

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

May 5, 2015

Present:

Denise Rhoads
Jim Condon
Steven Tucker
Sherill Ketchum
David Palen
Scott Molnar, Attorney
Karen Barkdull, Zoning Clerk
Michele Norstad, Secretary

The meeting commenced at 7:00 p.m. at Town Hall. The next Zoning Board of Appeals meeting will be held on Tuesday, June 9, 2015. Previous distribution to the Board of the regular meeting minutes of April 7, 2015 were executed and all members present acknowledged receipt of those minutes.

WHEREFORE a motion was made by Member Tucker and seconded by Member Palen to accept the April 7, 2015 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	Present	[Yes]
Member	David Palen	Present	[Yes]

Amendment Request

Applicant: Jeff Carlberg
783 Franklin Street
Skaneateles, NY 13152
Tax Map #047.-02-16.0

Present: None

Chair Rhoads described the request to add an additional doctor to Mr. Carlberg's medical practice at said location. A variance was granted in 1988 allowing two physicians; Dr.'s Mary Beth and Jeffrey Carlberg to practice at said location. It has been determined that the Carlberg's need an amendment to that same variance to allow for a third doctor to practice at said location. Per Counsel Molnar, this is a use variance request. Member Tucker questioned the need for a use variance if current code allows for this type of business to exist. Despite the change in the code, the variance issued at the time (1988) governs and stipulates only two physicians. To be free of any conflict and as the most efficient path, it is best to simply amend the existing

variance, resolving the issue, and permit the request if it pleases the board to add a third physician to the residence, per Counsel Molnar. To remove the clause stating how many physicians may practice at said location would cause the applicant to pursue a special permit. Currently, this is an allowed use by special permit per Clerk Barkdull.

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

Member Tucker requested clarification of Schedule A, Standard Conditions #6 which states that “This variance will terminate when the Carlbergs move from the house they propose to build and live in;”. Clerk Barkdull explained that there are two houses on this parcel and that the Carlbergs have every intention of continuing to live in their current residence which is located behind the medical office. There is no intention of a property sale. The Carlbergs reside in the house they intended to build as referred to in Condition #6. At such time as the Carlbergs move away from their current residence, then and only then will the variance be terminated.

Counsel Molnar stated that a motion might suggest an unlimited number of doctors to practice at this Home Occupation. This eliminates the need for repeated amendment requests in the future. A Medical Facility could never be allowed at this location. Member Tucker inquired if the entire clause (Condition #4) could be eliminated. Counsel Molnar suggested rephrasing Condition #4 to reflect that a Physicians Practice is permitted to operate at that location with no limitation as to the number of physicians.

WHEREFORE, a motion was made by Member Tucker to adopt the rephrasing of Condition #4 and seconded by Member Palen. The Board having been polled resulted in the unanimous affirmation of said motion.

Public Hearing

Applicant: Steve Burdick
1105 Hencoop Road
Skaneateles, NY 13152
Tax Map #055.-03-22.0

Present: Ryan Starke, CEC Energy Applicant Authorized Representative

Chair Rhoads asked if there was anyone who wished to have the notice of public hearing read. No one requested to have the notice of public hearing read. A site visit was conducted on Saturday, April 11th, 2015.

An overview of Mr. Burdick’s request was given by Mr. Starke, CEC Energy Division Manager. Mr. Starke described the proposed Wind Energy Conversion System which is exceeding the Z.B.A.03.03.2015

allowable height of 150F. The installation of a residential Bergy 10KW Wind Turbine at 153.8F of total height at the Steve Burdick residence would be to produce energy to offset electrical consumption of his home. The self-supporting lattice tower galvanized grey with white non-reflective blades, white machine color and grey tail. It is unknown if a light will be required or not on the structure per Mr. Starke. A light would not increase the height of the tower. No negative correspondence has been received after notifying the surrounding operating agencies (i.e., 911 receivers on the antenna across the road, Verizon, etc.). The Verizon cell tower owner was called numerous times and no reply has been received. The owner of the tower itself is in question. Member Palen questioned the noise level of the wind turbine. Mr. Starke commented that 52 decibels at 330FT from the base of the tower. Member Tucker compared a similar turbine's low level humming sound to that of this proposal. Blade chatter, per Mr. Starke, is heard at each passage of the shadow when the blade rotates.

