

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

September 2, 2014

Present:

Denise Rhoads
Jim Condon
Steven Tucker-excused
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. Site visits are scheduled this month on September 20, 2014 beginning at 9 am. to review the new applications. Previous distribution to the Board of the regular meeting minutes of August 5, 2014 were executed and all members present acknowledged receipt of those minutes.

WHEREFORE a motion was made by Member Palen and seconded by Member Ketchum to accept the August 5, 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	Absent	
Member	David Palen	Present	[Yes]

Initial Review

Applicant:

Edward & Sharon Barno
3229 East Lake Road
Skaneateles, NY 13152
Tax Map #040.-01-11.0

Present: Edward & Sharon Barno, Applicants; Robert Eggleston, Architect

The dwelling was built in the 1990s -2000s and had received a variance for 14.2% impermeable surface coverage. Shoreline improvements were also accomplished at that time with Planning Board review and approval. The applicants would like to construct a 28'x30' storage barn on the property to store lawn equipment and a boat, with the second level use as a studio for personal use. There is no proposed heating or bathroom for the pole barn. The proposed design of the

barn will complement the house design and is proposed to be located 20' from the southern property line whereas 30' is required for the two acre lot with 100' width. A partial grass strip ribbon driveway is proposed to maintain the approved 14.2% impermeable surface coverage. A site visit will be conducted on September 20, 2014.

WHEREFORE a motion was made by Member Ketchum and seconded by Member Condon to schedule a Public Hearing on ***October 7, 2014 at 7:10 pm.*** The Board being polled voted in favor of said motion.

Public Hearing

Applicant: Carl Byrne
887 West Elizabeth St
Skaneateles, NY 13152
Tax Map #047.-02-02.0

Present: Robert Eggleston, Architect

No one requested to have the public notice read. The Onondaga County Planning Board provided a modification to the proposal for the applicant to obtain sewage disposal approval by the DOH in their resolution dated August 6, 2014. The Board has visited the site on August 16, 2014.

The lot is 2.48 acres in the RR district with a watercourse along the eastern side of the property connecting with a ditch running east to west approximately 100' from the rear property line at its closest point. The applicant would like to relocate the two existing sheds 50' from the rear property line. The existing storage sheds will continue to be used for storage as there is no attic on the existing dwelling. Proposed is a 1229SF 3-car carriage barn with a 780SF apartment and 212SF of storage on the second floor. A 268SF second story deck would be located off the apartment. There is an existing 18" diameter tree that the applicant would like to keep, causing the proposed carriage barn to be located 80' from the watercourse whereas 100' is required. The proposed barn is further away from the watercourse than the existing dwelling located 16' from the watercourse. The driveway will be reduced with a turnaround by the existing deck at the back of the dwelling located 45' from the watercourse being removed, increasing the driveway setback from the watercourse to 57' and 82' from the rear watercourse/ditch. The impervious surface calculation includes a grass drive to the shed with overhead doors increasing the impervious surface to 6.7%.

Member Condon inquired whether the septic plan has been approved by OCDOH. Mr. Eggleston stated that the septic was designed and approved for four bedrooms, and he will provide a copy to the Town. Member Condon inquired whether any letters of approval from the neighbors were obtained. Mr. Eggleston replied that the neighbor to the east, Allan Abbot, stated that he was in support of the proposal although no letter was signed.

