

**TOWN OF SKANEATELES
ZONING BOARD OF APPEALS
MEETING MINUTES OF
August 1, 2023**

Present:

Denise Rhoads, Chair (via Zoom)
David Palen
Kris Kiefer (via Zoom)
Dave Lee
Sherill Ketchum
Scott Molnar, Attorney
Karen Barkdull, P&Z Clerk
Aimie Case, ZBA Clerk

Vice Chair Palen opened the meeting at 7:03 pm.

Minutes

Previous distribution to the Board of the regular meeting minutes of July 11, 2023, was executed, and all members present acknowledged receipt of those minutes.

WHEREFORE, a motion was made by Member Ketchum and seconded by Member Lee to accept the July 11, 2023, minutes as presented. The Board having been polled resulted in unanimous affirmation of said motion.

	<u>Record of Vote</u>	
Chair	Denise Rhoads	Present [Yes]
Vice Chair	David Palen	Present [Yes]
Member	Kris Kiefer	Present [Yes]
Member	Dave Lee	Present [Yes]
Member	Sherill Ketchum	Present [Yes]

Public Hearing

Applicant:	John & Sharon McCabe 12 DiCarlo Road Hopkinton, MA 01748	Property:	859 Milford Drive Skaneateles, NY 13152 Tax Map #047.-02-06.0
------------	--	-----------	--

Present: John & Sharon McCabe, Applicant (via Zoom)
Bob Eggleston, Eggleston & Krenzer Architects, PC

The applicant is requesting a variance for an increase in Total Lot Coverage and Impermeable Surface Coverage to construct a 16 ft x 28.5 ft addition, as well as a 5 ft x 12.5 ft extension of the kitchen to replace an existing sunroom. Variances are required for nonconforming Total Lot Coverage over the maximum 20% allowed from 20.3% to 23.8% and increasing the nonconforming Impermeable Surface Coverage from 17.0% to 20.6% where 15 % is allowed. The 1,272 square foot dwelling sits on an existing nonconforming

10,474 square foot lot, in the RR District. The existing deck will be reduced in size, while maintaining the existing patio. The building height will remain at 21 feet, as the intention of the applicant is to ensure a one-floor living space that includes a bathroom.

The applicants were present via Zoom. Their Design Professional, Bob Eggleston was present to represent them. Mr. Eggleston presented the proposed Site Plan, adding that the existing dwelling sits on a small lot outside the watershed and is adjacent to the Village. The property is serviced by Town water and septic. The neighborhood functions like a Hamlet although it is not since it is in the RR District. Other houses in the neighborhood have requested and received similar variances. Mr. Eggleston noted that the applicants were trying to be as resourceful as possible with what little space was available. Reducing the existing driveway was not an option. The applicant was willing to keep the existing one car garage during the design process as well.

Member Ketchum inquired about the plan for stormwater management and whether the street had a storm drain. Mr. Eggleston explained that they could not route stormwater to the available area next to the septic, as you don't want to mix the two. Gutters would be added to the house and the existing pavement walkway would be replaced with a permeable material with runoff being directed towards the back of the property, running into Carlberg's. A letter of approval was submitted by Carlberg's on behalf of this matter. Member Lee requested that the applicant direct all runoff to the storm drain in the street as opposed to running down the rear of the property. The applicant, Sharon McCabe, states for the record that they have no issue using the storm drain instead. Member Ketchum asked if any of the mature trees on the property would need to come down. The applicant confirms that the trees are expected to remain. Vice Chair Palen confirmed that all neighbor letters, including the most recent, from the Carlberg's, had been entered into the record. A site visit was conducted by the Board on July 22, 2023.

At this time, Vice Chair Palen asked if there was anyone who would like the public hearing notice read. No one requested the public hearing notice to be read into the record.

WHEREFORE, a motion was made by Member Ketchum and seconded by Member Lee to consider the proposed action as a Type II SEQR action as per section 617.5(c)(12) and not subject to SEQR review. The Board having been polled resulted in the unanimous affirmation of said motion.

WHEREFORE, a motion was made by Member Lee and seconded by Member Kiefer to open the public hearing. The Board having been polled resulted in unanimous affirmation of said motion.

At this time Vice Chair Palen asked if there was anyone who would like to speak in favor of, against or had any comments regarding the application. There were no comments.

WHEREFORE, a motion was made by Member Lee and seconded by Member Ketchum to close the public hearing. The Board having been polled resulted in unanimous affirmation of said motion.

Vice Chair Palen asked that Counsel Molnar take the Board through the Statutory Criteria set forth in Town Code for an area variance. At this time, the Board reviewed the Five Criteria for the area variance concerning the applicable sections of Town Zoning Code: 148-8-9-G Nonconforming Impermeable Surface Coverage; 148-4-3-C.1.b Total Lot Coverage. Counsel Molnar stated when considering the benefit to the Applicant if the area variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community, the Zoning Board of Appeals is charged with answering these five questions:

FACTORS CONSIDERED IN CONTEMPLATING THE AREA VARIANCE:

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance: Yes No

Reasons: No. The neighborhood consists of other single-family homes on relatively small lots that are less than half an acre. Neighboring properties have recently gone through similar renovations and have been approved for similar variances. The property is within the 500-foot boundary between the Town and Village. The proposed addition is an improvement to the aesthetic character of the house. Other homes in the neighborhood have been modified similarly, making the proposed addition a good fit, aesthetically, for the community. The property is not within the LWOD and has similar characteristics to other Village neighborhoods. Neighbors have stated for the record that they have no objection to the proposal.