The FAA has dictated, as of an April 30th, 2015 e-mail, that the proposed action will not interfere with Onondaga County Public Safety operations. The Onondaga County Planning Board has determined that the said referral will have no significant adverse inter-community or county-wide implications per their April 15th, 2015 transmittal.

Member Palen questioned the wind turbine placement in relation to the property line. A revised site plan reflecting the 235FT setback was requested of Mr. Starke. Member Tucker asked if subdivision would be a possibility once the tower was erected. Mr. Starke conveyed that Mr. Burdick has no plans to subdivide. Mr. Starke had previously suggested moving the tower to the north to remove the radius from the two adjoining homes properties so that you could subdivide and Mr. Burdick was not in agreement.

WHEREFORE a motion was made by Member Condon and seconded by Member Tucker 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 Chair Rhoads opened the public hearing and asked if there was anyone wishing to speak in favor of the application. No one wished to speak. Chair Rhoads asked if anyone was wishing to speak in opposition or had any other comments.

A member of the audience, Mr. Ed Bragg of 1155 Hencoop Road, spoke. Mr. Bragg asked for clarification of the variance request. The variance request is for a 3.8FT height overage only of Mr. Burdick's residential tower proposal. Clerk Barkdull explained that as wind turbine demands have come forth, a legislative standard was established using criteria from across New York State. As it is turning out, with 150FT as the height standard, there needs to be some revisions to the code to allow for manufacturers pre-determined dimensional stick height increment specifications. Vice Chair Condon expressed that this guideline of 150FT was previously identified as an issue that would need to be re-addressed in the future. Mr. Starke explained that with leased units vs. direct purchase units, the manufacturer is not willing to construct exactly at 150FT for just one turbine build. To drop to the next increment would create a 20FT difference and a lower energy output (20% loss), not sufficient to supply and offset Mr. Burdick's home energy usage, per Mr. Starke. The structural integrity of the tower cannot be

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modified after production legally. 153.8F to 180FT is the average height of wind turbines across New York State per Mr. Starke being installed in any mass number. Mr. Bragg was concerned about a large conglomeration of wind turbines. Member Ketchum explained that there are setback (1.5 times the height), height and acreage requirements (at least two acres) that always need to be met for each and every application of a WECS. Clerk Barkdull explained that wind turbine farms (energy production to sell power, number of turbines per acre and overall number of turbines) are prohibited and that a wind turbine cannot be constructed on vacant land.

Mr. Ralph Alexander, of 1177 Hencoop Road, believes that the applicant has a burden to show that there would be no interference to 911 and the Verizon cell towers. Mr. Alexander asked if this was the case and if the applicant had met this burden. Chair Rhoads conveyed the correspondence from the Onondaga County Public Safety operations stating that there will be no interference. Verizon hasn't confirmed back. Mr. Starke commented that Verizon has been contacted. Vice Chair Condon noted that the radio waves are lower and different. Mr. Starke stated that the interference level is unknown and if it was of big enough concern, he would think that Verizon would have returned his phone calls. Mr. Alexander did not think this constitutes a burden being met, merely to attempt to contact Verizon. Mr. Alexander also feels that energy needs of the applicant should be proven for the respective property, to meet and not exceed energy production and consumption. Mr. Alexander feels that a wind turbine is a very intrusive structure. Mr. Starke explained that legally, a wind turbine cannot produce over 110% of energy consumption. The interconnection acceptance letter from the utility company acts as documentation for this, per Mr. Starke. Mr. Bragg asked if more than 10KW would be produced ever under any circumstance and Mr. Starke said "no". Mr. Starke explained that an inverter cuts off supply in the event that over 10KW production is approached. Mr. Alexander asked if there was any storage capacity for this energy production or if there was any re-sale value of this unit to the utility company. Mr. Starke answered "no". Mr. Starke explained net-metering; a system that spins forwards and backwards as energy is consumed and produced, crediting at the same rate as which one is being charged. Power is not being sold to the utility company per Mr. Starke. Energy consumption for use in the home is being offset. 95% of the total annual homeowner's energy usage is being met with this tower proposal, per Mr. Starke. Mr. Alexander inquired about wind studies. Mr. Starke explained the 20 year power production guarantee. If the machine does not produce 14,000KW per year, the customer will be reimbursed via a monetary value by the leasing agency. Member Tucker explained the wind study production methods of viability. Calculations are made for every level height along with a state funded map using a mathematical data base. Mr. Bragg did not think this information was tested thoroughly. Member Tucker expressed the need to depend upon the governing agency of New York State as an authority for decision making.

