on the far western edge of the property. The granting of a variance will not produce an undesirable change in the character of the neighborhood and will not be a detriment to nearby properties.
2. **Whether the benefit sought by the applicant can be achieved by a feasible alternative to the variance:** No. The benefit sought by the applicant cannot be achieved by some method other than an area variance. If the applicant were to maintain the 300' requirement for road frontage when subdividing it would create a flag lot. If the property were sold, the purchaser would be forced to build in the back (northern) portion of the property which would force the home closer to the currently farmed leased agricultural land on the property, thereby taking away some of the financial benefits of the property. The access must be maintained on the easement to the back property lengthening 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. By splitting the parcel in the proposed manner, each parcel retains an approximate 200' of road frontage and each parcel will have the existing access retained, with one parcel currently being farmed and the other a single family dwelling access off

its existing driveway. The proposed lots with the reduced 200' of road frontage are similar to the road frontage of other properties in the neighborhood.

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 new boundary lines that will be created will have no impact on the environment. Each parcel will retain its existing access preventing a land locked parcel. The property is located in an agricultural area and there will be no environmental impact for a future residence located on lot 2 as it will still be farmed in the rear of the property. Any new property owner could continue to use the property for agricultural and personal use.

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 Dave Palen and seconded by Member Sherill Ketchum, that this application be **APPROVED** with standard conditions and additional special conditions:

Condition No. 1 That the proposed subdivision survey prepared by Jay Holbrook, Land Surveyor dated March 19, 2016 be followed; and

Condition No. 2 The Applicant shall obtain any approval necessary from the Skaneateles Town Planning Board for subdivision approval; and

Condition No. 3 That, per the Onondaga County Department of Transportation, all existing and future access for proposed Lots 1 and 2 must occur from the existing driveway and access lane, and no additional access shall be permitted from either proposed lot.

<u>Record of Vote</u>			
Chair	Denise Rhoads	Present	[Yes]
Vice Chair	Jim Condon	Absent	
Member	Sherill Ketchum	Present	[Yes]
Member	David Palen	Present	[Yes]
Member	Curt Coville	Present	[Yes]

Public Hearing Continuance

Applicant: Kerrin Hopkins
1813 Russells Landing
Skaneateles, NY 13152
Tax Map #063.-03-13.0

WHEREFORE, a motion was made by Member Palen and seconded by Member Ketchum to open the continued public hearing. The Board having been polled resulted in the unanimous affirmation of said motion.

As there was no one present to represent the applicant the Board continued the public hearing. Mr. Eggleston commented that the application should be continued and not considered abandoned or closed.

WHEREFORE, a motion was made by Member Ketchum and seconded by Member Palen to continue the public hearing on *Tuesday, August 2, 2016 at 7:20 p.m.* The Board having been polled resulted in the unanimous affirmation of said motion.

Discussion

The Comprehensive plan update comments are being reviewed now that Joel Russell is back in the country and recovered from his illness. A joint Village and Town Planning Board meeting will be scheduled.

Discussion

The Town Board is considering a solar farm moratorium and it will be considered at the July 21, 2016 Town Board meeting.

Discussion

There are training opportunities through the New York Planning Federation Summer School.

Discussion

The Town Board is considering the establishment of a committee to study and develop ideas for the eastern gateway. The committee would include property owners from the eastern gateway community.

There being no further business, a motion was made by Member Palen and seconded by Member Ketchum to adjourn the meeting. The Zoning Board of Appeals meeting adjourned at 8:04 p.m.

Respectfully Submitted,

Karen Barkdull