

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

January 6, 2015

Present:

Denise Rhoads
Jim Condon-excused
Steven Tucker
Sherill Ketchum
David Palen -excused
Scott Molnar, Attorney - excused
Karen Barkdull, Clerk

The meeting commenced at 7:00 p.m. at Town Hall. Site visits will be conducted on Saturday, January 10, 2015 beginning at 9 am. The next Zoning Board of Appeals meeting will be held on Tuesday, February 3, 2015. Previous distribution to the Board of the regular meeting minutes of December 2, 2014 were executed and all members present acknowledged receipt of those minutes.

WHEREFORE a motion was made by Member Tucker and seconded by Member Ketchum to accept the December 2, 2014 minutes as submitted. The Board having been polled resulted in favor of said motion.

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

Initial Review

Applicant: Julie Torrey
4136 Jordan Road
Skaneateles, NY 13152
Tax Map #027.-03-23.0

Present: Jeffery & Julie Torrey, Applicants; William Murphy, Architect

The half-acre lot is located on Jordan Road in the HM district of Mottville. The lot is nonconforming as to road frontage with the existing dwelling having a pre-existing nonconforming side yard setback of 5.7' whereas 10' is required. The applicant has a growing family and needs to expand.

The existing one and a half story Cape Cod dwelling has three bedrooms and one and a half baths. Proposed is a kitchen extension and covered porch on the first floor with a bedroom added on the second floor. One of the existing bedrooms on the second floor will be converted to a bathroom, and the roof will be raised to provide better headroom going up the stairs. The proposed addition will maintain the three bedroom count for the dwelling.

The variances requested are for the expansion of the nonconforming structure of 571SF in footprint with a 40% expansion to the floor space.

Member Tucker commented that the open space calculations need to be clarified as they are confusing how they are shown. Mr. Murphy stated that he will update the numbers.

Member Tucker inquired whether the applicant has considered making the porch a deck rather than a covered porch to remove one of the variances requested. Mr. Murphy stated that the variances requested are minimal and that the porch is needed by the applicant's growing family. The proposed dwelling size is in keeping with the neighborhood. A site visit will be conducted on January 10, 2015.

WHEREFORE, a motion was made by Member Ketchum and seconded by Member Tucker to schedule a public hearing on *Tuesday, February 3, 2015 at 7:10 p.m.* The Board having been polled resulted in the unanimous affirmation of said motion.

Public Hearing

Applicant: Barbara Delmonico
2432 Wave Way
Skaneateles, NY 13152
Tax Map #056.-02-41.1; 056.-02-40.2; & 056.-02-47.0

Present: Barbara Delmonico, Applicant; Robert Eggleston, Architect

No one requested to have the public hearing notice read. The City of Syracuse Department of Water deferred comment pending the issuance of an onsite wastewater treatment system design approval by the OCDOH in their correspondence dated December 15, 2014. The Board has visited the site on December 6, 2014.

The applicant has three properties on Winding Way. The first is a 19,887SF lot with the primary dwelling located on it. In 1996 the existing 5 bedroom dwelling was removed and replaced with a 3 bedroom dwelling, with the septic system for the dwelling located 50FT from the lake. The second property consists of a 10' x 315' strip that runs to the lake. The third property (formally Kitt) is located behind the existing dwelling and contains a 2957SF dwelling with a 668SF garage.

The applicant would like to merge all three properties and demolish the dwelling and garage on the former Kitt property. A 12'x 14' addition is proposed for the remaining dwelling taking it from 3 to 4 bedrooms. The new addition on the front of the house will not increase the nonconformity of the dwelling. A new septic system designed for four bedrooms will be placed over 100' from the lake line. A detached 600SF 2 story garage with non-habitable basement storage and a second story studio with bathroom will be added at the back of the property, with storage for a boat and truck located on the main floor.

There is a small den on the first floor of the Delmonico residence that be expanded to accommodate a first floor bedroom. If the addition were set at the 20' setback, the interior room measurement would be 10' with a practical 8' depth due to the fireplace bump out. Placing the addition at 18.7' from the property line would allow the room to function properly and would be consistent with the existing deck. There were no other alternatives for placement of the addition without encroaching the lake yard or bordering the driveway.

The variances requested are for an 18.7FT north side yard setback whereas 20' is required; the proposed living space is 14.1%, reduced from the existing 20.5%, and whereas 10% of the lot area is the maximum allowed; the proposed footprint is 8.4%, reduced from the existing 12.1%, and whereas 6% of the lot area is the maximum allowed; and the proposed open space is 77%, increase from the existing 70.1%, and whereas 80% is the minimum required.

The proposal is for a four bedroom dwelling and the existing 3-bedroom dwelling septic system is located 50ft from the lake line. A new 4-bedroom septic system would be located close to 200ft from the lake, located in the general area of the existing septic system for the Kitt dwelling. The septic system located 50ft from the lake line would be abandoned.

The proposed studio on the second floor of the garage will have a half bath for convenience and a utility sink to soak canvases for the applicant's art. The building is also designed with north facing windows for proper light. There will be a gas fireplace in the space for heating.

