

**TOWN OF SKANEATELES
ZONING BOARD OF APPEALS
MEETING MINUTES OF
September 1, 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 October 13, 2020 at 7:00 p.m. Previous distribution to the Board of the regular meeting minutes of August 4, 2020 was executed and all members present acknowledged receipt of those minutes.

WHEREFORE, a motion was made by Vice Chair Condon and seconded by Member Kiefer to accept the August 4, 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 August 2020 via email.

Public Hearing

Applicant: MaryAnn Mead
3847 East St.
Skaneateles, NY 13152
Tax Map #044.-01-10.0

Present: Bob Eggleston, Architect

Chair Rhoads described the proposal is for the construction of a 14'x20', detached one car garage, requiring a variance for a side yard setback. Chair Rhoads stated the Board members conducted individual Site Visits of the property. Bob Eggleston, Architect, explained Ms. Mead purchased this house as a retirement home, it is a ranch with a walk-out basement and wrap around deck. Ms. Mead desires a garage to park her vehicle in and has considered various options, one being a compliant attached garage which is too costly, another being a smaller (12' wide) detached version uncomfortably close to the home. A simple slab-on-grade detached garage is a most feasible option for the allowed budget. A 14' wide garage would accommodate her full-size vehicle, located 8'6" off the property line where 14.5' is required. Due to the grade of the property and septic location the garage cannot be set back any further

from the front yard property line. The Kopley's, the north adjacent neighbor whose tree is directly affected by the garage construction, submitted a letter of no objection dated August 6, 2020.

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 Vice Chair Condon 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 Mead application, asking if there was anyone who would like to speak in favor, opposition or had any comment regarding the application. No one spoke. The letter of no objection from the Kopley's was recorded on file.

WHEREFORE, a motion was made by Vice Chair Condon and seconded by Member Palen 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 148-12G(1)(a)[4] Existing nonconforming lots – side yard setback. 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 character of neighborhood or a detriment to nearby properties:** No. The proposed one car garage will not produce an undesirable change in the character of the neighborhood. The neighborhood consists of single-family homes in varying sizes and configurations with both attached and detached garages. The garage proposed is relatively small and would not stand out or represent an eye sore as it is in character with the surrounding homes. No objections have been raised by the immediate neighbors.
- 2. Whether benefit sought by applicant can be achieved by a feasible alternative to the variance:** Yes, by a majority vote. The Applicant considered an attached garage, as well as a narrower detached garage, which would be within the allowable setback. The attached garage option was not feasible as it would cost significantly more to construct and there would be a loss of easy access and windows on the north side of the house. The narrower detached garage alternative would be unworkable for safe vehicle storage. The lot is a relatively narrow and deep with a septic tank and leech field preventing parking in the rear of the dwelling. The chosen location is not a negative aspect of the overall application as this is the only feasible method to achieve the desired goal.
- 3. Whether the requested variance is substantial:** No. The requested variance is not substantial, as the garage is designed to fit the character of the neighborhood and the proposed setback is 8.6ft where 14.5ft. is required.
- 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 as the garage is proposed to set back from the road further than the resident's and adjacent neighbor's houses therefore it will be minimally noticeable. The garage will be constructed on a floating slab preventing any impact on roots of nearby trees.
- 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 Ciaccio 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 July 21, 2020, and Narrative, dated July 23, 2020, prepared by Robert O. Eggleston, Licensed Architect as presented by the Applicant reflecting the proposed 280sq.ft. detached garage be followed in all respects and shall always be complied with.

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

Present: Bonnie Dunn, Owner

Chair Rhoads described the application is for the installation of a 10'x16' shed outside of the building envelope. Bonnie Dunn, Owner, stated she is proposing the installation of a 10'x16' utility shed on her

property which is not quite 1 acre, to house seasonal maintenance tools. The variance is required as the proposed location of the shed is outside of the building envelope designated by the property survey. Ms. Dunn stated it is not physically possible to place the shed within the building envelope, so she is proposing a location on the north west part of the lot outside of the dog fence since the septic system is within the fenced area. The topography of the property would naturally screen the view of the shed from neighbors and cars on the road. The survey dated 8/14/2020 indicates the desired location of the shed.

Chair Rhoads asked if the property lines are the result of the development being an Open Space Development. Clerk Barkdull stated in 2005 it was called a "Performance Subdivision" which is akin to an Open Space Subdivision, these require a building envelope therefore each property in Butters Farm has a different building envelope based on the size and shape of the lot. This property has been reviewed for a variance previously for a pool that was placed outside of the building envelope by a previous owner. Chair Rhoads sought confirmation that a shed would typically be allowed by right, however the variance is required because it is being placed outside of the building envelope. Clerk Barkdull confirmed that is correct.

