

**TOWN OF SKANEATELES
ZONING BOARD OF APPEALS
MEETING MINUTES OF
October 13, 2020**

Present:

Denise Rhoads
Jim Condon
David Palen
Kris Kiefer
Michael Ciaccio
Scott Molnar, Attorney
Karen Barkdull, P&Z Clerk
Kim Benda, ZBA Clerk

The meeting commenced at 7:00 p.m. at Town Hall via Zoom. The next Zoning Board of Appeals meeting will be held on November 10, 2020 at 7:00 p.m. Previous distribution to the Board of the regular meeting minutes of September 1, 2020 was executed and all members present acknowledged receipt of those minutes.

WHEREFORE, a motion was made by Member Palen and seconded by Member Kiefer to accept the September 1, 2020 minutes as presented. The Board having been polled resulted in unanimous affirmation of said motion.

Record of Vote

Chair Denise Rhoads	Present [Yes]
Vice Chair Jim Condon	Present [Yes]
Member David Palen	Present [Yes]
Member Kris Kiefer	Present [Yes]
Member Michael Ciaccio	Present [Yes]

Member hours for the present Board members were requested and submitted for the month of September 2020 via email.

Public Hearing

Applicant: Bonnie Dunn
1056 Butters Farm Lane
Skaneateles, NY 13152
Tax Map #045.-02-46.0

Present: Bonnie Dunn, Owner
Bob Eggleston, Consulting Architect

Chair Rhoads described the proposal for the installation of a 10' x 16' shed outside of the building envelope. Variances required are for rear yard and side yard setbacks. The side yard setback required is 111', where 35' is being requested, the rear yard setback required is 50' where 40' is requested. Bonnie Dun, Owner, stated the variances are being requested as it is not possible to install the in the designated area. There will not be any electricity in the shed, no road up to the shed as it will strictly be used for storage of yard equipment.

Vice Chair Condon asked if the shed placement was considered behind the pool house. Ms. Dunn stated yes, it would not fit in that location. Bob Eggleston, Architect, stated there is a significant change of grade there creating difficulty installing the shed and having it be reasonably accessible. Placing the shed behind the pool house would still require a rear yard setback variance as it is within the 50' setback requirement. Vice Chair Condon stated it would be a smaller variance.

Mr. Eggleston mentioned the Performance Subdivision has developed into an Open Space Subdivision and originally the building envelope that was created by the developer should have been based on Hamlet guidelines, but the building envelope was created considering only the primary residence and no additional accessory structures. It was not intended to prohibit a shed less than 200sq.ft., which is allowed by right under the Zoning Code, from being placed on the property greater than 10' from the side yard and rear yard property lines. On any other lot this placement would be considered conforming, which is why there have been a number of variances like this within Butters Farm.

Member Palen asked if the project became a hamlet when it was created, is that why it was designated that way. Mr. Eggleston stated no, in Dimension Table 3, yard setbacks were not included for Open Space Subdivisions, so in the footnote it says at the time of approving the development the Planning Board and Developer will create a building envelope of which they cannot have any closer to the property line than the Hamlet setbacks allow in the Hamlet District. Therefore, in an Open Space Subdivision the Planning Board and Developer can create a building envelope of their liking so long as it does not exceed the guidelines for the Hamlet Dimension Table. Mr. Eggleston added if the Butters Farm development was being created today the building envelope would have been more generous.

Chair Rhoads stated she reviewed an aerial view of the Butters Farm development, noting 2 neighbors with sheds that appear outside of their building envelope. Ms. Dunn confirmed the neighbors do have sheds on their properties, she is unaware of whether or not the sheds are within the building envelopes for those lots. Mr. Eggleston stated there are a few properties in Butters Farm that were granted area variances for sheds, he is not certain if these neighboring properties are any of those applicants.

Vice Chair Condon asked if there were any letters from the neighbors regarding Ms. Dunn's application. No letters were submitted. Vice Chair Condon inquired about Association Rules in the Open Space Subdivision. Mr. Eggleston stated the shed must compliment the house. Ms. Dunn confirmed it would be the same color as the house since she wanted the shed to blend with the property.

Member Kiefer sought confirmation that if this proposal was located outside of this particular area it would not require an area variance. Chair Rhoads confirmed that is correct.

Chair Rhoads asked if anyone would like the Public Hearing Notice read, no one spoke. The Board members have each conducted a site visit. Counsel Molnar recommended the application be classified as a Type II action under SEQR review.

