

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

August 4, 2015

Present:

Denise Rhoads
Jim Condon
Steven Tucker
Sherill Ketchum
David Palen
Scott Molnar, Attorney
Karen Barkdull, Zoning Clerk
Michele Norstad, ZBA Secretary

The meeting commenced at 7:00 p.m. at Town Hall. The next Zoning Board of Appeals meeting will be held on Tuesday, August 4, 2015. Member hours were turned in for July. Previous distribution to the Board of the regular meeting minutes of June 9, 2015 were executed and all members present acknowledged receipt of those minutes.

WHEREFORE a motion was made by Member Palen and seconded by Member Ketchum to accept the June 9, 2015 minutes as corrected. The Board having been polled resulted in favor 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 | Steven Tucker | Present | [Yes] |
| Member | David Palen | Present | [Yes] |

Previous distribution to the Board of the regular meeting minutes of July 7, 2015 were executed and all members present acknowledged receipt of those minutes.

WHEREFORE a motion was made by Member Tucker and seconded by Member Palen to accept the July 7, 2015 minutes as corrected. The Board having been polled resulted in favor 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 | Steven Tucker | Present | [Yes] |
| Member | David Palen | Present | [Yes] |

Other Board Business:

The initial review for Kerrin Hopkins has been postponed and withdrawn from tonight's agenda until the next meeting on September 1, 2015, per the request of the applicant.

The Skaneateles Town Board will hold a SEQR workshop meeting regarding the Comprehensive Plan on Thursday, August 6th, 2015 from 5pm to 7pm.

The Zoning Board of Appeals is awaiting an invitation to speak from Supervisor Sennett regarding Shoreline Structures legislation, after submitting compiled comments for and against the proposal per Counsel Molnar. A meeting date is forthcoming.

Public Hearing

Applicant: Terrance and Diane Sherman
602 Stump Road
Skaneateles, NY 13152
Tax Map #018.-01-05.0

Present: Terrance and Diane Sherman

Chair Rhoads explained the applicant's proposal to construct a 22FTx30FT detached garage and the requests for both front and side yard setback variances. Chair Rhoads asked if anyone wished to have the notice of public hearing read and no one responded. The board conducted a site visit on July 11th with Mr. and Mrs. Sherman present. The Sherman's indicated with markers the location of the proposed garage. The variance requests are for a 2FT side yard setback and a 22FT front yard setback. The dwelling is much closer to the front yard setback than the proposed garage will be. The board, at the site visit, discussed alternative solutions regarding location. The width of the lot and the location of the septic system prohibits placement of the garage elsewhere. The adjoining property owner submitted a letter in favor of the project. The board questioned drainage along the east side of the property. Member Tucker was concerned about runoff pooling and flooding in a small swale next to the east side of the proposed garage location. Member Tucker suggested gutters being installed to direct runoff directly to the Sherman's back yard, diverting it from the side property line. This would also help protect the foundation of the garage.

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. No one wished to speak. Chair Rhoads asked if anyone was wishing to speak in opposition or had any other comments. Again, no one wished to speak.

WHEREFORE, a motion was made by Member Palen and seconded by Vice Chair Condon to close the public hearing. The Board having been polled resulted in the unanimous affirmation 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 will be no undesirable change to the character of the neighborhood or detriment to nearby properties. The homes within this neighborhood are similar in size and located within the Hamlet District. Most have a garage, shed or accessory building very close to the side yard. The proposed garage will be built in character with the neighborhood and replace an existing covered carport which will be much more aesthetically pleasing to the property and neighborhood.
2. **Whether the benefit sought by the applicant can be achieved by a feasible alternative to the variance:** No. The location of the proposed garage is very limited due to the width of the site and the location of the septic system. The existing dwelling is 12FT 17Inches from the front yard setback while the proposed garage will be 22FT from the front yard setback.
3. **Whether the requested variance is substantial:** Yes. The garage is going to be located only 2FT from the side yard property line with a normal setback of 10FT. However, the front yard setback request is not substantial, because it will be further from the front yard than the existing dwelling and porch.
4. **Would the variance have an adverse impact on the physical or environmental condition in the neighborhood:** No. The garage is going to be replacing a carport and part of the asphalt driveway already in existence and therefore, not substantially increasing runoff in that area. All water drainage from the proposed garage will be draining directly back onto the applicant's property. The building will be built with a block on slab foundation.
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 Vice Chair Condon, that this application be **APPROVED** with standard conditions and additional special conditions:

ADDITIONAL CONDITIONS: The ZBA finds that the following conditions are necessary in order to minimize adverse impacts upon the neighborhood or community, for the reasons following:

1. Additional Condition No. 1: 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; and

2. Additional Condition No. 2: The Applicant shall obtain all necessary permits and approvals from the New York State Department of Transportation if necessary per review of the Codes Enforcement Officer.