The existing driveway on the north west corner is 10' wide and narrow passing the existing Kitt dwelling. By removing the existing Kitt dwelling and placing the proposed garage on the south west corner of the property it will provide more lawn and open space, and afford better visibility for the driveway. The arborvitae will be cleared along Wave Way.

The Delmonico 2800SF dwelling was built in 1996, replacing a 3600sf dwelling. Member Tucker inquired where the boat and truck are being stored currently. Mr. Eggleston stated that the truck is stored in the garage and the boat is being stored off-site.

Mr. Eggleston stated that one of the reasons for the revised site plan was based on discussions with the neighbor to the north, the Daubenspecks. The existing driveway encroaches on the Daubenspeck land and the applicant will remove any driveway on the Daubenspeck land. The hot tub will not be moved as previously proposed, but will be sunk into the deck. Swales have been noted on the site plan to control drainage from the Kitt property that has flowed onto the Daubenspeck property in the past. 7,000sf of coverage is being removed and turned into lawn that will also help to mitigate runoff.

Member Ketchum inquired why the shoreline structures were not listed in the site plan charts. Mr. Eggleston stated that there are no proposed changes for the shoreline. Chair Rhoads inquired if the Planning Board indicated any additional modifications to the site plan. Mr. Eggleston stated that the site visit showed the board how large the Kitt dwelling is and how much impervious surface is being removed. There were no other suggestions other than a grass strip for the driveway, although it would only save 1% and are not highly favored by the

Planning Board. The applicant will be making a sizeable contribution to the LDRAF in the amount of \$7,122.64. The applicant is getting rid of a large nonconforming structure, and are asking for a small accessory building and addition in exchange for that. There is not much that can be removed from the turnaround and still allow safe access. The Planning Board had suggested an alternative location for the garage coming off the existing driveway; however, you need a proper turning radius to get the boat backed into the garage and the suggested location does not support it.

Member Ketchum suggested that the existing Kitt dwelling and garage location could be utilized for the proposed garage. Mr. Eggleston stated that the existing garage is only 15ft from the road and building a new garage in that location would require an additional variance. Member Tucker stated that the Planning Board has less ability to reduce impervious surface coverage if the ZBA approves the footprint and floorspace variances. Mr. Eggleston stated that then you have a joint hearing situation. Mr. Delmonico stated that emergency vehicles cannot get down to where they are and the Winding Way association members do not park down the street there to provide access. Moving the garage over will allow better emergency vehicle access to the dwelling.

Mr. Eggleston submitted letters of support from the Wilsons and the Winding Way Association. The Daubenspecks have been satisfied with the submitted changes to the site plan. Member Tucker inquired whether septic approval has been received. Mr. Eggleston stated that the plans have been submitted to the OCDOH but they have not received formal approval yet.

WHEREFORE a motion was made by Chair Rhoads and seconded by Member Tucker to declare this application to be a Type II action per section 617.5(c)(10)&(13) 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. Elizabeth Estes, member of the Planning Board, stated that the maximum impermeable surface coverage allowed is 10% and we continue to give waivers for it. This application could achieve 10% but the applicant is requesting modifications that will continue to have it be out of compliance.

Chair Rhoads suggested to the Board that the public hearing remain open as there are two members of the Board that are not present. Mr. Eggleston stated that he and his applicant are in agreement with continuing the public hearing until next month's meeting. Mr. Eggleston stated that if the Kitt house was torn down and there was no addition requested that lot would still be above 10% impervious coverage. The LDRAF was established to assist people that cannot achieve 10% on lots under two acres and it mitigates the impervious surface coverage. He continued stating that Doug Wickman had commented that land conserved further from the lake has a greater impact on the quality of the lake than the runoff right at the lake.

Mrs. Delmonico stated that tearing down the Kitt house and doing nothing is not an option. If approvals are not granted for the new garage and addition, then the Kitt house will be renovated and rented out, and two nonconforming properties would be maintained. What was proposed is the best option for the properties.

WHEREFORE, a motion was made by Member Ketchum and seconded by Member Tucker to continue the public hearing on *Tuesday, February 2, 2015 at 7:20 p.m.* The Board having been polled resulted in the unanimous affirmation of said motion.

Discussion

The Board was presented with a revised draft local law C 2014 regarding abandonment.

WHEREFORE, a motion was made by Member Tucker and seconded by Member Ketchum to table the discussion until the next scheduled meeting when all members of the Zoning Board of Appeals are present. The Board having been polled resulted in the unanimous affirmation of said motion.

Discussion

Upcoming Events:

The second comprehensive plan public information meeting is Wednesday, January 14, 2015 from 7-9 pm at the school district offices.

The P&Z Staff meeting will be held on Monday, January 12, 2015 at 9 am.

There being no further business a motion was made by Member Ketchum and seconded by Member Tucker to adjourn the meeting. The Zoning Board of Appeals meeting adjourned at 8:02 p.m.

Respectfully Submitted,

Karen Barkdull

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