

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

November 1, 2016

Present:

Denise Rhoads
Jim Condon
Sherill Ketchum-Absent
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 December 6, 2016. Site visits will be conducted on November 19, 2016 beginning at 9 am. Previous distribution to the Board of the regular meeting minutes of October 11, 2016 was executed and all members present acknowledged receipt of those minutes.

WHEREFORE a motion was made by Member Palen and seconded by Member Condon to accept the October 11, 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	Absent		
Member	David Palen	Present		[Yes]
Member	Curt Coville	Absent		

Initial Review

Applicant: Rick & Debbie Moscarito
120 Madison St
Chittenango, NY 13037

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

Present: Robert Eggleston, Architect

The applicant has an offer to purchase on this property pending approvals from the Zoning Board of Appeals and the Planning Board. This property that had been recently reviewed by the Board. The proposal is for a new single family dwelling that will be smaller than the dwelling that was previously proposed. The footprint of the dwelling is 5.5% of the total lot and the floor space is at 8.9% of the total lot, under the maximums allowed and not requiring variances.

The watercourse setback has been revised to reflect the dwelling located 41 feet to the watercourse with the deck located 55.7 feet to the watercourse whereas 100 feet is required. The proposed lake yard setback for the dwelling is 61.5 feet and the deck 51.5 feet to the lake line whereas 100 feet is required. The placement of the proposed dwelling has been impacted by the

location of the septic fields, underground telephone line and overhead electrical wires that bisect the property. The dwelling is required to be at least ten feet from the overhead electrical lines and twenty feet from the septic field. This has left the only area available for a dwelling to be located within 100 feet of the lake line and partially within the steep slopes over 30%.

The proposed dwelling is narrow at 25 to 26 feet in width and the length has been reduced to 50 feet. There is also a proposed shed to house lawn care equipment as there is no proposed garage on the property, and the parking has not changed from previous reviews.

The septic system and fields are in the approved locations from 2010 that has been given extended approval through 2020. Member Condon commented that he had read that the septic is located in the right-of-way. Mr. Eggleston commented that the pump chamber and tank is located in the electrical line easement and a revised plan will be submitted reflecting the chamber and tank shifted to the southwest, with the proposed shed relocated. Member Condon inquired as to what type of septic system is proposed. Mr. Eggleston stated that it will be a conventional system utilizing Elgen technology.

Member Condon inquired if the utilities are in use on the property. Mr. Eggleston commented that they are in use. The telephone line is active and in an odd location. There is a right of way drive access that was part of the original subdivision that may not be in use. All of the other easements are restricting where the house can be located.

The neighbor to the north has a large parking area that causes stormwater to drain onto this lot. A stormwater management plan has been proposed to control this drainage that includes the installation of a rain garden on the Tackley property so that the stormwater from the parking area will be collected and directed to the rain garden for filtering, then piped down the steep slope to rocks at the bottom of the cliff.

Member Condon requested information regarding the status of the watercourse. Mr. Eggleston stated that there is a watercourse on the south of the property line that is partially located on the Cuykendall property. There is also a constructed ditch on the southwest corner of the Hopkin's property that helps to drain the Cuykendall farm fields into the existing watercourse. The stormwater control system that is in place on this and the Cuykendall lot has helped to disperse stormwater, although there is some erosion occurring on the Hopkin's lot, and the watercourse base has eroded to bedrock. As part of the proposal there will be some filter fabric and rocks proposed along the side of the watercourse to control the erosion. The roof gutters of the dwelling will also be directed to the watercourse to control erosion on this property.

Member Condon inquired if there will be baffles inside the watercourse to slow the water, as there will be drainage from the farm fields, the proposed parking area and drainage from the dwelling roof. Mr. Eggleston commented that the amount that would be added from the development of the lot is insignificant compared to the amount coming from the farm fields. Chair Rhoads commented that there has been a culvert installed and when they were at the site last it was flowing very well. She continued stating that she would not consider it a seasonal watercourse. Mr. Eggleston commented that there is agreement that the southern watercourse is a

watercourse, however the constructed ditch lined with rock is not a watercourse. The constructed ditch is located mostly on the applicant's property as well as the Cuykendall property. The watercourse to the south is mostly on the Hopkin's property. Member Condon inquired on the water source for the property. Mr. Eggleston stated that there will be a heated water line from the lake to provide water to the property.

The proposed dwelling is a one story house with a walk-out basement and a deck at the first floor level instead of the patio that was proposed on an earlier application. The deck will be placed over a steep slope area with steps leading to a timber and pea stone set of steps. The soil will be removed for the cellar with a deck in front of the walk-out basement rather than re-grading the area. The foundation for the basement level will serve to protect the water coming off the ground with the gutters handling the water off the house itself. The volume of soil to be removed will be 245CY to dig the basement whereas an average house would have twice the amount removed for the entire house. A machine will be located on the top of the flat area and reach over to remove the soil and minimize the disturbance during excavation. The only trees removed would be within ten feet of the foundation.