Counsel Molnar addressed the issue of Verizon. If the ZBA approves this variance, it does so conditionally upon condition that the FAA approve it and all of their recommendations are followed and any imposed Verizon stipulations be followed as well. If and to the extent that Verizon and/or the FAA object to the tower because of interference, it is a matter between the applicant and Verizon and/or the FAA to determine what to do to resolve the issue. It would become a self-fulfilling burden to the applicant in terms of this ZBA's approval. The action to

compel any future removal of this wind turbine becomes the responsibility of Verizon and/or the FAA. Counsel reminded the board this is still an issue before the Planning Board.

WHEREFORE a motion was made by Member Ketchum and seconded by Member Tucker 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. Construction of the wind turbine will not be detrimental to nearby properties and will not be an undesirable change in the neighborhood. The property is zoned RF and the tower is to be constructed on a 55acre parcel. The design is the lightest color and will help the structure blend into its surroundings. All setback requirements have been met and there are no other structures within a 235FT radius of the tower. View sheds to the lake will not be hindered and no dust, odors, pollution or harm to animals will occur.
2. **Whether the benefit sought by the applicant can be achieved by a feasible alternative to the variance:** No. The variance requested is for a WECS to provide an alternative to dependence upon the existing electrical grid, supplying sufficient power to meet the applicant's needs. The tower is built in a specific height by the manufacturer that is unavoidable to the applicant to remove the 3.8FT.
3. **Whether the requested variance is substantial:** No. It is not located within 200FT of Skaneateles Lake and will have little or no impact upon the lake or the water shed. The height overage of 3.8FT is not substantial.
4. **Would the variance have an adverse impact on the physical or environmental condition in the neighborhood:** No. The color of the unit will blend into its natural surroundings and little to no impermeable surface will be added. No reduction in open space will occur.
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 Member Palen and seconded by Member Tucker 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:

1. Additional Condition No. 1 That the Site Plan dated February 16, 2015 be corrected to show that the setback is 235', prepared by CEC Energy, Architect, be followed; and
2. Additional Condition No. 2 Subject to the approval and or requirements imposed by the FAA and/or Verizon; 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.

Record of Vote

Chair	Denise Rhoads	Present	[Yes]
Vice Chair	Jim Condon	Present	[Yes]
Member	Sherill Ketchum	Present	[Yes]
Member	Steven Tucker	Present	[Yes]
Member	David Palen	Present	[Yes]

Public Hearing

Applicant:	Robert Leiss	Property:	
	Mary Sennett		1411 Thornton Heights Road
	19 Goodspeed Place		Skaneateles, NY 13152
	Skaneateles, NY 13152		Tax Map #057.-01-32.0

Present: Robert Leiss, Mary Sennett, Robert Eggleston, Architect;

Chair Rhoads asked if there was anyone who wished to have the notice of public hearing read. No one requested to have the notice of public hearing read. A site visit was conducted on Saturday, April 11th, 2015. The City of Syracuse transmittal of March 31, 2015 had no objection to the requested proposal.

Mr. Eggleston explained that the variances exist because, although larger than most of the neighboring lots, this lot is less than 20,000SF (14,682SF). The existing seasonal one story cottage has a conforming porch 80.6FT from the lake line built prior to 1996. The adjacent properties are much closer to the lake and the Findley variance approval was mentioned by Mr. Eggleston. The request is to demolish the existing 8FT (144SF) wide enclosed porch and construct a new 12FT x 22FT (requested 113SF increase) enclosed porch exceeding footprint (increase existing 6.7% to 7.5%), lake yard (requested 76.5FT) and side yard (requested 11FT) setbacks. After investigating alternatives such as moving the porch to the south would have eliminated some lake view. The current proposal worked the best to accomplish the goal of accommodating family at gatherings and having the mildest impact on variance requests. Total living space would become 991SF. The newly constructed enclosed porch would be built on piers with no basement. Mr. Eggleston noted that according to Section 148 (12) (c), one is allowed by right to add up to 500SF and 5000Cubic Feet to a house built prior to 1996 and they did do a variance to increase the back half of this cottage in 2001 that was approximately a 200SF increase. The total of that 200SF increase and this current 113SF increase are still under the 500SF allowed by right per code. The only notable difference here is encroachment on the lake yard setback per Mr. Eggleston.