WHEREFORE, a motion was made by Member Palen and seconded by Member Kiefer to consider the proposed action as a Type II SEQR action as per section 617.5(c)(12) and 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 for the Dunn application, asking if there was anyone who would like to speak in favor, opposition or had any comment regarding the application. No one spoke.

WHEREFORE, a motion was made by Member Ciaccio and seconded by Member Kiefer to close the public hearing. The Board having been polled resulted in unanimous affirmance of said motion.

At this time the Board reviewed the Five Criteria for the area variance concerning the applicable section of Town Zoning Code: Section 148-9G(6) Density & Dimensional Regulations – standards for open space subdivisions, front, side & rear yards and road frontage. Counsel Molnar stated when considering the benefit to the Applicant if the area variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community, the Zoning Board of Appeals is charged with answering these five questions:

- 1. Whether an undesirable change would be produced in the character of the neighborhood or a detriment to nearby properties:** No. Placing the 10' x 16' shed on the property in the location indicated on the Lehr survey, dated 8/14/2020 ("Survey"), would not produce an undesirable change in the character of the neighborhood nor a detriment to nearby properties. The land to the north of the shed is an open field, and the land to the west of the shed is an open conservation lot which is owned by the Butters Farm HOA. The Applicant intends for the shed to resemble the aesthetic of the primary structure matching the character of the neighborhood, therefore not being obtrusive in any way. Adjacent properties, as well as several others within the development, currently have utility shed structures located on the lot. It is noted that a more preferable location for the shed would have been behind the existing pool shed.
- 2. Whether benefit sought by applicant can be achieved by a feasible alternative to the variance:** No. This is the most feasible option as it is reflected on the Survey. The building envelope is at capacity allowing no space for the installation of the 160 sq. ft. shed.
- 3. Whether the requested variance is substantial:** No. The requested variance is not substantial, as the shed installation would not require a variance if the property were located in any other part of the Town of Skaneateles outside of the Butters Farm open space subdivision development.
- 4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood:** No. There will be no adverse physical or environmental impact resulting from the installation of the shed. It would be best if the shed could be set during a dry period or after the frost to avoid any rutting of the yard, causing any unnecessary drainage onto the side yard 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 Vice Chair Condon and seconded by Member Palen, that this application be **APPROVED** with standard conditions and additional special conditions:

STANDARD CONDITIONS:

1. That the Applicant obtain any necessary permit(s) from the Codes Enforcement Officer or otherwise commence the use within one (1) year from the filing of the variance decision. Any

application for zoning/building permit(s) shall terminate and become void if the project is not completed within the eighteen (18) months from the issuance of the permit(s).

2. That the Applicant shall obtain all necessary permits and approvals from any agency or authority having jurisdiction over the Property or Application; and

3. That the Applicant obtain a Certificate of Occupancy and/or Certificate of Compliance, as required, from the Codes Enforcement Officer.

4. That the Applicant notify the Codes Enforcement Officer on completion of the footing of any project for which a variance has been obtained.

5. That the Applicant provide an as-built survey to the Codes Enforcement Officer with verification of conformance of completed project within (60) days of completion of the project before a certificate of occupancy /certificate of compliance is issued.

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

1. That the Survey, dated August 14, 2020, prepared by Douglas R. Lehr, Licensed Architect for Lehr Land Surveyors, as presented by the Applicant reflecting the proposed 160sq.ft. utility shed be followed in all respects and shall always be complied with.
2. In lieu of the Applicant providing and As-built survey upon completion of the shed installation, the Codes Enforcement Officer must be satisfied that the intended shed is placed as required by the above- mentioned Survey, as a condition before issuance of a certificate of compliance.

RECORD OF VOTE

MEMBER NAME	AYE	NAY	ABSENT
Chair DENISE RHOADS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vice Chair JIM CONDON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Member MICHAEL CIACCIO	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Member KRIS KIEFER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Member DAVE PALEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Public Hearing

Applicant: Ray Lessaongang
 1031 Old Seneca Turnpike
 Skaneateles, NY 13152
Tax Map #028.-01-05.0

Present: Bob Eggleston, Architect

Chair Rhoads described the proposal for the construction of an 18' x 30' storage barn. Variances required are for rear yard and side yard setbacks. Bob Eggleston, Architect, described the existing ranch home as ideal for his client's retirement however the existing garage is small allowing for 1 car. Mr. Lessaongang has a large truck, as well as recreational vehicles and other pieces of equipment that are sitting outside in the weather. It would be most cost effective to leave the existing garage in place and build an additional detached structure. The proposed storage barn will be built on the existing driveway area as there is no other location near the driveway it would fit, and the Applicant does not want the building on the other side of the house or in front of the home. The side yard setback requirement is large due to the wide rear property line, if the lot were narrower and deeper the side yard setback requirement would likely allow for the proposed 14.9' side yard setback. The immediately adjacent properties are large and have received approval for a multi-family condominium project located on the east and north side of the property. The

proposed development is located over 1,000' from this property. The hedgerow along the property line shields the Applicant's property from the adjoining properties. Letters of no objection were submitted by the adjacent property owners, Lynn Bonnivier and Bruce VanHoltz.