WHEREFORE a motion was made by Member Condon and seconded by Member Ketchum to declare this application to be a Type II action per section 617.5(c)(10)&(12) 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 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 application. 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 Member Palen and seconded by Member Ketchum 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. The homes within this neighborhood are similar in size, and most have a garage, shed or accessory building on site. The proposed garage with second story living area will be in character with the neighborhood. It is also noted that the subject has a much larger site than most neighboring properties at 2.51 acres. The relocation of the two sheds to the back of the property will improve the aesthetics of the property.
2. **Whether the benefit sought by the applicant can be achieved by a feasible alternative to the variance:** No. The subject's site has two watercourses which are located to its east boundary and its north boundary. The existing dwelling is located 47.1 feet from the east watercourse and existing parking area is 45.5 feet. The proposed garage and accessory apartment will be less non-conforming at 80.1 feet from the east watercourse and the parking area will be relocated further west being 57 feet from the north watercourse, but the relocated parking and driveway will be now 82 feet from the north watercourse. The watercourse variances are not substantial with the proposed changes which reduce the non-conformity. The other alternative would be for the removal of two large trees that the applicant would like to preserve.
3. **Whether the requested variance is substantial** No. The property is not within 200 feet of Skaneateles Lake; the proposed watercourse variance is not significant; the non-conformity is being reduced by relocation of the existing parking area further from the east watercourse. The property has a newly installed septic system and French drains through the property which reduces water runoff and improves permeability of the site.
4. **Would the variance have an adverse impact on the physical or environmental condition in the neighborhood;** No. The property is not within 200 feet of Skaneateles Lake, the requested variance would not have an adverse effect on the physical or

environmental conditions in the neighborhood. As previously mentions, the non-conformity is reduced and the property has a newly installed septic system and French drains throughout the property, improving permeability and drainage. The impervious surface coverage is 6.7% and the open space is 92.8% which are in compliance with the code.

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 Chair Rhoads and seconded by Member Ketchum, that this application be **APPROVED** with standard conditions and additional special conditions:

1. Additional Condition No. 1 That the Site Plan 1 of 3 through 3 of 3 dated July 14, 2014, and Narrative dated July 21, 2014, prepared by Robert O. Eggleston, Architect, be followed; and
2. 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
3. Additional Condition No. 3 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
4. Additional Condition No. 4 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.

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

Public Hearing

Applicant: Westside Podiatry
Jim Farrell
24 Fennell St
Skaneateles, NY

Property:
1713 Lee Mulroy Road
Skaneateles, NY 13152
**Tax Map #032.-03-13.0; 032.-03-14.0;
& 032.-03-12.0**

Present: Jim Farrell, Applicant; 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 DOT approval for any proposed work in the ROW, that the signage not obstruct sight distance on Lee Mulroy Road, and that the OCDOH approval on any existing or proposed septic system in their resolution dated August 6, 2014. OCDOH has approved the use of the existing septic system for the office use on August 18, 2014. The Board has visited the site on August 16, 2014.

The applicant is under contract to purchase the single family dwelling on three parcels totaling 77,206SF, on the condition of receiving approval to convert the single family dwelling to a medical office for his business, Westside Podiatry. The property is located on the corner of Lee Mulroy Road and Fisher Road. The three parcels will be merged into one parcel as the existing dwelling with deck, and septic system encroaches on the property line setbacks on all three parcels. There is a watercourse that runs along the western side of the parcels, with the natural drainage pattern of the property draining to this watercourse.

Parking will be expanded to 15 parking spots to support the two doctors with anticipation of a third doctor to be added to the practice at a later date. The existing parking area is located 76' from Lee Mulroy Road and 110' from Fisher Road with the proposed parking area 70' from the Lee Mulroy Road right of way and 60' from Fisher Road right of way. The driveway off Fisher Road will be widened to 18', and the driveway off Lee Mulroy Road will be removed. The applicant is requesting a variance for five parking spaces located between the principal building and Lee Mulroy Road and ten parking spaces located between the principal building and Fisher Road, where all off-street parking shall be located behind or to the side of the principal building.

The existing arborvitaes will be reduced in height to four feet and a four foot hedge proposed to screen the parking in front of the building. The mature trees will remain on the property. An area variance is required for the parking located in front and to the side of the building whereas off-street parking should be located behind or to the side of the principal building.

