

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

July 11, 2017

Present:

Denise Rhoads
Jim Condon
Sherill Ketchum
David Palen
Mark Tucker
Michelle Jackson, Secretary
Scott Molnar, Attorney
Karen Barkdull, P&Z Clerk

Chair Denise Rhoads opened the Zoning Board Meeting, the meeting commenced at 7:02 p.m. at Town Hall. The next Zoning Board of Appeals meeting will be held on August 8, 2017. Board Business will be handled at the end of the meeting.

Chair Rhoads explains the variances requested as being a Wetland & Watercourse setback as well as steep slope regulations set back. She asks Bob Eggleston, Architect to review the modifications to this plan since the last meeting.

At this time Bob Eggleston, Architect reviewed the Martin Hubbard application will begin. The Basketball court was modified to accommodate the revisions that were recommended by the Zoning Board in accordance with the first portion of the Public Hearing. The size of the court was determined as half of a high school basketball court. The actual court will be 56' x 48' and has been reduced to improve the setback to the watercourse to 86.7ft away. The lights were removed from the plan as well as a reduction in size due to the usage being primarily in the summer. Drainage course was rearranged as per the Town Engineer to keep it more level and adding some large rock to slow the velocity of the water. The new setback will be 86.7 ft. The impacts of the construction at the top of the bank will affect everything below it. The storm water will be diverted and directed towards the swale. A shed that does not require a variance was added for storage, walking trail was highlighted and there will be no parking at the location. Along with additional plantings that are being planted he would like to use a permeable Tarvia-like material that will bring the impermeable coverage down to 0.4%. The flatter area will become lawn for other recreational usage.

Member Ketchum, questioned if all the signers had reviewed the newest plan and signed off on it; Bob Eggleston responded that indeed they have seen the newer plan, however they did not resign to acknowledge the changes. She asked about the plantings on the North side of the property.

Mrs. Hubbard, spoke in regards to the plantings on the west side and indicated that the landscapers had said that the plantings were chosen to be water tolerant.

Chair Rhoads asked about the two parking spaces and questioned if there would be parking there. Chair Rhoads then went on to ask if there were any other questions for Bob Eggleston at this point.

Member Tucker questioned if this was a legal right of way or is it just permission from the owner. Mr. Eggleston said it would be permission for a 6ft walking path that should a future owner not want to grant the right of way, then the access would be altered to Slate Cove Road access point.

Vice Chair Condon questioned the parking on the property and the response from Mrs. Hubbard and Bob Eggleston was that there would be no parking on the parcel. This is strictly for their grandchildren for a place to play.

Member Ketchum asked if there were special permits issued or required for this project regarding tree removal. Bob Eggleston said this was only site plan review and that the town doesn't regulate the cutting of trees unless it is an acre or more.

Member Tucker expressed that there was a fair amount of disturbance in the area and the silt fence doesn't necessarily address. He asked if it had been seeded yet. Mr. Eggleston said the silt fence was in place and that at this point the seeding hasn't been done.

Mrs. Hubbard explained that the silt fence was placed as close as it could possibly be positioned when it was put in.

Chair Rhoads reiterated that is was established in the June meeting to be a Type II action not subject to SEQR not subject to further review.

WHEREFORE, a motion was made by Member Palen and seconded by Vice Chair Condon to re-open the Public Hearing. The Board having been polled resulted in the unanimous affirmation of said motion.

Public Hearing

Applicant: Martin Hubbard
West Lake Road- Fire lane 23
Skaneateles, NY 13152

Property:
West Lake Road – Fire Lane 23
Skaneateles, NY 13152
Tax Map #054.-01-12

Present: Robert Eggleston, Architect

Chair Rhoads explained that the Board had asked the Code officer take a look at the property due to the last site visit that was conducted by the Board which occurred on May 20, 2017. The applicants Architect Bob Eggleston was present.

At this time, Chair Rhoads read an email from the Codes Enforcement Officer regarding his recent visit to the property; and added it to the record. As requested he investigated and determined that Mr. Hubbard had erected silt fence as was necessary and has created one continuous barrier from front to back. Some of the plantings were identified along with the silt fence location from photos provided by the Codes Enforcement Officer.

Chair Rhoads read into the record the letter that has been signed by additional neighbors; and added it to the record; acknowledging the changes in the plans as well as their comment of having no opposition of the project. Chair Rhoads also asked if there were any others wanting to speak in favor or to offer any other comments.

Joe Paduda spoke in favor of the project. Originally, the plan was reviewed and then some machines were brought onto the property and Mr. Hubbard showed them around the property. During the time of the project there was a massive rain storm flooding the property. Additional trees have been planted for stabilization. At this time he has no opposition to this proposal.

Mrs. Hubbard expressed that the debris will be cleared and the property will be seeded.

Chair Rhoads asked for any other comments or questions from the board.

Member Tucker and Member Ketchum asked about the discrepancy in the size of the court. The approval letter signed by the neighbors said the court was 56 feet and the size on the plans say 58 feet; clarification was requested. Mr. Eggleston explained that because the court extends outside of the wall, the actual size is 58 feet at the widest spot.