Member Palen asked if the building envelope followed the existing chain link fence on the property. Clerk Barkdull answered no, reviewing the lines indicated on the survey dated 8/14/2020. Member Palen noted the survey reflects the building envelope being very developed.

Bob Eggleston, Butters Farm Design Professional, commented this was the first Open Space Subdivision, formerly known as a Performance Subdivision, that was done in the Town and many lessons were learned in the development of the project. In hindsight, when designing the building envelopes the developer was able to choose the setbacks and should have created more generous building envelopes as allowable by Code. The septic system creates a limitation on the west side of the property, an easement limits the east side and there is truly no good location to place the shed. The building envelope was created for the primary building, secondary/accessory buildings were not taken into consideration. The naivety of creating Performance Subdivisions limited the building envelope.

Member Palen inquired about placement within the chain link fence. Ms. Dunn shared concern for placing it on the raised septic system. Member Palen sought confirmation there will be no pathway up to the shed. Ms. Dunn assured the grass will be maintained. Vice Chair Condon asked if a foundation will be required. Ms. Dunn stated that area of the property where the prefabricated unit will be placed is already level. Vice Chair Condon inquired when the shed would be installed. Ms. Dunn is hoping to have the shed placed before winter and the lot is not wet.

Member Palen asked if there are any other restrictions on construction outside of the building envelope. Mr. Eggleston could not recall any other restrictions, this lot is not conservation land, the conservation lot is located immediately to the west, so there is no setback requirement to that lot.

Member Ciaccio asked if there are any other properties within the development that have sheds located outside of the building envelope. Ms. Dunn stated there are sheds located on other properties in the neighborhood, but she is unsure of the location of the building envelopes on the other properties. Mr. Eggleston stated several properties have been granted variances most being for pool installations. He was unsure if the sheds that were included in other projects where variances were granted for being outside of the building envelope. Ms. Dunn stated Codes Enforcement Officer, Bob Herrmann reviewed an aerial image of the area confirming a number of sheds in the neighborhood, asking Ms. Dunn where the shed would be placed when he approved the permit. Ms. Dunn described the proposed location unaware of the building envelope as it was not indicated on her survey. CEO Herrmann informed her that was not possible without obtaining a variance, disclosing the building envelope on the original property survey at the Town. Member Ciaccio asked if there were any other options for placement. Mr. Eggleston suggested

the allowed location in front of the garage between the primary structure and the road, however it would be obtrusive. Member Ciaccio inquired about neighbors having objections and whether Mr. Keyes could see it from his property on Jewett Rd. Ms. Dunn stated there were none and there is a mature hedgerow screening the rear yard of her property.

The Board agreed to make individual Site Visits of the property, with the request that the proposed shed location be staked and visible.

WHEREFORE, a motion was made by Member Palen and seconded by Member Kiefer to schedule a public hearing on ***Tuesday, October 13, 2020 at 7:02 pm***. The Board having been polled resulted in unanimous affirmation of said motion.

Initial Review

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. Bob Eggleston, Architect, stated Mr. Lessaongang purchased the property as a retirement home. The lot is unique in the sense that it is a small property surrounded by two very large properties owned by Old Seneca Heights, LLC. The adjacent property has been approved for a 68-unit condominium project, which is for sale on the market for someone to purchase and develop. In the current approved plan, the development of the buildings and road are over 1000 ft. away. Mr. Eggleston explained Mr. Lessaongang's lot is only 18,000 sq.ft., however the road frontage is 110 ft. with a lot width of 147 ft. at the face of the storage barn requiring a 20% side yard setback of 29.5 ft. The required minimum rear yard setback is 25 ft. where 18.7 ft. is being proposed. Currently there is a retaining wall and gravel drive on the north east side of the existing single-car garage. Garage space is limited, Mr. Lessaongang owns large vehicles and numerous tools to work on them. Rather than tearing down an existing garage that functions, it would be preferable to build an additional space next to the existing structure. Mr. Eggleston stated he will contact adjacent neighbors to review the proposal and submit comments to the ZBA.

Chair Rhoads sought confirmation the rear yard setback and side yard setback are the only variances required for the application. Mr. Eggleston stated that was correct as the structure will be built on an existing driveway area. Member Palen asked if the current drive is stone and if there is any discussion to pave in the future. Mr. Eggleston stated the driveway is currently gravel with no indication the Applicant will be paving the driveway in the near future.

