

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

May 2, 2017

Present:

Denise Rhoads
Jim Condon
Sherill Ketchum
David Palen
Mark Tucker
Michelle Jackson, Secretary
Scott Molnar, Attorney
Karen Barkdull, P&Z Clerk

The meeting commenced at 7:02 p.m. at Town Hall. The next Zoning Board of Appeals meeting will be held on June 13, 2017 and there are two site visits scheduled for May 20, 2017 beginning at 9:00 a.m. meeting at the Town Hall and then going to the two sites. Previous distribution to the Board of the regular meeting minutes of April 4, 2017 was executed and all members present acknowledged receipt of those minutes.

WHEREFORE a motion was made by Member Tucker and seconded by Vice Chair Condon to accept the April 4, 2017 as submitted. 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	Sherill Ketchum	Present	[Yes]
Member	David Palen	Present	[Yes]
Member	Mark Tucker	Present	[Yes]

At this time, Chair Rhoads opened the Public Hearing.

Public Hearing

Applicant: Brian & Christine Davis
3867 Highland Ave
Skaneateles, NY 13152

Property:
3867 Highland Ave
Skaneateles, NY 13152
Tax Map #044.-02-15.0

Present: Robert Eggleston, Architect; Brian & Christine Davis

Site visits have been conducted by the Board at this site with the most recent site visit on April 22, 2017. The applicants were present the location of the carport was staked out for the board to review. Charlie Tanner the neighbor joined the site visit.

Member Ketchum questions the change in the structure size. Would the change alter the setback size from 10' to 16' the variance would be reduced.

WHEREFORE, a motion was made by Member Ketchum and seconded by Member Palen to consider the proposed action as a Type II SEQR action as per section 617.5(c) (13) and not subject to SEQR review. The Board having been polled resulted in the unanimous affirmance of said motion.

At this time, Chair Rhoads read a letter from neighbor Charles Tanner and added it to the record; Chair Rhoads also asked if there were any others wanting to speak in opposition or to offer any other comments. There were none.

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 the unanimous affirmance of said motion.

At this time Attorney Scott Molnar reviewed with the Board the statutory criteria set forth in Town Code Section 148-12G (1) (a) [4] for an Area Variance. Counsel stated that in making their determination the Zoning Board of Appeals is required to consider certain factors, viewing all four variances within each criteria, indicating any specific difference as it pertains to specific variances, which are:

1. **Whether an undesirable change would be produced in character of neighborhood or a detriment to nearby properties:** No, The new carport will not produce a detriment to the nearby properties or change the character to the neighborhood. The proposed structure will blend in with the applicant's home and will not protrude out any further from the front of the house, with a side yard variance needed of 9 ft. The neighbors have no concerns. Most of the homes in this neighborhood have garages or carports as well.
2. **Whether benefit sought by applicant can be achieved by a feasible alternative to the variance:** No, while there are other options, the most feasible is right next to the home on top of the existing pavement, this will limit any disturbance to the property or septic system. As the site visit indicated, locating the carport to the rear of the dwelling is not feasible, as there is a deck located there which would need to be removed and relocated, and the driveway would have to be extended with open space reducing and impermeable surface increasing as a result of the alternate option. Therefore the proposed option is the most feasible for this property.
3. **Whether the requested variance is substantial:** No, This is not a substantial variance. Looking at the property, you would not even know there was an encroachment on the setback to the neighboring property. The driveway exists already; there is only structure being placed over it.

4. **Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood, or district:** No, This would have a minimal impact on the environment, being placed on the existing black top. Only three or four posts will need to be drilled, with no need for excavation or disturbance of the soil. Open space and impermeable surface coverage are not affected and remain in conformance.

5. **Whether the alleged difficulty was self-created:** Yes Due to the inclination to add the carport to the property.

WHEREAS, In review of the five criteria above, the public hearing, the site visit by the ZBA members, the revised survey dated April 24, 2017, and the testimony of the applicant, the benefit to the applicant weighed against the detriment to the health, safety and welfare of the neighborhood or community lies in favor of the applicant.

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:

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

Additional Condition No. 1 That the Site Plan dated April 24, 2017, prepared by Donald J. Watkins, Licensed Land Surveyor, be followed;

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

Initial Review

Applicant: Martin Hubbard
West Lake Road
Skaneateles, NY 13152
Tax Map #054.-01-12.0

Present: Robert O. Eggleston, Architect

Chair Rhoads explained the applicant's proposal to add a 60'x 60' Basketball Court with 10.5 height retaining wall requesting two variances for wet land water course setbacks and steep slope regulations. Mr. Eggleston explained that Mr. Hubbard owns a cottage that is about 100' away from this property. Purchasing this property after the existing structure was burned. He and his wife decided they would like to add a Basketball Court with a ball wall. There is a sloped area

that continues to go down as you go closer to the watercourse it gets lower and wetter. The proposed plans include cutting out the hill and filling in the lower area so it is an even cut and fill. This will allow for a regulation ball 10ft with 6ft return, with a 3ft fence above the wall as a safety feature.

