

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

October 11, 2016

Present:

Denise Rhoads
Jim Condon
Sherill Ketchum
David Palen
Curt Coville-Absent
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 November 1, 2016. There will be no site visits this month as there are no new applications. Previous distribution to the Board of the regular meeting minutes of September 6, 2016 was 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 September 6, 2016 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	Curt Coville	Absent		

Discussion

Counsel Molnar recommended that the Board review the materials regarding the Skaneateles Springs proposal and, as there are no variances required on the application, consider the Planning Board as lead agency for the SEQR review. Mr. Eggleston recapped the proposal for the former Bird's Nest Motel location with the proposed new hotel that will include thirteen cottages, an amenities building and an annex building. The Zoning Board of Appeals adopted the following resolution regarding the proposed Planning Board Lead Agency SEQR Review-Skaneateles Springs.

WHEREAS, the Zoning Board of Appeals reviewed the Lead Agency SEQR Review – Skaneateles Springs;

AND WHEREFORE, a motion was made by Member Palen and seconded by Member Condon to endorse the designation of the Planning Board of the Town of Skaneateles as lead agency for SEQR determination.

Record of Vote

Chair	Denise Rhoads	Present	[Yes]
Vice Chair	Jim Condon	Present	[Yes]
Member	Sherill Ketchum	Present	[Yes]
Member	David Palen	Present	[Yes]
Member	Curt Coville	Absent	

Public Hearing

Applicant: Tammy Fischer
50 East 28th St, Apt 10L
New York, NY 10016

Property:
2330 Thornton Grove South
Skaneateles, NY 13152

Tax Map #056.-03-12.0

Present: Robert Eggleston, Architect

No one requested to have the public hearing notice read. The City of Syracuse Department of Water commented that a written acceptance of the existing onsite wastewater treatment system or grant approval for the construction of a new OWTS must be submitted by OCDOH in their correspondence dated August 18, 2016. A site visit was conducted by the Board on September 10, 2016.

Proposed is the expansion of the 716SF cottage with a second floor addition that will increase the floor space to 964SF. The existing dwelling is located 46 feet to the lake; the second floor expansion is not located over the small portion of the cottage that is within 50 feet of the lake line. The second floor addition will have a loft area and one bedroom. The first floor will be renovated and will maintain the other bedroom, keeping the dwelling to two bedrooms.

The pre-existing nonconforming lot is less than 20,000SF with less than 75 feet of lake frontage and requires a variance for any development. The cottage is located 46 feet to the lake line, and a variance is required as the height of the structure is being increased to a cottage located within 50 feet of the lake line, although the addition will be located beyond 50 feet of the lake line.

The impermeable surface coverage is 23%, however it is not a consideration as there is no change to the footprint of the dwelling. The cottage does rest on piers that allow stormwater to go underneath, and it also has a seasonal gravel and grass driveway. Mr. Eggleston continued stating that the existing septic system has been determined to be acceptable by OCDOH with their approval letter forthcoming.

Member Condon commented that one of his concerns is that there needs to be placed temporary protection over the septic tank and drywells during construction, suggesting possible bollards. Hidden damage could occur without being noticed that could cause effluent to enter the lake. Mr. Eggleston stated that part of the narrative is that they intend to mark and protect the septic system.

The proposal will involve hand labor for the removal of the existing roof with a dumpster placed on the side of the dwelling. There is no heavy construction equipment that will be used as part of the project as the roof is just being reframed. The dumpster can be located between the septic tank and the drywell. Any construction vehicles would park temporarily along the side of the driveway away from the septic area.

Member Condon inquired if there any letters received from the neighbors. Two letters of support were received and submitted; the Meeskes to the north and the Sampsons to the south were in favor of the proposal. The majority of the dwellings on Thornton Grove are small seasonal cottages on small lots, and the applicant's property is in keeping with this neighborhood. The cottages on each side are seasonal cottages that have been improved over the last few years. The applicant's cottage will remain a seasonal cottage.

WHEREFORE a motion was made by Member Ketchum and seconded by Member Palen to declare this application to be a Type II action per section 617.5(c) (13) 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. Letters of support were received from the neighbors to the north and south of the property.

WHEREFORE a motion was made by Member Condon 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. The proposal would not be an undesirable change to the character of the neighborhood. There are similar cape style homes along Thornton Grove. The footprint of the existing building would not be increased. Because of the location of the dwelling, it will not interfere with the sight lines of the lake for the neighboring cottages.
2. **Whether the benefit sought by the applicant can be achieved by a feasible alternative to the variance:** No. Because of the size of the lot at 13,809SF with lake frontage of 50.1 feet, and the dwelling located less than 100 feet to the lake line, any expansion of the property will require a variance. There is a septic tank to the west and

pre-existing drywells to the south that limits expansion to the west or south side of the cottage. The proposed addition makes the most sense for the current lot conditions.

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. The requested variance would not be substantial as there will be no increase in the building footprint, the dwelling will not be closer to the lake yard than the existing 46 feet, and there will be no shoreline structures added or any other shoreline work done at this time. The height of the new roof will increase from 15.6 feet to 22 feet, well within the existing building code limits. There will be no further increase in impermeable surface coverage and there will be no further nonconformity of setbacks to what exists. The structure will remain a seasonal dwelling.
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 proposed variances will have no adverse impact on the physical or environmental conditions in the neighborhood or district. There is no change to the impermeable surface coverage and no excavation for any footings or expansion of building footprint. The existing cottage rests on piers that allow more natural flow of ground water. The existing septic system has been tested and the Board will receive a letter of approval from OCDOH before a permit is issued. There should be a temporary barrier placed in front of the existing septic tank and drywells to prevent heavy equipment from driving over these items during construction due to the potential hidden damage that might occur.
5. **Whether the alleged difficulty was self-created:** Yes. Any proposal for this lot would be self-created.

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 Condon and seconded by Member Ketchum, 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:

Additional Condition No. 1 That the Site Plan 1 of 3 through 3 of 3 dated July 27, 2016 , with the Narrative dated August 15, 2016, prepared by Robert O. Eggleston, Architect, be followed; and

Additional Condition No. 2: That the Applicant shall obtain all necessary permits and approvals from the OCDOH, and any other approval needed for the Application; and

Additional Condition No. 3: That the septic system is protected with a temporary bollard barricade during construction to prevent any vehicle access, with photo verification provided to the ZBA prior to issuance of a building permit.

<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	Curt Coville	Absent	

Discussion

The Zoning Board of Appeals discussed the draft Open Space Plan and will continue their review at next month's meeting.

Discussion

Draft solar legislation will be discussed at next month's meeting.

Discussion

The Zoning Board of Appeals discussed developing detailed notes regarding sections of code that have been problematic that the Board would like to have addressed. Discussion included how a watercourse should be defined, the types of watercourse and whether the same setback should be used for all types. The ZBA expressed a desire to involve the Town planner and engineer with complex cases and site visits. Suggested was follow up reports provided from the CEO to the ZBA on projects that have been approved by the ZBA. The Zoning Board is considering conducting a work session at next month's regularly scheduled meeting to discuss zoning issues if the agenda warrants, or potentially after site visits next month.

There being no further business, a motion was made by Member Condon and seconded by Member Ketchum to adjourn the meeting. The Zoning Board of Appeals meeting adjourned at 7:55 p.m.

Respectfully Submitted,
Karen Barkdull