Member Ketchum asked about a septic being on the property. Bob Eggleston expressed that there was a septic someplace. When the applicant purchased the property; there were ruins from a house that had burnt down. Mr. Eggleston explained that it was likely dry wells and that the location is not known. The well is still present; it is a hand dug stone wall well, and a catch basin cover is currently in place. Member Ketchum expressed concern regarding the size of the proposed concrete pad and how easily it could be converted into a foundation, and that once the land is sold because the variances go with the land. Mr. Eggleston responded that the applicant would consider using a permeable surface which permeable surface which is a better alternative to the concrete, and that further development of the pad would require the usual approvals for any potential future sales.

Chair Rhoads thanked Bob Eggleston and the applicant for making the adjustments to the plan and appreciates the extra effort that was put into that plan. She then asked the board if they were comfortable moving forward, or would they like to have another site visit and continue this on to the next month.

Vice Chair Condon expressed that he would appreciate another month, Member Ketchum agreed that she would like another month to review the information.

Member Palen and Member Tucker feel comfortable proceeding.

Chair Rhoads asked Bob Eggleston if he feels comfortable proceeding, the only change is the plantings as well as the table. Bob Eggleston expressed that he would like to move this on to the Planning Board and then they would be able to proceed with the project to get the plantings in and to move forward with the project, however, he would like the Board to be comfortable before they proceed with the determination.

Vice Chair Condon expressed that he would appreciate time to go through the new information, Bob Eggleston expressed that the only change is the calculation showing the permeable vs impermeable surface coverage, the lights being changed, the silt fence, the seeding, the letters from the neighbors, as well as the shed.

Member Tucker expressed that he feels comfortable moving forward he would like to do so, so that the property can be stabilized and that the fill can be compacted which would be beneficial for the land to be stabilized, should this be approved by the Board at this time.

Chair Rhoads expressed that she is comfortable either way and asked that a motion be made to either close the public hearing or to move forward with the determination.

Attorney Molnar expressed that the board had the option to adjourn the public hearing until the next meeting and make the determination after the public hearing is closed.

Member Ketchum and Vice Chair Condon expressed that they feel comfortable moving forward if that is the wish of the board.

WHEREFORE, a motion was made by Member Tucker and seconded by Member Palen to review the criteria and move forward. The Board having been polled resulted in the unanimous affirmance of said motion. The Public Hearing is closed.

At this time, Attorney Scott Molnar reviewed with the Board the statutory criteria set forth in Town Code Section 148-12G (1) (a) [4] for an Area Variance. Counsel stated that in making their determination the Zoning Board of Appeals is required to consider certain factors, viewing all four variances within each criteria, indicating any specific difference as it pertains to specific variances, which are:

1. **Whether an undesirable change would be produced in character of neighborhood or a detriment to nearby properties:** No, The Application would not produce an undesirable change to the character of the neighborhood or be a detriment to nearby properties. Based on the current design by the Architect, the proposed basketball court will not be a detriment to the surrounding properties. The court will be screened from the site by the location, and excess noise will be controlled by the proposed plantings. The proposed plantings and retaining wall will stabilize the bank and help with reduce the impact of erosion as it flows into the watercourse. The desire that the site has already been disturbed before the board had an opportunity to hear the application and that the detriment has already occurred. The

neighborhood does have a change in character due to the fact that there are no other basketball courts in the neighborhood.

2. **Whether benefit sought by applicant can be achieved by a feasible alternative to the variance:** Yes, upon initial review the Applicant could have relocated the court to the south side of the property to achieve a basketball court without variance; however it would be in a more visible area and a smaller court than the proposed plan.

3. **Whether the requested variance is substantial:** No, This is not a substantial variance, given the size of the property. The structure does not encroach on the lake yard; it is not within 200 ft. of the lake. However, it does fall within 86.7 ft. of a watercourse. Judicious plantings and landscaping somewhat ameliorate that risk. Although this is not substantial, however the land at the site was disturbed prior to the application, being reviewed by the Town the handling of the process by the applicant impacted the process. No parking on the lot the silt fence and the other positive letters, the protection of the wildlife and natural vegetation protection, the zoning laws may not have been designed for this type of accessory use however more geared towards the homes that have a variance need The amount of area that was disturbed prior to the application and how the process was handled may be more substantial.

4. **Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood, or district:** No, The Application would not have an environmental impact on the surrounding neighborhood or the district, based on the current proposed plans with the storm water drainage addressed by the plantings and the retaining wall that will be built. . The lawn treatment and the noise pollution the tree roots being removed and the fact that they were removed, may potentially impact the watercourse, as well as the environment. The runoff from this property could run directly into the lake the eroded materials will impact, however if the proposed plan is enacted the environmental impact will potentially be improved. If the town engineer would have had the opportunity to review a plan may have been established that would have had a better option. Now that it is an open field the impact may have an adverse impact.

5. **Whether the alleged difficulty was self-created:** Yes, Due to the Applicant wanting to build the accessory use Basketball court.

WHEREAS, in review of the five criteria above, the public hearing, the site visit by the ZBA members, the revised site plan dated July 10, 2017, the benefit to the applicant weighed against the detriment to the health, safety and welfare of the neighborhood or community lies in favor of the applicant.

