

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

October 7, 2014

Present:

Denise Rhoads
Jim Condon
Steven Tucker
Sherill Ketchum-excused
David Palen
Scott Molnar, Attorney
Karen Barkdull, Clerk
Dennis Dundon, Zoning Officer

The meeting commenced at 7:00 p.m. at Town Hall. There are no site visits scheduled this month. The next Zoning Board of Appeals meeting will be held on Monday, November 3, 2014 due to election day on Tuesday, November 4, 2014. Previous distribution to the Board of the regular meeting minutes of September 2, 2014 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 September 2, 2014 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	Absent	
Member	Steven Tucker	Present	[Abstain]
Member	David Palen	Present	[Yes]

Public Hearing

Applicant:

Edward & Sharon Barno
3229 East Lake Road
Skaneateles, NY 13152
Tax Map #040.-01-11.0

Present: Robert Eggleston, Architect

No one requested to have the public notice read. The Onondaga County Planning Board stated that the project will have no significant inter-community or county wide implications in their resolution dated September 17, 2014. The City of Syracuse Department of Water had no

comments in their correspondence dated September 2, 2014. The Board has visited the site on September 20, 2014.

The applicants would like to construct a 28'x30' storage barn on the property to store lawn equipment and a boat, with the second level use as a studio for personal use. There is no proposed heating or bathroom for the pole barn. The proposed location of the barn has been partially determined by the location of the meandering driveway and the septic field located on the north side of the property. The proposed design of the barn will complement the house design and is proposed to be located 20' from the southern property line whereas 30' is required for the two acre lot with 100' width. A partial grass strip ribbon driveway is proposed to maintain the granted in 2001, 14.2% impermeable surface coverage.

Member Tucker inquired why a location closer to the road and on the south side of the driveway was not chosen as the garage could be 30FT from the south property line. Mr. Eggleston stated that the applicant has been mowing the north side and leaving the south side natural for the last 20 years allowing it to re-forest. The proposed placement is where there are the fewest trees to relocate with one tree that has not survived that will be removed.

Member Tucker stated that he thought that the grass strip was only to be used for properties trying to attain 10% impervious surface. Mr. Eggleston stated that there is no policy regarding the grass strip and that the Town engineer does like the use of grass strips as a method of controlling driveway run off.

Member Tucker inquired whether the grass strip would require a variance since our code indicated that driveways are considered impermeable. Counsel Molnar stated that since it is in the center of the driveway and not driven on, it is considered an effective permeable surface and no variance would be required.

Member Palen inquired if there will be any plumbing installed in the garage. Mr. Eggleston stated that the garage will be used for storage with a yoga studio on the second floor.

WHEREFORE a motion was made by Member Condon and seconded by Member Palen 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. There was no one who wished to speak in favor of the application. A letter of support from the neighbor to the south, Ms. Lenihan was received. 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.

WHEREFORE a motion was made by Member Tucker 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. Several of the neighboring homes have garages and/or garage buildings. The proposed structure will be designed in keeping with the existing dwelling's design and character. The applicant will be working to keep most of the trees, relocating them to alternate areas around the proposed structure.
2. **Whether the benefit sought by the applicant can be achieved by a feasible alternative to the variance:** No. The site is two acres; however, it is narrow and depth at 99.78 feet of frontage by roughly 900 feet. Due to the existing width and placement of the driveway, septic system and mature trees, a side yard variance is the only option.
3. **Whether the requested variance is substantial** No. The requested variance is not substantial. The requested side yard variance of 20 feet, whereas 30 feet is required is minimal. There is a tree line buffer between the applicant's property and the adjoining neighbor's property to the north. It is also noted that the proposed structure will be further from the lake yard than the existing dwelling. The addition of the grass strip as part of the driveway will improve permeability and reduce water runoff from the driveway.
4. **Would the variance have an adverse impact on the physical or environmental condition in the neighborhood;** No. The variance, if approved, would not have an adverse impact on the physical or environmental conditions in the neighborhood or district. The structure is being located further from the lake than the existing residence. Care will be taken to relocate the mature trees that are in good health condition from the building site, while retaining as much as possible of the existing trees and vegetation. It should also be noted that the applicant has improved this narrow lot with significant landscaping which benefits the overall environmental conditions in the neighborhood.
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:

Additional Condition No. 1 That the Site Plan 1 of 1 dated August 28, 2014 and design plans 1 through 3 of 3 dated July 09, 2014, prepared by Robert O. Eggleston, Architect, be followed; and

Additional Condition No. 2 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	Absent		
Member	Steven Tucker	Present		[Abstain]
Member	David Palen	Present		[Yes]

Vice Chair Condon recused himself as he is an adjoining property owner.