Member Ciaccio sought confirmation that the 2 garages would be located next to one another but not connected. Mr. Eggleston stated that was correct.

Chair Rhoads asked if anyone would like the Public Hearing Notice read, no one spoke. The Board members have each conducted a site visit. Counsel Molnar recommended the application be classified as a Type II action under SEQR review.

WHEREFORE, a motion was made by Vice Chair Condon and seconded by Member Palen to consider the proposed action as a Type II SEQR action as per section 617.5(c)(12) and 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 for the Lessaongang application, asking if there was anyone who would like to speak in favor, opposition or had any comment regarding the application. No one spoke. Chair Rhoads asked that the record reflect the submission of the previously mentioned letters of no objection from the adjacent neighbors.

WHEREFORE, a motion was made by Member Kiefer and seconded by Vice Chair Condon to close the public hearing. The Board having been polled resulted in unanimous affirmance of said motion.

At this time the Board reviewed the Five Criteria for the 2 area variances collectively concerning the applicable sections of Town Zoning Code: Section 148-12G(1)(a)[4] Existing nonconforming lots – side yard setbacks and Section 148-12G(1)(a)[3] Nonconforming Structures- rear yard setbacks. Counsel Molnar stated when considering the benefit to the Applicant if the area variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community, the Zoning Board of Appeals is charged with answering these five questions:

- 1. Whether an undesirable change would be produced in the character of the neighborhood or a detriment to nearby properties:** No. The proposed 18' x 30' barn will not create an undesirable change to the character of the neighborhood, nor will it be a detriment to nearby properties. It is located in a rural area with a RR District designation, surrounded by varying sized lots and structures.
- 2. Whether benefit sought by applicant can be achieved by a feasible alternative to the variance:** No. The existing lot is relatively small, irregular in shape and nonconforming. Placement of the proposed structure would require the existing detached garage to be demolished in order to avoid a variance.
- 3. Whether the requested variance is substantial:** No, by a majority vote. The location of the property is in a rural area of the community, distant from nearby neighbors and any established structures. Therefore, the request for the area variances should not be considered substantial. The proposed location of the barn also triggers a variance as a result of the location of the existing structures on the property. There is no watercourse on the property or nearby, supporting the determination that the 14.9' side yard setback and 18.7' rear yard setback are not substantial. It was noted the request could be considered substantial considering the size of the lot and its nonconforming status, however that should not have a negative impact on the granting of the area variance.

4. **Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood:** No. The project is not located within the LWOD. The constructed barn will not have an adverse impact on the physical or environmental conditions of the neighborhood, as the proposed location exists as a crusher-run stone driveway resulting in minimal disturbance of the soil since the established stone drive has allowed the soil to stabilize in this area. By utilizing the existing stone driveway there will be no need to increase ISC, keeping at the minimum possible. There is no watercourse or septic nearby, therefore there are no environmental concerns.
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 Member Palen and seconded by Vice Chair Condon, that this application be **APPROVED** with standard conditions and additional special conditions:

STANDARD CONDITIONS:

1. That the Applicant obtain any necessary permit(s) from the Codes Enforcement Officer or otherwise commence the use within one (1) year from the filing of the variance decision. Any application for zoning/building permit(s) shall terminate and become void if the project is not completed within the eighteen (18) months from the issuance of the permit(s).
2. That the Applicant shall obtain all necessary permits and approvals from any agency or authority having jurisdiction over the Property or Application; and
3. That the Applicant obtain a Certificate of Occupancy and/or Certificate of Compliance, as required, from the Codes Enforcement Officer.
4. That the Applicant notify the Codes Enforcement Officer on completion of the footing of any project for which a variance has been obtained.
5. That the Applicant provide an as-built survey to the Codes Enforcement Officer with verification of conformance of completed project within (60) days of completion of the project before a certificate of occupancy /certificate of compliance is issued.