The applicant will obtain an OCDOT permit for the removal of the driveway access from Lee Mulroy Road. The Town Highway Superintendent has approved the expanded driveway off Fisher Road. The State DOT has determined that they have no jurisdiction regarding the business sign located for the on-site business in their email dated August 25, 2014.

There is a wetland located to the west and the structure and parking areas are located more than 120' from the border of the wetland. A letter of support signed by four of the surrounding neighbors was submitted.

WHEREFORE a motion was made by Chair Rhoads and seconded by Member Ketchum to declare this application to be a Type II action per section 617.5(c)(10)&(12) 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 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. Dale Drake, neighbor to the north, is in support of the proposal and inquired about the lighting, size and location for the sign being proposed. Mr. Eggleston stated that the signs will be 12sf, placed outside of the ROW and lighting for the signs will be turned off at 9 pm. Mr. Drake requested that the proposed sign be located on the south side of the driveway rather than the north to reduce the amount of lighting visible on his property as his property sits at a higher elevation than the applicants. Mr. Eggleston stated that the sign can be moved to the southern side of the driveway off Fisher Road. Sharon Potucek, neighbor to the south, stated that she is in support of the proposal to improve the property. Mr. Potucek stated that he thought the County owned 100' from the Road. Mr. Eggleston stated this it is an irregular ROW based on the unusual corner; all of his measurements were based off the survey. Chair Rhoads asked if there was anyone wishing to speak in opposition, or had any other comments. There was no one else who wished to speak.

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. The property has been for sale for some time, as it is located on a highly traveled State highway, Lee Mulroy Road, and is located at its intersection with Fisher Road. The length of the property's marking time for sale would suggest that the property may not be best suited to a single family residence. Its proposed use of the neighborhood and its proposed use is permitted by special permit by the Planning Board. The property is bounded to the north by a home occupation business (landscape business which has related business equipment and vehicles on site). The exterior of the property will remain relatively the same with upgraded renovations primarily interior in nature with the exception of the front porch which will have a handicap accessible ramp. The neighbor directly adjoining the property to the north has gone on record in favor of the proposed plan.

2. **Whether the benefit sought by the applicant can be achieved by a feasible alternative to the variance:** No. The proposal for the parking location to the east of the structure and in front of the structure is the most feasible for the property due to the location of the dwelling at the rear of the property, location of the watercourse and wetlands to the west, and the location of the septic system at the rear of the property. The property borders both Lee Mulroy Road and Fisher Road, encumbering the ability for parking to be located in a side yard.
3. **Whether the requested variance is substantial:** No. The property naturally drains to the watercourse and wetlands located to the west. As a medical office, the water and septic use will be less than a conventional single family dwelling. The applicant has proposed to remove the access off Lee Mulroy Road and having only access form Fisher Road that is less traveled and is a safer ingress/egress to the property. The proposed parking areas will be screened from view by potential hedges.
4. **Would the variance have an adverse impact on the physical or environmental condition in the neighborhood:** No. The requested variance would not have an adverse effect on the physical or environmental conditions in the neighborhood as the proposed changes to the property will be an improvement over the existing neglected dwelling, eliminating the access driveway from Lee Mulroy Road, provide safer access, merging the property's three lots into one parcel and renovating the property into a more aesthetic neighboring property. The proposal is a sound use for the property as the road has visibility for a business and the applicant will keep the impervious surface under the maximum allowed for the property.
5. **Whether the alleged difficulty was self-created:** Yes. The applicant is requesting a change in use and the requested use requires five parking spaces for each doctor.

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 Condon and seconded by Member Ketchum, 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 Site Plan 1 of 3 through 3 of 3 dated July 14, 2014, and Narrative dated July 21, 2014, prepared by Robert O. Eggleston, Architect, be followed; and

Additional Condition No. 2 Onondaga County Department of Transportation (“DOT”) permit obtained for any work in the ROW in conjunction with the removal of the driveway off Lee Mulroy Road; and

Additional Condition No. 3 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. 4: That the three lots be merged into one tax parcel; and

Additional Condition No. 5: That the proposed sign off Fisher Road be relocated to the southern side of the driveway; 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.