WHEREFORE a motion was made by Member Palen and seconded by Member Tucker, 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:

1. That the Planning Board, and all other authorities having jurisdiction, approve the Application; and
2. No lighting is permitted for the completed Basketball Court; and
3. No Parking is permitted on the property; and
4. The silt fences remain in place until the property is stabilized; and
5. An as built survey be provided to show the proximity of structures to the watercourse; and
6. The Site Plan dated July 10, 2017, and a revised narrative identifying the permeable surface, is utilized for the basketball court and structures to be placed on the property.

Record of Vote

Chair	Denise Rhoads	Present	[Yes]
Vice Chair	Jim Condon	Present	[No]
Member	Sherill Ketchum	Present	[No]
Member	David Palen	Present	[Yes]
Member	Mark Tucker	Present	[Yes]

Initial Review

Applicant: Eric & Joe Brillo
 1786 Coon Hill Rd
 Skaneateles, NY 13152
Tax Map #035.-04-20

Present: Eric & Joe Brillo and Robert O. Eggleston, Architect

Chair Rhoads explained the applicant's proposal to construct a Pole Barn, with office space, garage space and to expand the driveway.

Mr. Eggleston reviewed the application and explained that the Brillo's have owned the property since 1958. There are currently two houses located on the property; there is a barn that was built in 1996 as well as a pole barn and gravel parking space. The proposed Pole barn will serve as a location to store the equipment. There will be office space as well as storage in the upstairs of the proposed plan.

A Zoning Board of Appeals site visit is scheduled for July 29, 2017 at 9:00 a.m.

WHEREFORE, a motion was made by Member Ketchum and seconded by Vice Chair Condon to change the August meeting date to from August 1, 2017 to Tuesday, August 8, 2017 at 7:00 p.m.

WHEREFORE, a motion was made by Member Ketchum and seconded by Vice Chair Condon to schedule the public hearing on Tuesday, August 8, 2017 at 7:02 p.m. The Board having been polled resulted in the unanimous affirmation of said motion.

Initial Review

Applicant: Jason & Georgia Yokom
807 Britcher Road
Skaneateles, NY 13152
Tax Map #023.-02-18.0

Present: Robert O. Eggleston, Architect

Chair Rhoads explained the applicant's proposal to construct a dwelling addition with basement.

Mr. Eggleston reviewed the application and explained that the applicants are located on a parcel that is a nonconforming lot. They would like to take off one wing and have an additional area to utilize as a bedroom a modest addition. Due to the size of the expansion they are required to apply for a variance.

A Zoning Board of Appeals site visit is scheduled for July 29, 2017 at 10:00 following the additional site visits.

WHEREFORE, a motion was made by Vice Chair Condon and seconded by Member Ketchum to schedule the public hearing on Tuesday, August 8, 2017 at 7:10 p.m. The Board having been polled resulted in the unanimous affirmation of said motion.

Initial Review

Applicant: Richard Moscarito
2699 E. Lake Road
Skaneateles, NY 13152
Tax Map #037.-01-04

Present: Robert O. Eggleston, Architect

Chair Rhoads explained the applicant's proposal to construct a second floor with a deck, new septic, and rebuild the boat house with seawall repairs.

Mr. Eggleston reviewed the application and explained that the applicant has a contract to purchase the lot. Due to the size of the lot a variance is required. The existing building is currently a concrete bunker with a roof. Due to the property being limited in size the existing foot print is already 10.7 % and will not be altered. An antiquated septic system has been disclosed as not acceptable; in working with the county a proposed septic is currently under

review. The proposal is to raise the roof and make the current building into a cape style structure, keeping the current foot print.

A Zoning Board of Appeals site visit is scheduled for July 29, 2017 at 9:30 following the additional site visit.

WHEREFORE, a motion was made by Vice Chair Condon and seconded by Member Ketchum to schedule the public hearing on Tuesday, August 8, 2017 at 7:20 p.m. The Board having been polled resulted in the unanimous affirmation of said motion.

Previous distribution to the Board of the regular meeting minutes of June 13, 2017 were executed and all members present acknowledged receipt of those minutes.

WHEREFORE a motion was made by Member Palen and seconded by Member Tucker to accept the June 13, 2017 as corrected. 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	Present	[Yes]	
Member	Sherill Ketchum	Present	[Yes]	
Member	David Palen	Present	[Yes]	
Member	Mark Tucker	Present	[Yes]	

Other Board Business:

Discussion: Regarding the Zoning Draft, possible time table and discussion of a joint meeting with the Planning Board to establish a date to meet; possible suggestion of a Thursday meeting in August for the joint meeting.

WHEREFORE, a motion was made by Member Ketchum and seconded by Chair Rhoads to schedule a joint special meeting, with the Planning Board on a Thursday in August. The Board having been polled resulted in the unanimous affirmation of said motion.

There being no further business, a motion was made by Member Ketchum and seconded by Member Palen to adjourn the meeting. The Zoning Board of Appeals meeting adjourned at 8:28 p.m.

Respectfully Submitted,
Michelle Jackson