Member Tucker asked about tying by deed, Mr. Leiss's parking lot and dwelling parcels together to limit future development on these small lots. Being over on footprint and under on lot size could make this a viable alternative, eliminating two variances. Vice Chair Condon expressed the inconvenience that this would add to the property owner as they would no longer have the option to sell either lot separately. The parking lot parcel could potentially be a building lot and therefore worth more left this way. Mrs. Sennett would like to keep the parcels as they currently are, this is the applicant's preference. The parking lot parcel is currently deemed unbuildable and from a tax standpoint is at its lowest cost. Counsel Molnar compared the situation of an owner of a lot with a new residence built upon it. But, after the building was built it far exceeded the approval it was given. In order to get back into compliance, the owner added a piece of purchased property by deed and title to the first parcel. This addition caused the dimensional limits to all work. The suggestion in Mr. Leiss's and Mrs. Sennett's property is for the property that is owned across the street be deeded and titled in a similar way to use the attributes in order to meet dimensional requirements and soften four variances which are requested. Mr. Eggleston stated that his applicant is asking for permission whereas the compared applicant was asking for forgiveness. Mrs. Sennett mentioned that the 113SF increase and the living space of under 1,000SF seem to be minor expansion requests. Member Ketchum stated that four variances are not minor. Mr. Eggleston drew the distinction that this is a seasonal cottage and not a year round residence. Member Tucker pointed out building footprint overage on a small lot. These lots in this particular area were subdivided before the code was changed.

Vice Chair Condon expressed that if going through the effort and expense to fix a dilapidated porch, making it safer to be used and enjoyed, one should be allowed to increase from 8FT to 12FT to accommodate furniture and people by today's standards. It will also increase the property value for this area. Too much negative impact would be produced to move the porch to the side of the cottage. A large tree would also be compromised. Member Tucker disagreed

noting two viable options to at least reduce variances. This could be accomplished by adding the porch to the side of the cottage or tying additional land to the property.

Chair Rhoads verified that the new structure would be on piers with no basement foundation. The steep elevation is approximately 25FT to 30FT per Mr. Eggleston. Member Tucker asked about the new steps dimensions. Mr. Eggleston said that there will need to be adjustments for the depth to be met with the new steps and existing sidewalk.

WHEREFORE a motion was made by Chair Rhoads and seconded by Vice Chair 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 Chair Rhoads opened the public hearing and asked if there was anyone wishing to speak in favor of the application. Mrs. Sennett conveyed that the porch is sinking; the roof is pulling away from the house and there is currently leaking. As to whether or not this application was “self-created”, Mrs. Sennett believes that something must inevitably happen to address the needed repairs of her property and that it should be considered “nature-created”. Even if the existing porch was replaced in exact dimensions, Mr. Leiss and Mrs. Sennett would still be requesting four variances. Of all the options explored, this one made the most sense. Member Tucker brought up the idea of moving the porch to the side, thus eliminating two of the four variances – lake yard setback and side yard setback. Mrs. Sennett responded that having the porch in its current location allows for a peaceful view of the lake and is important to them.

Two neighbor letters were presented; Eugene and Tracy Franchini, the neighbor to the south and Roben Findlay, the neighbor to the north both submitted letters to show no objection to the application. No one else wished to speak in opposition or in favor 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 following vote tally and the closing of the public hearing:

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

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. There are many small seasonal cottages along Thornton Heights Road with small enclosed porches overlooking the lake. The homes within this neighborhood are similar in size, many of which are seasonal camps and are located on nonconforming lot sizes under the current zoning code. The replacement of the enclosed porch with a slightly larger enclosed porch addition in the same location would not produce a negative change in the neighborhood or a detriment to nearby properties. The dwelling will be enhanced while providing extra living space. The neighboring properties dwellings are located closer to the lake than the applicant; also, the adjoining property to the north had received a deck variance in June 2012, whereas the deck was constructed with a 48.9FT lake yard setback approved. The proposed enclosed porch will not interfere with the neighbors view.

