

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

November 3, 2014

Present:

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

The meeting commenced at 7:00 p.m. at Town Hall. The next Zoning Board of Appeals meeting will be held on Tuesday, December 2, 2014. Previous distribution to the Board of the regular meeting minutes of October 7, 2014 were executed and all members present acknowledged receipt of those minutes.

WHEREFORE a motion was made by Member Condon and seconded by Chair Rhoads to accept the October 7, 2014 minutes as corrected. The Board having been polled resulted in favor of said motion.

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]

Initial Review

Applicant:	Five Fires LLC	Property:
	4584 Bamerick Lane.	3395 East Lake Road
	Jamesville, NY	Skaneateles, NY 13152
		Tax Map #041.-01-21.0

Present: Janice Miller and Wayne LaFrance, Architects

The foundation of the shoreline structure is in need of repair as it is lacking in some areas and not structurally sound. The applicant would like to repair the foundation and raise the structure four feet higher than the existing level. The existing structure would be lifted to install a proper foundation, and as such, the existing structure is 14.5' above the lake line with the proposed modification increasing the height to 19.5' above the lake line. The shoreline structure will have

a lower overall height than the neighbor's structure located to the north. The increase in height will allow for headroom to hang kayaks.

Chair Rhoads commented that this property had received a height variance for a fence on the northern side justified as a measure of privacy afforded between this structure and the neighbors. She inquired why the condition of the foundation and proposed height elevation change was not included as part of the prior variance. Ms. Miller stated that she was not involved with the last variance request. She continued stating that the applicant may Board up the windows on the north side of the building to provide privacy. Chair Rhoads stated that the privacy concern was one of the considerations when the variance was granted and this request makes mute all of the reasons for granting the variance. Member Ketchum stated that we allowed the 6' fence to block the view of the neighbors. Counsel Molnar stated that each application has to be considered based on their own merits; that the fence height of 6' that was granted can be one of the considerations when granting the variance. Counsel Molnar recommended that the Board have a site visit to take all of this into consideration.

Member Tucker inquired if the raising of the structure is required because the structure is in the flood zone. Ms. Miller stated that the height of the existing dock is at the high water mark of 865.02', and the structure lies further back from the dock. Ms. Miller stated that you cannot stand in the foundation space under the structure that is used for storage. Member Condon inquired what the actual height of the existing space. Ms. Miller stated that it was approximately 3-4' in height and only partially excavated. Member Condon inquired whether it will be all enclosed after construction and if there are mechanicals in the area. Ms. Miller stated that it will be enclosed with a door and that there is power and a water pump located in the space. Chair Rhoads stated that there is plumbing also located there, as the Board was informed at the prior site visit that his daughter stays in the shoreline structure sometimes. Member Condon inquired if the structure was raised, would the space be considered potentially habitable. It would not be considered potential living space as the ceiling height would be under 7.5' in height.

Member Condon inquired if the fence has been installed. Ms. Miller stated that it has not been installed. Elevation views of the proposed structure will be submitted to the Board. Member Condon inquired if the property was used as a summer residence. Ms. Miller acknowledged that it is a summer residence. Member Condon stated that the applicant had stated to the Board at the last site visit that he intends to move the garage and modify the driveway that would require a variance. He recommended that the applicant present the entire plan of modifications to the Board instead of requesting several variances over an extended period of time.

Member Tucker stated that if the raising of the structure to be above the 100 year flood plain was a mitigating circumstance, then it may be easier for the Board to rationalize the variance request. Member Condon stated that the building is at 870' elevation with the proposed additional 4' the elevation of the first floor would be at 874' or 9' from the high water mark of 865.02'.

Mr. LaFrance stated that the applicant did inform them that the windows on the north side will be blocked for privacy. He continued stating that part of the request is for raising the structure for protection from future ice damage. Member Condon inquired if the structure would be placed on

stilts to raise it to avoid any flood damage. Mr. LaFrance stated that the applicant wants to have it placed on a foundation to protect what is inside the storage area. Member Palen suggested that letters of support from the neighbors should be obtained. A site visit will be conducted on November 15, 2014 at 9 am.

WHEREFORE, a motion was made by Member Tucker and seconded by Member Palen to schedule a public hearing on *Tuesday, December 2, 2014 at 7:10 p.m.* The Board having been polled resulted in the unanimous affirmation of said motion.

Executive Session

WHEREFORE a motion was made by Chair Rhoads and seconded by Member Tucker to enter an executive session to discuss potential litigation. The Board having been polled resulted in favor of said motion.

WHEREFORE a motion was made by Chair Rhoads and seconded by Member Condon to return from executive session. The Board having been polled resulted in favor of said motion. The Board returned at 7:40 pm.

Discussion

The ZBA reviewed the proposed Local Law C of 2014, a Local Law Amending the Town Code of the Town of Skaneateles to define when an application before the Planning Board and Zoning Board of Appeals will be deemed to be abandoned. The ZBA suggested modifications (see attached) and recommends the proposed Local Law C of 2014, a Local Law Amending the Town Code of the Town of Skaneateles to define when an application before the Planning Board and Zoning Board of Appeals will be deemed to be abandoned, with the suggested modifications incorporated, be adopted by the Town Board. Accordingly, the Zoning Board of Appeals adopted the following:

WHEREFORE a motion was made by Member Steven Tucker and seconded by Member Sherill Ketchum, that the Town of Skaneateles Zoning Board of Appeals, it was **RESOLVED** to recommend adoption of Local Law C of 2014, a Local Law Amending the Town Code of the Town of Skaneateles to define when an application before the Planning Board and Zoning Board of Appeals will be deemed to be abandoned, with suggested modifications incorporated, copy attached. The Board having been polled resulted in the unanimous affirmance of said motion.

Discussion

Local Law B regarding amended text for signs and definition of terms was previously distributed. The ZBA reviewed the proposed Local Law 2014-B, A Local Law Amending the Town Code of the Town of Skaneateles for Revisions to §148-56 Definitions. The ZBA suggested modifications (see attached) and recommends the proposed Local Law 2014-B, A Local Law Amending the Town Code of the Town of Skaneateles for Revisions to §148-56

Definitions, with the suggested modifications incorporated, be adopted by the Town Board. Accordingly, the Zoning Board of Appeals adopted the following:

WHEREFORE a motion was made by Member Steven Tucker and seconded by Member Sherill Ketchum, that the Town of Skaneateles Zoning Board of Appeals, it was **RESOLVED** to recommend adoption of Local Law 2014-B, A Local Law Amending the Town Code of the Town of Skaneateles for Revisions to §148-56 Definitions, with suggested modifications incorporated, copy attached. The Board having been polled resulted in the unanimous affirmance of said motion.

The Board requested more time to review the Local Law B, signing portion, and subsequently will continue the discussion at the next ZBA meeting.

There being no further business a motion was made by Member Palen and seconded by Member Ketchum to adjourn the meeting. The Zoning Board of Appeals meeting adjourned at 8:53 p.m.

Respectfully Submitted,

Karen Barkdull

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