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

Vice Chair Condon recused himself as he is an adjoining property owner.

Public Hearing

Applicant: Chad Sgroi
3809 Highland Avenue
Skaneateles, NY 13152
Tax Map #044.-02-25.0

Present: Chad & Nicole Sgroi, Applicants

No one requested to have the public notice read. The Onondaga County Planning Board determined that the application will have no significant adverse inter-community implications in their resolution dated August 6, 2014. The OCDOH request an informal inspection of the septic system at the time of construction in their correspondence dated July 11, 2014. The Board has visited the site on August 16, 2014.

The proposal is for the expansion of the three bedroom dwelling by adding two wings to the rear of the house. The northern wing will be located 17.5’ from the north property line and the southern wing will be located 37.88’ from the southern watercourse top of bank. There will be a pavers patio and grass area between the two wings. The neighbors to the north, the Elkovitchs, are in support of the proposal and have submitted a letter dated August 19, 2014.

Chair Rhoads stated that the setback to the wetlands and the locations of the designated wetlands needs to be indicated on the site plan. Mr. Sgroi stated that the existing dwelling is located 620' from the wetlands, with the proposed addition located 570' from the wetlands. The site plan will need to be amended to reflect the setback measurement from the top of back rather than the center of the watercourse, and the setback to the wetlands could also be added at the same time, as it is a requirement in town code. Counsel Molnar was in agreement that the submitted site plan be updated to reflect the location of the wetlands and the existing and proposed setbacks to the dwelling.

Mrs. Sgroi commented that they have received septic approval for the property, with the proposed location of the leach fields located outside of the 100' wetlands buffer. Chair Rhoads commented that most of the 23 acre parcel is wetlands as reflected on the county tax map.

Member Ketchum inquired about the felled tree in the right of way that is blocking the stream across the road and who would be in charge to determine what may be contributing to the drainage back up and flooding yards. There are no town easements on the Clark property where the tree has fallen into the creek. Chair Rhoads stated that there is a history of the applicant's property and the wetlands where the neighboring properties have become wet and flooded prior to the applicant's ownership. Chair Rhoads stated that at the site visit it was noted that the area for the proposed southern addition does have run off and no grass was visible. Mrs. Sgroi stated that the brush in that area was overgrown and that he had recently cleared that area and trimmed the tree, which is why the area is still brown.

Chair Rhoads inquired whether there was any other design available that would work with the conditions and characteristics of the property for the southern addition closest to the watercourse. The watercourse always has a flow due to the wetlands and there is a concern placing an addition close to the watercourse. Mr. Sgroi stated that only option would be to create a drywell with a gutter on the new addition draining to the drywell instead of the stream. He continued stating that the existing structure could not support a second story and this would not be a feasible option.

WHEREFORE a motion was made by Chair Rhoads and seconded by Member Ketchum to declare this application to be a Type II per sections 617.5(c)(7)&(12) the action 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 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. Chair Rhoads asked if there was anyone wishing to speak in opposition, or had any other comments. Frazier Hunt, 3845 Highland Ave, stated that his property is at a low area off the wetlands on Highland Avenue and shared photos reflecting 75-80' of his lawn in the back of his property that was under water when there was a problem with beavers and delaying the flow of the water. He stated that his main concern is not with the addition but rather that the water flow be maintained as condition of this approval. In 1996, he coordinated DEC approval to clean the outlet of debris paid by the 32-34 property owners that border the wetlands. It was located 75-

100' from the road and no further back than 300' to just clean out the watercourse. The wetlands had risen 12" prior to the work being completed, and the remediation restored the property drainage for the wetlands. He stated that you can cut dead wood in the wetlands but you are not supposed to harvest trees from the wetlands. He shared a wetlands/tax map that indicated where the wetlands edges are. He recently replaced the septic system for his property and is concerned with potential flooding compromising the system.