2. **Whether the benefit sought by the applicant can be achieved by a feasible alternative to the variance:** No. Although, to rebuild the porch as is, or merge properties, or to re-locate the porch itself were all explored as alternatives, the most feasible benefit would be the current proposal of a modest 4FT addition onto the porch while being rebuilt. Re-locating the porch to the south side of the property would have disrupted a large tree and root system and added the need for more impermeable surface pavers, to make this a safe egress to the property. Member Tucker stated that the porch could have been re-constructed in a smaller footprint than currently exists and believes that there were four feasible alternatives that the applicant could have sought.

Record of Vote

Chair	Denise Rhoads	Present	[No]
Vice Chair	Jim Condon	Present	[No]
Member	Sherill Ketchum	Present	[No]
Member	Steven Tucker	Present	[Yes]
Member	David Palen	Present	[No]

3. **Whether the requested variance is substantial:** No. The replacement of the enclosed porch with a slightly larger new enclosed porch is not considered substantial. It is replacing an existing enclosed porch and will be built in the same location as the existing porch, and it will be built on piers and provide for a safer structure than the existing enclosed porch which is in a deteriorating state. A building footprint increase from 6.7% to 7.5% is minimal. The 1FT side yard setback is also minimal. The minimum lake yard setback of 100FT could never be achieved on this lot. Increasing from 80.6FT to 76.5FT from the lake is not substantial. Any proposal by the applicant would trigger a variance on this non-conforming lot. Member Tucker disagreed stating that this application both increases the size of the building over the allowed footprint and encroaches into the lakefront by an additional 4FT and 113SF with four variances, any two of which would be considered substantial.

Record of Vote

Chair	Denise Rhoads	Present	[No]
Vice Chair	Jim Condon	Present	[No]

Member	Sherill Ketchum	Present	[Yes]
Member	Steven Tucker	Present	[Yes]
Member	David Palen	Present	[No]

4. **Would the variance have an adverse impact on the physical or environmental condition in the neighborhood:** No. The property would not have an adverse effect on the physical or environmental conditions in the neighborhood. The enclosed porch will be built in the same location as the existing enclosed porch and will be built on piers as is the existing cottage. The dwelling is located at a much higher elevation than the lake due to the topography of the site. The construction will minimally disturb the surrounding site area. It should be noted that there will not be an increase in impermeable surface coverage. Member Tucker answered “Yes”, stating that in addition to increasing the size of the building, a line of shrubbery is being removed in front of the existing porch with no current plans to replace them or prevent increased run-off. Vice Chair Condon stated that adding the porch to the side would cause more of a water damage issue, disturbing natural run-off.

Record of Vote

Chair	Denise Rhoads	Present	[No]
Vice Chair	Jim Condon	Present	[No]
Member	Sherill Ketchum	Present	[No]
Member	Steven Tucker	Present	[Yes]
Member	David Palen	Present	[No]

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 Vice Chair Condon and seconded by Chair Rhoads 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:

1. Additional Condition No. 1 That the Site Plan 1 of 2 through 2 of 2 dated March 11, 2015 with the Narrative dated March 26, 2015, prepared by Robert O. Eggleston, Architect, be followed; and
2. Additional Condition No. 2 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
3. Additional Condition No. 3 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.

Record of Vote

Chair	Denise Rhoads	Present	[Yes]
Vice Chair	Jim Condon	Present	[Yes]
Member	Sherill Ketchum	Present	[Yes]
Member	Steven Tucker	Present	[No]
Member	David Palen	Present	[Yes]

Initial Review

Applicant: Mike and Crystal Fraher
 810 Stump Road
 Skaneateles, NY 13152
Tax Map #018.-04-25.2