2. Whether the benefit sought by the Applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance: Yes No

Reasons: No, Because of the existing size of the nonconforming lot, it would be subject to a variance request for any modifications. Lots in this neighborhood are more like Village lots than the typical Town lot, so a variance is expected for even a simple project.

Member Kiefer lost connection with Zoom meeting at 7:17 pm, during the second question vote. The Board continued with the remaining votes.

3. Whether the requested variance is substantial: Yes No

Reasons: Yes and No. The requested variance is not substantial because, due to the size of the lot, any change, despite being small, would exceed allowable impermeable surface coverage and total lot coverage. Additionally, the requested changes are in line with similarly approved variances in the neighborhood. The requested variance is substantial because the lot already exceeds the allowed impermeable surface coverage by 2% and approval of this variance will bring that to 5.3%. The total lot coverage is currently 0.3% over the allowable and approval will bring that to 3.8%.

RECORD OF VOTE

MEMBER NAME	YES	NO	ABSTAIN
Chair DENISE RHOADS	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Vice Chair DAVID PALEN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Member KRIS KIEFER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Member DAVE LEE	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Member SHERILL KETCHUM	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

4. Whether the proposed variance will have an adverse effect or impact on the physical or

environmental conditions in the neighborhood or district: Yes No

Reasons: No. The proposed improvements will not have an adverse effect on the physical or environmental condition in the neighborhood. The impermeable surface coverage and total lot coverage are increased in the proposal, however the overall impact in the neighborhood will be minor. The changes proposed are relatively small and will enhance the property, furthermore, improving the neighborhood. The property is surrounded by other homes on small lots, many of which have made recent improvements that have thus far not impacted the physical or environmental conditions of the neighborhood or district. The applicant has expressed their willingness to direct downspouts to the street.

5. Whether the alleged difficulty was self-created: Yes No

Reasons: N/A.

DETERMINATION OF ZBA BASED ON THE ABOVE FACTORS:

The ZBA, after taking into consideration the above five factors, upon a motion made by Vice Chair David Palen, duly seconded by Member Sherill Ketchum and a unanimous (5-0) affirmation of all Members present as recorded below, approves the variances requested, and finds as follows:

- the Benefit to the Applicant DOES NOT outweigh the Detriment to the Neighborhood or Community and therefore the variance request is denied.
- the Benefit to the Applicant DOES outweigh the Detriment to the Neighborhood or Community.

Reasons: In review of the stated 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. This decision is based on all the evidence presented in the Application, the Record, as well as the Board members' inspection of the property, and is conditioned as follows:

STANDARD CONDITIONS:

1. That the Applicant obtain any necessary permit(s) from the Codes Enforcement Officer or otherwise commence the use within one (1) year from the filing of the variance decision. Any application for zoning/building permit(s) shall terminate and become void if the project is not completed within the eighteen (18) months from the issuance of the permit(s).
2. That the Applicant shall obtain all necessary permits and approvals from the Planning Board and any agency or authority having jurisdiction over the Property or Application.
3. That the Applicant obtain a Certificate of Occupancy and/or Certificate of Compliance, as required, from the Codes Enforcement Officer.
4. That the Applicant notify the Codes Enforcement Officer on completion of the footing of any project for which a variance has been obtained; and

ADDITIONAL CONDITIONS: The ZBA finds that the following additional conditions are necessary to

minimize adverse impacts upon the neighborhood or community:

1. That the Site Plan dated June 22, 2023, with Narrative dated June 23, 2023, prepared by Bob Eggleston, of Eggleston & Krenzer Architects, Licensed Architect, be complied with in all respects; and
2. That the Applicant direct the gutter downspout towards the existing storm water management in the street

Member Kiefer rejoined the meeting via Zoom at 7:25 pm.

Vice Chair Palen asked Counsel Molnar to run through questions 2-5 and include Member Kiefer in the voting process. Counsel Molnar took Member Kiefer through the four questions he was absent for. Member Kiefer stated his votes.

RECORD OF VOTE

MEMBER NAME	AYE	NAY	ABSENT
Chair DENISE RHOADS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vice Chair DAVID PALEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Member KRIS KIEFER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Member DAVE LEE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Member SHERILL KETCHUM	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

The next ZBA Meeting will be held on September 12, 2023, at 7:00 pm.

There being no further Board business, a motion was made by Member Lee and seconded by Member Ketchum to adjourn the meeting. The Zoning Board of Appeals meeting adjourned at 7:31 pm.

Respectfully Submitted,

Aimie Case
ZBA Clerk

Additional Meeting Attendees (Present):

Bob Eggleston

Additional Meeting Attendees (Zoom):

Sharon McCabe John McCabe