Record of Vote

| | | |
|------------------------|---------|-------|
| Chair Denise Rhoads | Present | [Yes] |
| Vice Chair Jim Condon | Present | [Yes] |
| Member Sherill Ketchum | Present | [Yes] |
| Member Steven Tucker | Present | [Yes] |
| Member David Palen | Present | [Yes] |

Public Hearing

Applicant: Theodore P. Norman Property:
8665 Duarte Road 1992 West Lake Road
San Gabriel, CA 91775 Skaneateles, NY 13152
Tax Map #058.-01-17.2

Present: Robert Eggleston, Architect and Nancy Norman

Chair Rhoads explained the applicant’s proposal to demolish an existing single family dwelling and garage, construct a new house, garage, detached patio, septic and relocate driveway. The variances requested are for side yard setback and setback to a water course. The board made a site visit on July 11th. Bob Eggleston was not present; however, David Lee was present and discussed the proposed plans with the board. At this time Chair Rhoads asked if there was anyone wishing to have the notice of public hearing read. No one made this request. Revisions to the original plans were submitted July 29th by the design professional.

Mr. Eggleston explained that David Lee had staked the house and 20FT side yard setback line for the board’s site visit. The revised site plans shows a house reduced in size and a garage pushed further south. The proposed garage is 50FT from the property line and the proposed common driveway is now 15FT from the side yard, rather than the previously proposed 10FT. Mr. Norman grows landscape stock and is sensitive to issues involving trees; therefore, the new driveway location is now further from the tree line at the side yard to the north. A 15FT variance is now being requested whereas 20FT is required. The driveway is further than 15FT from the property line as it progresses east and meets up with the existing tarvia parking pad on Lot #1. Entrance to the parking area for Lot #2 will be placed similarly to the existing driveway. A 64FT watercourse setback variance is requested per the driveway location proposal at its entrance at the street. This is necessary per the septic location and expansion areas. The required 100FT watercourse setback is achieved further east within Lot #1. The existing septic system is 50FT away from the watercourse. To tear down and re-build, 100% compliance is required for new septic placement per Onondaga County and New York State Health Departments. Mr. Eggleston acknowledged the driveway permit requirement per the Department of Transportation and conveyed that the Normans have communicated with their adjacent neighbors regarding the project.

Member Ketchum asked how far the south side of the proposed driveway is from the dwelling now. Mr. Eggleston replied that the proposed driveway is 5FT to the proposed 30FT right of way and another 5FT-8FT away from the house.

Per the site plan, Mr. Eggleston reviewed the total subdivision lot areas. Combined, there is 269,623SF total lot area between Lot #1, Lot #2 and Conservation Lot#3. ISC calculates to 4.8% and open space to 94.5%. Conservation Lot#3 is located across the street with a right-of-way access road.

Chair Rhoads asked if this latest revision addresses concerns of the south boundary of the building envelope being less than 100FT from the stream channel. Mr. Eggleston stated that the Zoning Clerk and possibly Counsel Molnar had reviewed and determined that the right to rebuild on the existing footprint exists and that this was an approved subdivision with an approved 10FT side yard setback which is the minimum required per the hamlet guidelines. It had been an existing 54FT setback to the watercourse.

Member Tucker referred to site plans dated May 22nd, 2015 showing the driveway to be 100FT away from the stream and asked how this was possible. Member Tucker also noted that the right-of-way had changed with more recently dated site plans. Mr. Eggleston was unaware that his office had sent this plan via e-mail to Member Tucker. Mr. Eggleston stated that the May 22nd, 2015 site plan was never submitted as part of this application. Member Tucker stated that it was sent directly from Mr. Eggleston's office. Mr. Eggleston stated that perhaps a mistake was made. Mr. Eggleston made reference to the smoothness of the approach rather than being up-tight and jerky, causing a harsh turn after entering the driveway and also allowing the approach to respect the entrance to the house. Member Ketchum stated that in that drawing (May 22nd, 2015) the expansion area is connected to the septic area and it is further north than in the current drawings. Mr. Eggleston thinks that the County caused them to place the expansion area totally outside the driveway area and that this may also be the difference. Member Tucker noticed that 100FT comes through the right-of-way and in the current drawing the right-of-way is completely within the 100FT. Mr. Eggleston stated that this was a preliminary plan before he had made the final submission and it didn't have the final approval of the septic by the County, therefore, between that and some of the desires of the architect, this is how we arrived at this point. Member Tucker is curious because according to Mr. Eggleston, the right-of-way was designed as part of the former subdivision plans. Mr. Eggleston said that the right-of-way may be moved depending upon the wishes of the owner. The existing right-of-way follows the road, although it was highly anticipated that someone would redevelop this lot, even though the home had not been actively lived in by the Mahers for environmental reasons for a number of years. The owners of a current right-of-way are able to move it whenever they so choose.