Present: Mike and Crystal Fraher

Chair Rhoads explained the applicant’s proposal to install a 27FT wide (55 inches high – with 48 inches above ground) above ground swimming pool exceeding a rear yard setback. Mrs. Fraher referenced a previous suggestion to seek a lot line adjustment. This conflicts with the applicant’s mortgage companies June 2013’ refinance restrictions as the mortgage was less than one year old at that time. To currently seek a lot line adjustment would require more money in legal fees with the mortgage company than this above ground pool is worth. Minimum required rear yard setback is 50’ whereas the survey shows the proposed pool located 15FT from the property line. A rear yard setback of 43.7F and 42.6F for existing deck was approved in 2009’. This pool will be placed adjacent to the existing deck. At maximum, this pool will be placed 8 inches in the ground per Mr. Fraher. Mrs. Fraher stated that all of the adjoining property is owned by family. It was suggested that a letter be obtained stating no objection.

A second Zoning Board of Appeals site visit is scheduled for May 9th, 2015 at 9:00a.m..

WHEREFORE, a motion was made by Vice Chair Condon and seconded by Member Tucker to schedule the public hearing on *Tuesday, June 9, 2015 at 7:10 p.m.* The Board having been polled resulted in the unanimous affirmation of said motion.

Public Hearing Continuance

Applicant: J&A Properties

John Pennisi
4435 Dolomite Drive
Syracuse, NY

Property:
1250 Minnow Cove
Skaneateles, NY 13152
Tax Map #054.-01-14.0

Present: Robert Eggleston, Architect

Chair Rhoads explained that the applicant's proposal is to demolish the existing structure and construct a new three bedroom dwelling and shoreline patio. The public hearing was opened in March 2015 and the application was declared to be a type II action not subject to SEQR review. The board did receive some changes to the plans which were presented at last month's meeting. The board re-inspected the site on April 11th, 2015. The requested variances are now for minimum lake yard setback and minimum setback to a water course. Chair Rhoads reopened the Public Hearing.

Mr. Eggleston explained that the footprint has been re-designed closer to the required setbacks. Said property redevelopment construction proposal of a 2,484SF, 3 bedroom home that has a 1,596SF (currently 1,235SF) footprint and will have 75.7FT (currently 77.2FT) lake yard and 55FT (currently 55FT) watercourse setback coming in from the south. The building has been pushed as close to the 20FT setback off the septic as is allowed. The building has become narrower whereas the original house was deeper. Said proposal includes a detached 448SF deck that will be 65.0FT from the lake whereas 50FT is required. The ISC will be 9.5% and the open space 86.8%. One variance has been eliminated (6% footprint), lake yard setback has been reduced and the lake front setback has been maintained.

Chair Rhoads clarified that the square footage increase comes from the second floor living space with a bonus cape style loft area. Mr. Eggleston conveyed that there are 12 useful feet upstairs of living space with dormers to give lake view turning the house 90 degrees. The first floor has become smaller while the second floor got bigger. In order to comply with the setback requirements, the house would have to be 115SF, 100FT back from the lake and 20 feet off the septic. The allowable size of the house would only be 10FT to 12FT wide to meet all required setbacks without moving the septic field. A brand new drip line septic system had been installed by the City of Syracuse.

Chair Rhoads noted that this area is a pretty wet and swampy site that does not appear buildable. Member Ketchum inquired how long ago the neighboring house was built and Mr. Eggleston answered that the original neighboring Groves house was built 30+ years ago and approval was given within the last 25 years to Mr. Eggleston for additions to said property. Vice Chair Condon asked if putting this structure up on stilts/piers was considered. Mr. Eggleston explained

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that this house is being built in a flood plain, not a flood zone or wetland. Flood plain requirements are being met such as break away access panels which are common. Minimal water pressure is needed to break away the panels. The FEMA concept is meant more for moving water than that of Skaneateles Lake which is static water. Wind and wave action are accounted for within FEMA guidelines. The current proposal is the best for thermal effective heating and cooling. Crawl space at 2FT above the high water with no mechanicals is the current proposal. This is currently a year-round residence that is vacant. It is unknown what the future holds as far as vacancy. The current shed will remain in place. The tree held together with a metal bar will be removed.