Public Hearing Continuance

Applicant: Chad Sgroi
3809 Highland Avenue
Skaneateles, NY 13152
Tax Map #044.-02-25.0

Present: Chad & Nicole Sgroi, Applicants

WHEREFORE, at this time a motion was made by Member Palen and seconded by Member Tucker to continue the open Public Hearing. The board being polled voted in favor of said motion. Chair Rhoads asked if there was anyone wishing to speak in favor of the application. There was no one who spoke 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 spoke in opposition or had any other comments.

An updated site plan dated September 16, 2014 reflecting the corrected setback to top of bank of the watercourse and setback to the wetlands from the proposed additions. The proposed southern wing will be guttered with the stormwater directed to a dry well located behind the dwelling rather than added to the runoff directly into the watercourse to the south. The expansion of the mother in law wing is under 1000SF and under the 30% of the expansion allowed. The stream across the street has been cleared of the felled tree that was compromising the drainage.

Member Tucker inquired why there is a need for the dry well. Mr. Harrington stated that the goal was not to increase the runoff directly into the stream and allow the water to filtrate before entering the stream. Chair Rhoads stated that it was in response to the neighbors' concern over additional water flowing into the stream.

WHEREFORE a motion was made by Member Tucker and seconded by Member Condon to close the Public Hearing. The Board having been polled resulted in the unanimous affirmance of said motion

WHEREFORE The Type II SEQR determination was declared and unanimously approved with a motion made by Chair Rhoads and seconded by Member Ketchum.

WHEREFORE a motion was made by Member Palen and seconded by Member Tucker 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 proposed changes to increase the size of the dwelling would not be an undesirable change in the character of the neighborhood. The existing dwelling is 1,925SF with a proposed increase of 1,643SF including the proposed mother in law unit, with all expansion maintaining a single story elevation. The applicant has made several improvements to the site, cleaning up overgrown brush and providing a more aesthetic curb appeal to the property. There is a letter on file from the neighbor to the immediate north in favor of the variance requested.
2. **Whether the benefit sought by the applicant can be achieved by a feasible alternative to the variance:** No. The site is larger than typical for this neighborhood at 23 acres; however, the site only has 210± feet of frontage on Highland Ave. The majority of the site is wetlands and a watercourse traverses to the south. Due to the dwelling's location on the site located near its frontage on Highland Ave and side yard property line, any one story addition to the structure would require a variance, a side yard setback for any north side addition and watercourse setback for any south side addition would be required. It is also noted that the proposed additions will not be any closer to the wetlands than the existing dwelling. While a second story addition would be an alternative, the applicant stated that a second story addition was not a feasible alternative due to the existing design of the home and the area required for the mother in law wing is one story.
3. **Whether the requested variance is substantial** No. The watercourse setback is somewhat substantial due to the flow of the stream and existing wetlands on the site. However, the applicant is improving the property significantly from its current condition, the stream and wetlands have been neglected by the former owner for many years and the applicant is working to mitigate further problems by clearing out brush and allowing the stream to flow and increase natural drainage. The applicant is committed to continuing the care and protection of the watercourse and wetlands. Several neighbors have offered

assistance in maintaining the wetlands area which abuts their rear property lines. The proposed setback variances requested are not greater than the existing dwelling setbacks.

4. **Would the variance have an adverse impact on the physical or environmental condition in the neighborhood;** No. The requested watercourse setback variance is somewhat significant due to its history of wetlands and drainage, but it is noted that granting of the variance will be an improvement to the overall property and neighboring properties by controlling water drainage and ensuring protection from the watercourse. A drywell system, controlling roof run-off will be installed at the time of the proposed addition. A new septic system will be installed and improve the condition of the property.
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 Ketchum, that this application be **APPROVED** with standard conditions and additional special conditions:

Additional Condition No. 1 That the revised Site Plan C-1,L-1,A-1 through A-4, S-1 and S-2 dated September 16, 2014, prepared by David Mosher, Architect, be followed; and

Additional Condition No. 2 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. 3 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	[Recused]
Member	Sherill Ketchum	Absent	
Member	Steven Tucker	Present	[Yes]
Member	David Palen	Present	[Yes]

Vice Chair Condon returned to the Board.

Discussion

Member Palen attending training on urban forestry management and discussed the issue with the emerald ash borer and Onondaga County's plans to control the infestation.

Discussion

Local Law B regarding amended text for signs and definition of terms was previously distributed. The Board requested more time to review the Local Law B, and subsequently will continue the discussion at the next ZBA meeting.

Discussion

Local Law C regarding abandonment of pending applications. The Board delayed taking action on the proposed local law until all members were present to determine the need for the local law.

There being no further business a motion was made by Member Palen and seconded by Member Tucker to adjourn the meeting. The Zoning Board of Appeals meeting adjourned at 9 p.m.

Respectfully Submitted,

Karen Barkdull

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