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

1. That the Site Plan, dated August 13, 2020, and Narrative, dated August 20, 2020, prepared by Robert O. Eggleston, Licensed Architect reflecting the proposed 18ft. x 30ft. storage barn be followed in all respects and shall always be complied with.
2. In lieu of the Applicant providing and As-built survey upon completion of the barn construction, as it is restricted by the retaining wall, Robert O. Eggleston, Licensed Architect will submit location verification to the ZBA confirming conformance of completed project, before a certificate of occupancy /certificate of compliance is issued.

RECORD OF VOTE

MEMBER NAME	AYE	NAY	ABSENT
Chair DENISE RHOADS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vice Chair JIM CONDON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Member MICHAEL CIACCIO	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Member KRIS KIEFER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Member DAVE PALEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Initial Review

Applicant: Thomas Wingfield
2886 West Lake Road
Skaneateles, NY 13152
Tax Map #052.-01-10.0

Present: Thomas Wingfield, Owner

Chair Rhoads described the proposal for the replacement of a porch, sidewalk and gravel patio with concrete. Thomas Wingfield, Owner, stated construction began prior to his understanding of the Town Code requiring a maximum of 10% ISC in the RF LWOD. Mr. Wingfield ceased construction after instruction to do so from CEO Bob Herrmann and is now seeking the area variance required. Mr. Wingfield purchased the property and began rehabilitation of the property as it had been neglected for approximately 15 years. Part of the rehabilitation plan is to extend the porch on the front of the house (labeled "1" on the Site Plan), in concrete, extended to the edge of the wall on the south west side along with a sidewalk. The total extension from the existing structure would be 7ft.+/-, extending to the driveway allowing access to the house. The pre-existing structure, as there is currently a trench where the porch/sidewalk was previously located, was uneven with water pooling and subsidence of a slab on the porch. The rear structure is a patio that is proposed as concrete, where it was pre-existing as a 288sq.ft. slate area that was removed and filled with gravel reflected on the Site Plan (labeled as "2"). Concrete is being proposed for the rear patio due to the uneven grade, this would correct the safety hazards and pooling, and decrease spalling in the concrete along the rear foundation, as well as rot in the wood siding. A gutter has been installed to improve the situation with the foundation and siding and drain water away from the house. Mr. Wingfield feels the concrete would help drain the water away from the house on the front a rear of the house, this would protect the house and improve safety issues with ease of access and increase aesthetic value. Mr. Wingfield explained the pre-existing ISC at the time of purchase was 13.9%, currently the ISC is 12.9%, and the proposed ISC is 14.8%. The difference in ISC from pre-existing to proposed is 0.9% greater.

Vice Chair Condon asked for clarification on the various ISC calculations. Mr. Wingfield explained the current survey from Paul Olszewski reflects the property as it exists with the front sidewalk and back patio removed. The gravel that had been placed in the rear patio area was not counted as impermeable and a trench where the pre-existing sidewalk was located is considered permeable. Vice Chair Condon asked if permeable concrete had been considered for the proposed areas. Mr. Wingfield stated no, traditional concrete is being considered. Vice Chair Condon inquired about the use of permeable pavers. Mr. Wingfield said he considered them, but he would like the water to drain away from the foundation of the house in the rear, as there is already an issue with cracking and spalling. Vice Chair Condon asked Clerk Barkdull if the proposed ISC would still be 14.8% if permeable pavers or permeable concrete were used instead of traditional impermeable concrete. Clerk Barkdull stated ISC would remain at 14.8% if permeable cement were used, however the ISC would change if permeable pavers were used. Vice Chair

Condon asked if a variance would be avoided if permeable pavers were used for the back patio. Clerk Barkdull stated she would have to check the calculations, but it could be possible.

Member Kiefer asked if there was a change proposed to what was the pre-existing porch on the front prior to demolition. Mr. Wingfield stated the area of coverage is less with the new design which is 7' out and 25' across, where the original was 9' out and 25' across, proposing a reduction in ISC on the front.

Member Palen inquired about the slope of the back yard and elevations of the lot. Mr. Wingfield referred the ZBA to the original survey, stating the lot is flat in the front with slopes on the side and to the back. A new septic field has been installed, reducing the grade overall, however the grade is toward the back fence in the east corner of the property.

Vice Chair Condon stated he completed calculations for using permeable pavers to replace the back patio and the Applicant would reduce ISC by 0.2% to 14.6%. Chair Rhoads asked if the area labeled "1" on the survey was the sidewalk area. Mr. Winfield stated yes, until it was removed, currently there is a piece of wood covering the trench to create a bridge. According to the original survey there is a 12' drop from the rear corner of the house to the rear property line, that steep grade has been slightly reduced after the installation of the new septic.

