

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

**July 2, 2013**

Present:

Dave Graham --Excused  
Denise Rhoads  
Jim Condon  
Steven Tucker  
Sherill Ketchum  
Debbie Williams, Codes Enforcement Officer  
Scott Molnar, Attorney  
Karen Barkdull, Secretary

Also present:           Robert Eggleston       Lynn Hart  
                          Anthony Hart       Chase Taggart  
                          Debbie O'Brien

The meeting commenced at 7:00 p.m. at Town Hall. The next regularly scheduled Zoning Board of Appeals meeting will be held on August 6, 2013. The Zoning Board of Appeals site visits are scheduled for July 15, 2013. Previous distribution to the Board of the regular meeting minutes of June 4, 2013 were executed and all members present acknowledged receipt of those minutes.

**WHEREFORE** a motion was made by Member Ketchum and seconded by Member Tucker to accept the June 4, 2013 minutes with minor corrections. The Board having been polled resulted in favor of said motion.

**Initial Review**

Applicant:     Chase Taggart  
                  9 Teasel Lane  
                  Skaneateles, NY 13152  
                  **Tax Map #032.-03-38.0**

Present: Chase Taggart, Applicant

The applicant has a 20,909SF lot located in both the Village and the Town, with the Town portion comprising 14,564SF. The Town portion of the lot has 6.8% impermeable surface coverage and open space of 90.7%. The applicant is proposing to remove the existing deck steps and pavers and replacing them with an 1100SF permeable deck. There will a small area where the HVAC equipment will remain. There will no change in the impermeable surface coverage and open space will be reduced to 85.6%. All side yard setbacks comply with the zoning code. The applicant will need a variance approval for a lot under 20,000SF located in the lake watershed. The Village of Skaneateles submitted a no interest letter from the codes enforcement officer. A site visit is scheduled for Monday, July 15, 2013 at 7 p.m.

**WHEREFORE** a motion was made by Vice Chair Rhoads and seconded by Member Tucker to schedule a Public Hearing on **August 6, 2013 at 7:10 pm**. The board being polled voted in favor of said motion.

**Public Hearing**

Applicant: Anthony & Lynn Hart  
3 Willow Place  
Cazenovia, New York

Property:  
1698 Amerman Road  
Mottville, NY 13119  
**Tax Map #063.-04-01.0**

Present: Anthony & Lynn Hart, Applicants

The public notice was requested to be read. The Onondaga County Planning Board provided modifications to the proposal for the applicant to obtain DOH, DEC and City of Syracuse Department of Water approval in their resolution dated June 12, 2013. The City of Syracuse Department of Water has no comments in their correspondence dated June 3, 2013. The Board has visited the site on June 22, 2013.

A revised site plan dated June 24, 2013 reflecting the proposed deck located 8.4' from the south property line was submitted. The dimensions on the site plan survey do not accurately show the corrected dimensions on the proposed deck. At the site visit the Board suggested that the deck could wrap around the cottage. A side yard variance will still be required as 20' side yard setback is required based on the width of the lot; at the site visit the Board suggested the deck be moved further north so as not to make the structure more nonconforming than the dwelling. Also suggested that the deck be narrower on the east side of the dwelling to provide a safer access from the cottage away from the slopes.

A corrected, stamped and signed survey should be submitted to the Board as the current survey submitted is an email copy. Vice Chair Rhoads inquired on the Board's ability to render a decision as there are open violations on the property. Counsel Molnar stated that the Board could render a decision and make it a condition of approval that the violations be resolved. The CEO inherently has independent rights under the code to not approve a building permit until violations on a property are in compliance as per 148-40 and 148-41. He continued stating that the Board could also open the public hearing and leave it open until the property is in compliance.

Member Condon inquired on the violations outstanding on the property. CEO Williams stated that the notice of violation was issued after the initial review of the application when awareness of the violations became public. Violations include a loft area used as sleeping quarters, kitchen sink added in a dwelling with no interior plumbing, a bathroom with shower added, and the lakeside storage building used as sleeping quarters. The plumbing is not connected to any wastewater treatment system and was installed without a plumbing permit. A septic holding tank was approved last year but has not been installed and no water lines have been installed.

The prior owner did not have water service to the seasonal camp and had a pail service privy for septic use. The Board determined that the public hearing should be opened and continued until the following month to provide time for the applicant to resolve the violations and provide an updated survey accurately reflecting the proposal.

**WHEREFORE** a motion was made by Member Ketchum and seconded by Member Condon to declare this application to be a Type II action not subject to SEQR review. The Board having been polled resulted in the unanimous affirmance of said motion.

At this time Vice 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 spoke in favor of the application. Vice 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 Vice Chair Rhoads and seconded by Member Tucker to continue the Public Hearing on *August 6, 2013 at 7:20 pm*. The board being polled voted in favor of said motion.

**Public Hearing**

Applicant: Mike Boudreau & Julie Stafford  
6 North Riding Drive  
Pennington, New York

Property:  
1694 Amerman Road  
Skaneateles, NY 13152  
**Tax Map #063.-04-02.0**

Present: Robert Eggleston, Architect

No one requested to have the public notice read. The Onondaga County Planning Board provided modifications to the proposal for the applicant to obtain DEC and City of Syracuse Department of Water approval and a sewage disposal plan approved by the DOH in their resolution dated June 12, 2013. The City of Syracuse Department of Water commented that no demolition of the existing cottage occur prior to an onsite wastewater treatment system approval from the DOH in their correspondence dated July 1, 2013. The Board has visited the site on June 22, 2013.