Chair Rhoads noticed at the site visit that there appeared to be use of a roadway along the south side of the stream. Mr. Eggleston said that a temporary driveway was permitted at the time of renovations to the guest house on Lot#2. It was then put back as lawn with the gravel taken away, per Mr. Eggleston. Approval for substantial erosion control work was obtained last year (2014); however, it was held up by the DEC and then lost to seasonal weather. This work is planned to begin in the middle of August 2015. There was also a dock built this year using the grass as access on the south side below the watercourse. Neither The Town of Skaneateles nor Mr. Eggleston was involved with the dock project (which only required DEC approval) in spring 2015. Mr. Eggleston stated that this will not be a permanent driveway. Chair Rhoads clarified

with Clerk Barkdull that there is no real timeframe regarding use of an approved temporary driveway. The driveway is used until the work gets done.

Member Ketchum discussed the possibility of a front-loading garage as it would eliminate the need for a variance. If the garage were to become front-loading, much of the tarvia need would be eliminated. Mr. Eggleston stated that there would then not be enough room to park the car as it would stand at less than 20FT. The driveway could be pulled closer to the residence, thus eliminating the need for such a large turn-around, per Member Ketchum. There are similar proximities from driveway to house in many homes within the area.

Chair Rhoads asked where the reduction of square footage in the revised plans applies. Mr. Eggleston stated that this comes from a combination of bringing the entrance to the garage further south; reducing house footprint by 109SF and porch footprint by 465SF as compared to the original proposal.

The board felt that another site visit is required with Mr. Eggleston present. The north side variance, the north driveway placement and the southern grass driveway entrance are issues requiring consideration.

The Zoning Board of Appeals declared this application to be a Type II action not subject to SEQR review. A residential rehabilitation seeking an area or area variances is automatically classified as such under SEQR.

At this time Chair Rhoads opened the public hearing and asked if there was anyone wishing to speak in favor of the application.

Hamilton Fish, speaking for himself and Frances Rotunno Fish of 1998 West Lake Road approached the board. Mr. Fish stated that they have no problem with the revised 15FT side yard positioning of the driveway per the Norman's proposal. Mr. and Mrs. Fish were also prepared to support the 10FT variance request for the side yard setback. Mr. Fish has confidence in Mr. Norman's knowledge of tree preservation. Mr. Fish also stated that no windows face the south out of their garage, which is nearest to the proposed driveway. The Fish's view is mainly directly to the water. A certain view angle was discussed with Mr. Eggleston and satisfactorily addressed. The Fish's are generally happy with the proposal and the current shared drainage situation including many day lily plantings and catch basin. Bending the driveway may actually improve drainage. As a member of the community, Mr. Fish expressed the shared integrity of both the applicant's and themselves regarding the preservation and respect for Skaneateles Lake. Mr. Fish also appreciated Lot#3 having become a conservation lot. Mr. Fish also shared the story of rebuilding and changing the slope of the stream with filter fabric and basketball sized rocks at the south of Lot#2 and south east of Lot#1. This engineered rebuilding process cost the Fish's approximately \$30,000 to \$40,000 and created less mud runoff to the lake. Similarly, the formal erosion control plan to restore Lot #1 at the lake front with flow inhibitors proves the Norman's commitment to Skaneateles Lake preservation.

Ann Killian of 1976 West Lake Road, spoke regarding the installation of the temporary roadway and removal of trees and vegetation at the south side of Lot#2. Mrs. Killian is disappointed that the vegetation has not been replaced (other than with grass) as of yet and the process has gone on for four years while the driveway has been used. Mrs. Killian understands

that the Norman's appear to be more responsible; however, she let the board know that there seems to be a lack of follow-up regarding restrictions placed on homeowners as part of Town Planning and Zoning approvals. Mr. Eggleston spoke to Mrs. Killian's concerns saying that the road has been used for the dock and will be used for the up and coming erosion control project. The road will not be used for the house construction and the vegetation and trees will be replaced by the Norman's once the home and work are completed. Mrs. Killian feels that this responsibility should have fallen solely on the previous owners. Vice Chair Condon pointed out that the Zoning Board may make conditions on any variance approval for the re-planting of trees and vegetation, looking at the entire piece of property as a whole.