Vice Chair Condon recommended the Applicant look at permeable options for the front and rear areas prior to the Site Visit to reduce ISC as much as possible. Member Palen asked if the driveway was asphalt. Mr. Wingfield confirmed, yes. The Board scheduled a site visit for ***Saturday, October 17, 2020 at 9 am.***

WHEREFORE, a motion was made by Vice Chair Condon and seconded by Member Palen to schedule a public hearing on ***Tuesday, November 10, 2020 at 7:02 pm.*** The Board having been polled resulted in unanimous affirmation of said motion.

Initial Review

Applicant: Dawn Altmeyer
2530 Wave Way
Skaneateles, NY 13152
Tax Map #054.-04-07.0

Present: Bob Eggleston, Architect

Chair Rhoads described the proposal for the 2-story 2-car garage. Bob Eggleston, Architect, this variance request was approved by the ZBA with a similar application 2 years ago. This property was a seasonal residence previously, the desire is for a 2-car garage with bonus space above. The house is a ranch style and the driveway is large, resulting in a significant amount of ISC. The Site Plan reflects areas of ISC that will be removed in order to reduce the ISC from 27.8% to 18.1%. The proposed driveway reduction is the maximum possible to reasonably allow for access and room to turn around. The walkway reflected in yellow on the Site Plan will be permeable. The garage is less than 600sq.ft. allowing for placement 50' off the watercourse which runs along the south side of the property, where the Site Plan shows the garage located 50.7' from the watercourse. The variance requested is for the increase in building footprint from 8.6% to 9.9%, where 6% is allowed. The floor space will remain in conformance, under the allowed 10% at 9.9%, increasing from 7.3%. The ranch style home, the shed and the boat house count against the building footprint, even though the boat house does not count as living space. The Applicant has 3 sons, 2 who are Syracuse University students and are using the once seasonal home as a residence during COVID-19 for remote learning.

Two years ago, the area variance was granted. The Applicant would be making a \$31,000 payment into the DRA fund as this is a redevelopment of the property.

Member Palen asked if there is a difference between this application and the one previously approved. Mr. Eggleston explained there was an existing shed on the property and rather than build the garage 2 years ago the Altmeyer's chose to install a second shed and re-pave the driveway, reducing the size of the driveway slightly at that time. The proposal is for the old shed to be removed and replaced with the new shed that was installed in lieu of the garage being built, and the garage location is proposed about 5'-10' closer to the house than it was previously. Since, 2 years ago the storm water management systems have advanced and the Town developed strategies for small lots, previously a rain garden had been proposed, that has been replaced by a proposed bio-swale engineered according to the ISC of the lot. There are 2 bio-swales reflected on the east side of the house, page 2 of the Site Plan depicts the proposed grading plan for the bio-swale.

Vice Chair Condon asked if the septic tank from the existing septic, which will be abandoned, would be removed and filled in. Mr. Eggleston confirmed the septic tank will be removed and filled in, and the leach lines that are encountered during excavation for the bio-swales will be cut off and disassembled. The leach lines will actually facilitate water from the bio-swales to be absorbed into the ground. The new septic system will be placed on the west side of the property, furthest from the lake, a pump chamber will carry refuse from the house up to the septic tank. The bio-swales will collect rainwater from the gutters on the house as well as run off from the driveway, after it collects it will flow to an underdrain to avoid erosion of the bank.

Member Kiefer asked why the Applicant did not move forward with the plan 2 years ago. Mr. Eggleston explained at the time the Applicant had not committed to using the seasonal home year-round and the \$31,000 payment into the DRA Fund did not seem feasible for the project. Since then there has been a change in marital status and the Applicant is now a permanent resident in the home making a garage more critical.

A site visit was scheduled for *Saturday, October 17, 2020 at 9:15 am.*

WHEREFORE, a motion was made by Member Palen and seconded by Vice Chair Condon to schedule a public hearing on *Tuesday, November 10, 2020 at 7:10 pm.* The Board having been polled resulted in unanimous affirmation of said motion.

Draft Zoning Updates

Clerk Barkdull reminded everyone the Town Board will hold the Public Hearing for the Draft Comprehensive Plan, Open Space Plan and Town Zoning Code on Thursday, October 15, 2020 at 7:00 pm via Zoom.

There being no further Board business, a motion was made by Vice Chair Condon and seconded by Member Kiefer to adjourn the meeting. The Zoning Board of Appeals meeting adjourned at 8:06 pm.

Respectfully Submitted,
Kim Benda