Earl DeCarli, 3841 Highland Ave, stated that he is in agreement with Mr. Hunt with his concerns with the wetlands and he is not in opposition to the expansion. Mr. DeCarli inquired who is responsible to maintain the federal wetlands. Counsel Molnar stated that the property owner must maintain the wetlands according to the DEC regulations to maintain and not change it.

Mrs. Sgroi inquired if the same was true for the right of way that has the fallen tree impacting drainage. Counsel Molnar stated that the Town had installed the culvert years ago and expanded the diameter of the culvert to handle more water flow. He continued stating that it was worthy of a discussion with the Town Board and Town Engineer.

Jim Condon, 3847 Highland Ave, stated that the proposed drywell is a good idea and recommended that the applicant keep the wetland flowing for proper drainage. He stated that if the creek needs to be cleared again the neighbors would help out. Most of the neighbors have resided there for a long time and that the neighbors would be glad to help him out with the drainage issues. Mrs. Sgroi stated that they are open to suggestions and take no issue in maintaining the creek and wetlands drainage.

WHEREFORE a motion was made by Vice Chair Rhoads and seconded by Member Palen to continue the Public Hearing on **October 7, 2014 at 7:20 pm.** to allow the applicant to submit an updated site plan for both boards. The board being polled voted in favor of said motion.

Member Palen encourage the applicant to have their design professional attend the next meeting. It was also requested that the setbacks to the proposed leach field be shown on the site plan.

Vice Chair Condon returned to the Board.

Amendment

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

The applicant had received a variance on July 2, 2013 for a 793SF cottage with a 12x24' deck and shoreline stairs and dock. They had also received a special permit for the shoreline additions in July of 2013, with the shoreline work completed this spring. Impacted by budget issues, the

applicants are requesting a 774SF cottage with a 160SF porch and 183SF deck, with no impact to the variances granted in 2013.

Member Condon inquired if the porch is the same problem as the neighbors porch located close to the watercourse. Mr. Eggleston stated the difference is that the lakeside porch is located within the same setback that was originally granted, and the neighbor was requesting a further encroachment into the setback. Member Condon inquired if the property was the last house on Amerman Road. Mr. Eggleston stated that it is the last house as you come back into Skaneateles. Mr. Eggleston stated that the cottage is similar but less bulky with a long porch for chairs to look out at the lake. Member Condon inquired about the trees in the area. Mr. Eggleston stated that the applicant wants to maintain the property with the existing trees.

Whereas, a motion was made by Chair Rhoads and seconded by Member Ketchum, the Zoning Board of Appeals adopted and ratified its prior SEQRA determination for the Application, which was a determination that the Application constitutes a TYPE II single family residential project, not subject to further SEQRA review; and

WHEREFORE, upon a motion made by Chair Denise Rhoads and seconded by Member Sherill Ketchum, and duly adopted, the Requested Amendment was approved, with these conditions:

Condition No 1: That the site plan 1 of 1, drawings 1 through 4 of 4, and narrative dated August 25, 2014 prepared by Robert O. Eggleston, licensed architect be complied with in all respects; and

Condition No 2: that the original Resolution adopted on July 2, 2013, with all of the original conditions, remains in full force and effect except amended hereby.

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

Discussion

Local Law B regarding amended text for signs and definition of terms was previously distributed. The Board requested more time to review the Local Law B, and subsequently will continue the discussion at the next ZBA meeting.

Discussion

CPCS had submitted zoning code text change for inclusion in our revisions of definitions. It was determined by the Town that the submittal can be reviewed as part of any code change that may be developed after the Comprehensive Plan has been adopted.

Discussion

The Town and Village Planning Boards will be meeting on September 3, 2014 at 7:30 pm for a workshop to discuss the draft comprehensive plan.

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 8:45 p.m.

Respectfully Submitted,

karen Barkdull

Karen Barkdull