Discussion of the new City of Syracuse septic system pursued. It is an experimental system used here and at one other property (Riefenstien) that Mr. Eggleston knows of. It was installed in 2000's and it is not known if it is used year-round. A letter was requested from the City of Syracuse to approve this usage for this type of septic system by Vice Chair Condon. Chair Rhoads read the previous correspondence of 2.5.2015 from the City of Syracuse stating two comments regarding removing existing dwelling and constructing a new three bedroom house w/porch, deck and shoreline patio, and; #1. Proposed driveway location on Site Plan encroaches on existing leach field area. Driveway should be shifted as far south as possible to allow for maximum permeable surface area between driveway and leach field. #2. Due to shallow installation of drip irrigation septic system, isolation of absorption area should be maintained throughout duration of construction activity.

The board has some question as to the deck detachment and the use of this property as year-round vs. seasonal. A smaller all around structure was suggested. Mr. Eggleston conveyed that the applicant is looking for a first floor bedroom property and the size of the first floor have been minimized. The second-floor is being utilized to the best of its capability.

WHEREFORE, a motion was made by Member Tucker and seconded by Member Ketchum to continue the public hearing on *Tuesday, June 9, 2015 at 7:20 p.m.* The Board having been polled resulted in the unanimous affirmation of said motion.

Public Hearing

Applicant:	Benedict Tarantino	Property:
	6616 Chevy Chase Avenue	2490 Wave Way
	Dallas, TX 75225	Skaneateles, NY 13152
		Tax Map #056.-02-44.0

Present: Robert Eggleston, Architect

Chair Rhoads reviewed the applicant's proposal to construct a 422SF addition to the existing deck located 70.5F and 68.8F (currently 72FT) from the lake line. The site plan shows 1,594SF of existing shoreline structures to be decreased to 1,483SF. Two area variances are requested – Shoreline lakeshore regulations – dimensional limits and Existing nonconforming lots – Z.B.A.03.03.2015

minimum lake yard. Chair Rhoads asked if there was anyone who wished to have the notice of public hearing read. No one requested to have the notice of public hearing read. The application was declared to be a type II action not subject to SEQR review at last month's meeting. A site visit was conducted on April 11, 2015.

Mr. Eggleston explained that the current proposal encompasses the best lake view and also allows for congregating space. The steps that will follow grade are a good improvement. Following the boards suggestions at their site visit have resulted in a best case scenario. Member Tucker inquired as to whether or not boat house renovation was considered. Mr. Eggleston said that at this point it has not been considered as it is not used for much besides storage. The proposed fire pit patio (295SF) is conforming at 50.8FT from the lake front. There are currently 706ST of existing decks. Mr. Eggleston reminded the board that this is a double lot. Neighbor letters were not received.

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 opposition or had any other comments.

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 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 proposed deck addition will not produce an undesirable change. It will be aesthetically pleasing and fit nicely with the home. It will add value to the property and not impact neighboring lake views. The steps will be an aesthetic improvement as well as a safety improvement. Some shoreline structures being removed will enhance the property.
2. **Whether the benefit sought by the applicant can be achieved by a feasible alternative to the variance:** No. The decking on the water front has limited surface area for people to congregate and enjoy the southern view of the lake. The existing shoreline structures currently exceed the allowable square footage per code; therefore, an area variance would be required for any enlargement to an existing or additional structure within 50FT of the lake. Proposed deck addition does not increase the shoreline structures, but, by removing the shed/ramp, decreases such structures by 111FT overall. This is an alternative to what was previously presented.
3. **Whether the requested variance is substantial:** Yes. 794FT is substantial to be over on shoreline structures. The existing deck is 72.7FT from the lake yard setback, with the

addition it will increase to 68.8Ft at its closest point. The timber steps, although negligible, contribute to the overall calculation.

4. **Would the variance have an adverse impact on the physical or environmental condition in the neighborhood:** No. The proposed deck is a permeable structure and will not impact the physical or environmental conditions in the neighborhood. Additionally, the removal of several sheds and part of a tarvia driveway will reduce impermeable surface coverage by 1,380SF, thus improving the environmental conditions. A large tree is being preserved by incorporating it into the deck design. The property has a large boathouse which is legal nonconforming, which is responsible for the property having exceeding shoreline structures. This was built prior to the existing zoning 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 Member Ketchum 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:

1. Additional Condition No. 1 That the Site Plan 1 of 1 dated April 20, 2015 with the revised Narrative dated April 20, 2015, prepared by Robert O. Eggleston, Architect, be followed; and
2. Additional Condition No. 2 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
3. Additional Condition No. 3 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.