Vice Chair Condon reminded Mr. Eggleston that all application submissions or revised plans are to be in ten days prior (by July 24th) to the meeting date. Chair Rhoads asked if anyone wished to speak in opposition or had any other comments. No one wished to speak.

A second Zoning Board of Appeals site visit is scheduled for August 8th, 2015.

WHEREFORE, a motion was made by Chair Rhoads and seconded by Member Tucker to continue the public hearing on ***Tuesday, September 1, 2015 at 7:10 p.m.*** The Board having been polled resulted in the unanimous affirmation of said motion.

Amendment Request

| | | |
|------------|-----------------------|------------------------------|
| Applicant: | Paul and Jane Garrett | Property: |
| | 8155 W. Ivy Trail | 2160 West Lake Rd |
| | Baldwinsville, NY | Skaneateles, NY 13152 |
| | | Tax Map #057.-04-18.0 |

Present: Paul Garrett and Robert Eggleston, Architect

Chair Rhoads explained the amendment request as a proposal to lift, rotate and re-locate a cottage, adding partial basement and deck on lake front side rather than porch on north side. Chair Rhoads asked if Counsel Molnar or Clerk Barkdull could clarify how this proposal comes to the board as an amendment request after variance approval within so many days rather than a new application altogether. Clerk Barkdull spoke, saying that she interpreted this as an amendment because it was a recent approval with no building permit having been pulled on the project yet. To Clerk Barkdull, it seemed logical that this slight modification would be classified as an amendment request, adding no new dwellings or buildings on the property. The previously approved basement existed prior to this request and the biggest difference is a deck rather than an enclosed porch as part of the proposal. Counsel Molnar shared Clerk Barkdull's clarification, that the March 11th, 2015 approval was tied to a specific plan and conformance with the plan is required as well. To the extent that the plan is going to be changed or altered at the request of the applicant, it is an amendment verses a new application, per Counsel Molnar.

Mr. Eggleston color coded the site plan to show that the red outline is the existing cottage (19.5FT x 55FT) originally proposed to lift (4FT) and shift, shown in the green outline with enclosed porch using bilco entrance doors to the previously proposed and approved basement. 80% of the proposed basement was calculated along with porch space for total living space area (6.9%). No variances were required for the size of the proposal. The applicant has since had the

idea to use a crane to suspend the cottage while two and a half of the three foundation walls are being constructed. Construction sequence will be smoother using the crane. The crane may swing the cottage to the green (approved) or black (amendment proposed) location. The new (black) proposal is to lift the cottage 8FT, allowing for an actual walk-out basement and to face the lakefront. A temporary drive will be utilized for construction work. 69FT lake yard setback is being maintained. Side yard setback will be 20FT. Mr. Garrett explained that working underneath an Auburn Crane lifted house is much more desirable than under a jacked-up house.

Member Tucker asked what the dimensions for the proposed deck were and if any trees would be removed. Mr. Eggleston stated that the deck will be 36FT x 12FT and that one additional tree will be removed for the new location. This will remain a seasonal cottage.

WHEREAS, a motion was made by Member Ketchum and seconded by Member Palen that the Zoning Board of Appeals adopt and ratify its prior SEQRA determination for the Application, which was a determination that the Application constitutes a TYPE II single family residential project seeking an area variance, not subject to further SEQRA review; and

WHEREFORE, upon a motion made by Vice Chair Jim Condon and seconded by Member David Palen, and duly adopted, the Requested Amendment was approved, with these conditions:

Condition No 1: That the site plan 1 of 1, drawings 1 through 3 of 3, and narrative dated July 28, 2015 prepared by Robert O. Eggleston, licensed architect be complied with in all respects; and

Condition No 2: that the Prior Approval adopted on March 11, 2015, with all of the original conditions, remains in full force and effect except amended hereby.

Record of Vote

| | | |
|------------------------|---------|-------|
| Chair Denise Rhoads | Present | [Yes] |
| Vice Chair Jim Condon | Present | [Yes] |
| Member Sherill Ketchum | Present | [Yes] |
| Member Steven Tucker | Present | [Yes] |
| Member David Palen | Present | [Yes] |

Other Board Business (cont.)

Chair Rhoads will be on vacation during the October 6th meeting.

WHEREAS, a motion was made by Chair Rhoads and seconded by Vice Chair Condon to re-schedule the October 6, 2015 meeting date to take place on October 13, 2015 at 7p.m.. The Board having been polled resulted in the unanimous affirmation of said motion.

There being no further business, a motion was made by Member Tucker and seconded by Vice Chair Condon to adjourn the meeting. The Zoning Board of Appeals meeting adjourned at 8:23 p.m..

Respectfully Submitted,

Michele Norstad