The Board agreed to make individual site visits of the property, with the request that the proposed shed location be staked and visible. Mr. Eggleston stated the Board would see the existing driveway and retaining wall.

WHEREFORE, a motion was made by Member Kiefer and seconded by Vice Chair Condon to schedule a public hearing on ***Tuesday, October 13, 2020 at 7:10 pm***. The Board having been polled resulted in unanimous affirmation of said motion.

Draft Zoning Updates

Clerk Barkdull stated the Draft Zoning Updates are being put into law and all the major changes had been forwarded to the ZBA for review. Clerk Benda stated the Town Board sought a motion from the ZBA encouraging them to move forward with adopting the Draft Zone Changes into law, said motion would be put into writing and submitted to the Town Board. Clerk Barkdull informed the Board the changes incorporated all the discussions from the 2017 meetings, along with some additional questions that have been answered for Joel Russell. Chair Rhoads asked if the motion was required during the present meeting. Clerk Barkdull informed the Board of the Public Information meeting scheduled for Thursday, September 24, 2020, and the Public Hearing scheduled for Thursday, October 15, 2020. The Town Board would like a response prior to the Public Hearing therefore requiring a Special Meeting to be scheduled for the ZBA if a motion is not made presently.

Chair Rhoads asked if the ZBA is being asked to support that the Town proceed with the Public Hearing and Zoning Code Changes. Clerk Barkdull stated yes, it will include the Zoning Code, Open Space Plan and Comprehensive Plan, reminding the Board the Zoning Code is not a static document and can be changed at a later date. Member Kiefer sought confirmation that the motion was simply procedural and not an endorsement of the content. Counsel Molnar stated that is true, under the law the Town Board when it advances a change in the Zoning Code is required to refer to the Planning Board and all surrounding municipalities. There is nothing in the law stating the Town Board must refer the proposal to the ZBA, however the Town felt strongly it should be reviewed by the ZBA giving them an opportunity to provide comments if necessary to encourage the Town Board to proceed with the advancement of Chapter 148 as amended. Counsel Molnar stated it is important that the ZBA read the Draft Zoning Changes and bring any comments or questions to the Town Board at the Public Information Meeting.

Member Ciaccio stated he was not comfortable to make a comment at this meeting but felt submitting an email then following up at the Public Hearing would be sufficient. Counsel Molnar recommended a letter from the ZBA encouraging the Town Board to advance the proposed Zone Change, Comp Plan and Open Space Plan through to a Public Information meeting and then on to a Public Hearing. This would allow the ZBA to make comments at both the Public Information meeting and Public Hearing. The Board agreed with Counsel Molnar.

WHEREFORE, a motion was made by Chair Rhoads and seconded by Vice Chair Condon for the ZBA to submit a letter to the Town Board encouraging the advancement of the Draft Zone Changes, Comprehensive Plan, and Open Space Plan to a Public Information meeting, then on to a Public Hearing. The Board having been polled resulted in unanimous affirmation of said motion.

Counsel Molnar noted the Town Board will be acting as Lead Agency under SEQR review, the proposed letter is subject to the Town Board completing the SEQR review as Lead Agency and the ZBA is reserving its rights.

Other Board Business

County Line Rd. Subdivision

Member Kiefer asked if there is anything the ZBA should be aware of regarding the County Line Rd. Subdivision. Clerk Barkdull stated it is a 33-lot subdivision in the Hamlet on County Line Rd., the Planning Board will be doing a preliminary SEQR review next week and the Town Board is required to approve the road as the streets will likely be dedicated to them, as well as determining whether or not there will be an HOA. It is in early stages and will likely have a Public Information meeting scheduled soon. Counsel Molnar added it has been well received by the Planning Board to date because of its placement in the Hamlet and there are very few developable lots of that size remaining in that district promoting housing in the Hamlets. As of present the design has taken into consideration comments from the Planning Board, Fire Department, Water Department, etc., to present a well-designed application for

the Hamlet district in fulfillment of the Comp Plan. Member Palen asked where the ZBA could find information on the subdivision. Counsel Molnar stated it is in the Planning Board minutes. Clerk Barkdull stated the application content could be added to the Planning Board page on the Town website. Counsel Molnar stated the Planning Board would be taking the application through a SEQR review on September 8, 2020.

There being no further Board business, a motion was made by Vice Chair Condon and seconded by Member Palen to adjourn the meeting. The Zoning Board of Appeals meeting adjourned at 7:59 pm.

Respectfully Submitted,
Kim Benda