Mr. Eggleston submitted a revised site plan dated June 24, 2013 reflecting a correction to a 10SF discrepancy discovered by the Planning Board. The second floor of the dwelling was reduced by 103SF and the proposed shoreline shed is 10SF instead of the 15SF originally proposed. The dormer on the west side of the house has been removed. All front yard and side yard setbacks are in compliance. The variances requested include a lake yard setback of 62FT whereas 100FT is required, and 34.8FT from the watercourse whereas 100FT is required and development of a nonconforming lot under 20,000SF. An application to the Department of Health has been submitted and the City of Syracuse commented that no demolition should occur before DOH approval for the holding tank has been issued. CEO Williams stated that the City of Syracuse does not support a holding tank for the septic system for this property; however, DOH has final jurisdiction on the determination of the appropriate septic system for the property. A building permit will not be issued until the applicant has received DOH approval. Mr. Eggleston

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requested that the approval for the shoreline work be treated separately from the dwelling so that work can commence on the shoreline structures when they receive DEC approval and prior to the cottage construction.

**WHEREFORE** a motion was made by Vice Chair Rhoads and seconded by Member Ketchum to declare this application to be a Type II action not subject to SEQR review. The Board having been polled resulted in the unanimous affirmance of said motion.

At this time Vice 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 proposal. Vice 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. A letter of support from the neighbors to the north, Mr. & Mrs. Hart, was submitted.

**WHEREFORE** a motion was made by Vice Chair Rhoads 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. Homes in the area are located on similar sized lots and are seasonal camps on nonconforming lots. The nonconforming existing seasonal camp is being replaced with a more aesthetically pleasing dwelling that will remain a seasonal dwelling.
2. **Whether the benefit sought by the applicant can be achieved by a feasible alternative to the variance:** No. The size of the lot would require a variance for any proposed improvement. The applicant and their design professional have designed a proposed dwelling with minimal variances needed as the side yard setbacks, building footprint and lot coverage are in compliance.
3. **Whether the requested variance is substantial:** No. The variance is not substantial as the proposed dwelling will be located further north of the watercourse than the existing dwelling and 62' from the lake line with the existing dwelling located 70' from the lake line. The proposed dwelling design is based on a prior successful design and will be placed on piers to allow storm waters to recharge into the ground. The shoreline structures are in dire need of repair and are needed to provide safe access for the residents and protect the quality of the lake.

4. **Would the variance have an adverse impact on the physical or environmental condition in the neighborhood:** No. The proposed dwelling will be further from the watercourse and the shoreline structures will be repaired stabilizing the shoreline from further erosion. The 793SF dwelling on raised piers will allow the water to permeate the ground and will be used on a seasonal basis. The project will include removal of metal and debris in the lake and stabilize the shoreline. A new approved septic plan will be installed on 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 Vice Chair Rhoads and seconded by Member Condon, 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 revised Site Plan 1 of 3 through 3 of 3 dated June 24, 2013, and the revised Narrative dated June 24, 2013, prepared by Robert O. Eggleston, Architect, be followed; and

Additional Condition No. 2 Onondaga County Department of Health ("DOH") approval of the septic system be received prior to demolition of the existing cottage; and

Additional Condition No. 3 Upon approval by the NYSDEC for the reconstruction of the shoreline structures, the CEO may issue a building permit for the shoreline portion of the proposal, and after DOH approval is received without objection for the septic system, the CEO may issue a building permit for the cottage construction; and

Additional Condition No. 4 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. 5 Applicant shall obtain a foundation only permit and provide a pier location survey to the Codes Enforcement Officer confirming pier location prior to continuing construction of the structure; and

Additional Condition No. 6 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.

	<b><u>Record of Vote</u></b>		
Chair	David Graham	Absent	
Vice Chair	Denise Rhoads	Present	[Yes]
Member	Jim Condon	Present	[Yes]
Member	Sherill Ketchum	Present	[Yes]
Member	Steven Tucker	Present	[Yes]

### **Discussion**

The Zoning Board of Appeals adopted the following resolution regarding the proposed Planning Board Lead Agency SEQR Review- Loveless Farm Development LLC.

**WHEREAS**, the Zoning Board of Appeals reviewed the Lead Agency SEQR Review – Loveless Farm Development LLC;

**AND WHEREFORE**, a motion was made by Vice Chair Rhoads and seconded by Member Tucker to endorse the designation of the Planning Board of the Town of Skaneateles as lead agency for SEQR determination.

	<b><u>Record of Vote</u></b>		
Chair	David Graham	Absent	
Vice Chair	Denise Rhoads	Present	[Yes]
Member	Jim Condon	Present	[Yes]
Member	Steven Tucker	Present	[Yes]
Member	Sherill Ketchum	Present	[Yes]

### **Discussion**

The New York Planning Federation will be hosting training on August 2, 2013 in Syracuse.

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 8:12 p.m.

Respectfully Submitted,

Karen Barkdull