Record of Vote

Chair	Denise Rhoads	Present	[Yes]
Vice Chair	Jim Condon	Present	[Yes]
Member	Sherill Ketchum	Present	[Yes]

Member	Steven Tucker	Present	[Yes]
Member	David Palen	Present	[Yes]

Extension Request

Applicant: Jason Seiler
 790 Sheldon Road
 Skaneateles, NY 13152
Tax Map #024.-01-04.2

Present: Robert Eggleston, Architect

Chair Rhoads explained that this application for restoration and renovation of a construction business building was approved on May 15th, 2013 and is requesting an extension. Prior approval granted the applicant variances permitting a 736SF office addition to the existing structure to be located 90FT from a watercourse, a 1,360SF warehouse addition located 32.1FT from the east side property line and an 2,032SF expansion to an existing building in excess of the 25% expansion allowed by Code at the Property. Mr. Eggleston said that this property will be renovated to use a portion as office space for Mr. Seiler and his partner and enlarging the rest of the building for storage and garage space. One condition was to receive approval from Onondaga County for their re-use adaption of the septic system. Unknown to Mr. Eggleston, the septic ran under the existing addition. Mr. Eric Buck is now configuring the septic design to comply with the condition for Onondaga County septic approval. An easement for the Town of Skaneateles right of way has been improved with a 24FT pass through and will allow for any heavy equipment passage. The easement status with the Town is unknown. This application extension request will also come before The Planning Board.

WHEREFORE a motion was made by Member Tucker and seconded by Chair Rhoads to adopt and ratify its prior SEQRA determination for the Application, which was a determination that the Application constitutes an Unlisted Action with a negative declaration determination. The Board having been polled resulted in the unanimous affirmance of said motion.

WHEREAS, The Skaneateles Zoning Board of Appeals reviewed the original approved Site Plan, dated May 19th, 2013; which the Applicant advised will remain unchanged, and after due consideration, unanimously adopted the following resolution.

WHEREFORE, a motion was made by Member Tucker and seconded by Member Palen, and duly adopted by unanimous vote, the Board approved the Applicant’s request to extend the Approving Resolution for a period of one (1) year from 05.05.2015, subject to all other conditions set forth in the Approving Resolution, which remain in full force and effect. The Board having been polled resulted in the unanimous affirmation of said motion.

Initial Review

Applicant: Robert and Kathleen Delventhal
4090 Jordan Road
Skaneateles, NY 13152
Tax Map #027.-03-16

Present: Robert Eggleston, Architect

Chair Rhoads explained the applicant's proposal to construct a 24FT x 24FT two-car garage on the south east side exceeding minimum rear yard setback for an existing non-conforming lot. The proposed 576SF detached garage would be located 20FT from the rear property line whereas 25FT is required. Tree preservation and historic look were considerations in the placement of the garage. Mr. Eggleston explained that this historic (built pre Civil War) house purchased by his clients, the Delventhals, has been used as a summer home previously. Since their purchase, the home has become a primary year-round residence. An application before the Planning Board exists to convert this single-family dwelling to the use of a Bed and Breakfast. The Delventhal property is 49,397SF with 346FT of road frontage. The ISC is 14.8% where as 15% is allowed and open space is 84.6%. It is located in the RR zoning district. The driveway and four parking spaces will be re-located with proper shrub screening from the road and a modest deck will be added. The requested variance is only for Existing nonconforming lots-Minimum rear yard.

Although Member Palen is a direct neighbor, he did not feel the need to recuse himself as this project has no impact on him personally.

A second Zoning Board of Appeals site visit is scheduled for May 9th, 2015 at 9:15a.m.

WHEREFORE, a motion was made by Vice Chair Condon and seconded by Member Tucker to schedule the public hearing on ***Tuesday, June 9, 2015 at 7:30 p.m.*** The Board having been polled resulted in the unanimous affirmation of said motion.

Other Business

Clerk Barkdull mentioned a form based zoning seminar May 11th, 2015 from 7:00p.m.-8:30p.m.

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 9:43p.m.

Respectfully Submitted,

Michele Norstad