Member Condon inquired if there will be equipment required to install the deck and steps. Mr. Eggleston stated that the waterline will probably be buried right next to the steps utilizing a mini excavator. The materials for the steps and deck can be hand carried down to the site. The steps will lead to the bridge leading to the stair tower and dock. The bridge will be cantilevered over the steep slope by the lake to minimize disturbance. The stair tower and dock are proposed beyond the mean high water mark and out of the jurisdiction of the Town. The prior application had the steps off of the cliff. There is some concern on the cliff as five to ten years ago a portion of the cliff slid down to the lake. The spot chosen for the access to the lake was chosen as it is an area with the shortest distance to the proposed bridge. The narrative also includes the construction sequence on how the lot will be developed with minimal disturbance.

Member Condon inquired if the dwelling is going to be a year round or seasonal dwelling. Mr. Eggleston stated that it will be constructed as a year round house and primarily occupied seasonally.

The red line indicated on the site plan shows the area where the slopes are at 30% or greater with the maximum steepness at 36%. 473SF of the dwelling is located in the slope area less than 30%, and 793SF of the dwelling is located in the greater than 30% slopes requiring a variance. The footprint of the dwelling is 1,266SF with one bedroom on the first floor and two located on the basement level. Mr. Condon stated that an average ranch house 48 feet long can house three bedrooms.

Mr. Eggleston stated that his office had created a comparison of dwellings in the neighborhood with the thirteen properties going north and ten properties on Amerman Road going south. Of the thirteen houses going north on Russells Landing, there is only one house that is a seasonal residence on lots ranging from .28 acres to 1.09 acres. Six of the dwellings going north are larger dwellings in size than what is proposed. The properties to the south have to be accessed 3.5 miles away by going through Cayuga County and back up to Amerman Road. The majority

of the dwellings are seasonal dwellings located on a seasonal road. The last three lots are over an acre with only one dwelling that is 3,799SF used year round.

Member Condon commented that he thought the code prohibited construction in a steep slope. Mr. Eggleston stated that a variance would be required. Counsel Molnar stated that it would be addressed under 148-30B. Mr. Eggleston stated that there will be two bedrooms in the basement and a master bedroom on the first floor, with a total of two and a half baths in the dwelling. A site visit will be conducted on Saturday, November 19, 2016 beginning at 9 a.m. The location of the dwelling will be staked out. Mr. Tackley will be notified when the site visit will occur.

Chair Rhoads commented that the easements on the property should be confirmed that they are still in use. Member Condon commented that the Board had requested letters from the easement owners within a thirty day time period on the prior application. Counsel Molnar stated that the Board had requested the applicant connect with the utility companies to discuss the use of the easement regarding their use and any potential relocation of the easements. Mr. Eggleston stated that it is difficult to talk to companies such as National Grid as they are difficult to communicate with. He continued stating that the applicant's attorney will attempt to contact the utility companies regarding the electrical and telephone. Member Condon stated that he thought he observed a cable on the ground across the property that may have been cable or Verizon. Mr. Eggleston stated that there is a utility pole that is accessible with an access easement at the far west of the property. Member Condon commented that the septic fields are right off the driveway and it should be protected from vehicular traffic. Mr. Eggleston stated that the utility companies would probably access from the neighbor's driveway; however, they can establish some barriers to protect the septic fields. Member Condon added that the tank should also be protected.

Member Condon inquired if the applicant has considered a dwelling built on piers. Mr. Eggleston stated that it had been discussed with the applicant; however, there isn't a way to treat the land under a dwelling on piers as no plant growth can be sustained. With a steep slope this could pose a future erosion issue. If the applicant could not build the basement then they would propose a second floor, which would not necessarily be in keeping with the neighborhood of one and a half story homes. Additionally, if the dwelling were two stories it would place the second story close to the power lines. He continued stating that the foundation will act as a retaining wall for the sloped area and would be better for stabilizing the area. Member Condon inquired if the construction of the foundation would be block or a poured wall. Mr. Eggleston stated that it will be a poured wall. Member Palen inquired if the bedrock would be close as they are digging the foundation. Mr. Eggleston stated that it is possible that they may get bedrock, but their experience is that they would peel back the shale since it is close to the surface and is weathered. The City of Syracuse Department of Water will be receiving the revised site plan for their comment.

WHEREFORE, a motion was made by Member Condon and seconded by Member Palen to schedule a public hearing on *Tuesday, December 6, 2016 at 7:10 p.m.* The Board having been polled resulted in the unanimous affirmation of said motion.

Discussion

There is upcoming solar training on November 16, 2016 held by the Cayuga County Planning Board at the Cayuga-Onondaga BOCES in Aurelius.

Discussion

The Zoning Board of Appeals discussed the draft Open Space lead agency request of the Town Board. The Board is in support of the proposed legislation.

WHEREAS, the Zoning Board of Appeals reviewed the Lead Agency SEQR Review – Open Space Plan;

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

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

Discussion

It was suggested that some of the P&Z Staff meetings be scheduled at night.

There being no further business, a motion was made by Member Condon and seconded by Member Palen to adjourn the meeting. The Zoning Board of Appeals meeting adjourned at 7:50 p.m.

Respectfully Submitted,
Karen Barkdull