There is also a chronic washout issue and the area is continuing to be an erosion issue, to resolve this issue there is a proposed swale to be created and lined with rock that will reroute the drainage to go around the proposed Basketball Court and Ball wall as well as solve the continuing erosion issue. Other areas have been reviewed; however this location proves to have the least disruption of the site.

The two variances are required because the setback to the watercourse is 75.4' and does not meet the 100' is required for structures over 600'. Also the steep slope area is where the wall will be erected. The choice to utilize this area is in an attempt not to replace the current walk path that is in existence. Mr. Eggleston provided photographs that display the steep slope area.

Vice Chair Condon asked how far away the cottage is from the proposed Basketball that is being constructed. Regarding the parking for the people utilizing the Basketball Court; Mr. Eggleston replied that there will not be parking at the Basketball court and the people that will be utilizing the Court will be walking from the cottage. Member Palen asked what material the proposed Basketball court will be constructed with. Mr. Eggleston said it will be concrete and non-permeable. The Board would like clarification as to the exact location of the Court and how it will affect the neighbors. Mr. Eggleston said this is a good use for an accessory use. Member Ketchum asked about the noise issue that may occur. Mr. Eggleston explained that because it is lower down the noise will be somewhat muffled, also that a proposed light will be erected that will be 20' that will be light sky compliant and will be turned off at 10:00 p.m. Questions: regarding how this light will affect traffic and neighbors. The Board would like confirmation as to the building material as concrete as well as the use of the lots, along with a letter from the neighbor. Parking plans will be a discussion as well and should be included in the request.

A Zoning Board of Appeals site visit is scheduled for **May 20, 2017 at 9:00 a.m.** meeting at the Town Hall.

WHEREFORE, a motion was made by Member Tucker and seconded by Vice Chair Condon to schedule the public hearing on **Tuesday, June 13, 2017 at 7:02 p.m.** The Board having been polled resulted in the unanimous affirmation of said motion.

Initial Review

Applicant: Christopher Graham
4331 Jordan Rd
Skaneateles, NY 13152
Tax Map #024.-02-01.1
Tax Map #024.-02-01.2

Present: Christopher Graham and Robert O. Eggleston, Architect

Chair Rhoads explained the applicant's proposal to construct a 30' x 48' construction business requesting two front yard setbacks for Jordan Road and Vinegar Hill Road.

Mr. Eggleston reviewed the application and explained that Mr. Graham purchased the property about a year ago, there was a dilapidated house present along with a 24' x 48' Pole Barn garage. He had gotten permission to rebuild the dwelling, he then came and moved the driveway and built a three car garage with an apartment above it.

In getting ready to take down the 24' x 48' Pole Barn Chris was hoping to repurpose the materials. The County has created a curve in Jordan Rd. that separated the one lot into two sections. The City of Syracuse has a water line that cuts through the property as well.

Mr. Graham was hopeful to get an office out of his house so the plan to relocate the building and put his office overtop of the storage building that is the proposed build/reconstruction.

The other locations on the property are a future build for apartments that will comply with the comprehensive plan to add alternative housing and apartments. The proposed plan of the storage building need to be 30' for table two-mixed use are required to be 30' off Sheldon Rd. and 75' off Jordan and Vinegar Hill Rd leaving 150' to build on because the lot is over 2 acres and not a separate lot the variances are required.

The preliminary perk test has been completed and is acceptable for a septic system; there will be a single bath for the office. The plans propose a fairly simple building there will be two 12' bays with a storage space above it. There will be stairs at the back of the building that will lead to a 24' x 30' office space for his business. There will be light traffic travel and will not cause a disruption and will have a low impact on the current traffic pattern.

The two front yard variances are required because of the setback requirements. Member Ketchum questioned the reason for the shower in the plans. Vice Chair Condon asked about the lot being one single lot but having a separate tax parcel id. The road separates the properties but does not change the fact that it is one single lot. The plans have been referred to the City of Syracuse regarding the plans, they are reviewing the plans.

A Zoning Board of Appeals site visit is scheduled for **May 20, 2017 at 9:30 a.m.** immediately following the Martin Hubbard Site visit.

WHEREFORE, a motion was made by Member Ketchum and seconded by Vice Chair Condon to schedule the public hearing on **Tuesday, June 13, 2017 at 7:20 p.m.** The Board having been polled resulted in the unanimous affirmation of said motion.

Other Board Business:

Discussion and review regarding the Draft Solar Legislation dated 4/24/2017. This is the first time that a Board has looked at the document, the Moratorium expires in August.

The Board proceeded with a minor discussion regarding lot size, roof planning, as well as reviewing the industry standard.

Attorney Molnar suggested an addition to the end of section 3-f-i. Discontinuance – Decommissioning- **Be disposed of according to applicable law.**

More time to review the Draft Solar Legislation was requested, this will be added to the next Agenda on June 13, 2017.

There being no further business, a motion was made by Vice Chair Condon and seconded by Member Ketchum to adjourn the meeting. The Zoning Board of Appeals meeting adjourned at 8:35 p.m.

Respectfully Submitted,
Michelle Jackson