

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

November 12, 2013

Present:

Dave Graham
Denise Rhoads
Jim Condon
Steven Tucker
Sherill Ketchum
Debbie Williams, Codes Enforcement Officer
Adam D'Amico, Codes Enforcement Officer
Scott Molnar, Attorney
Karen Barkdull, Secretary

Also present: Alison Miller Matthew Manuel
 Robert Leiss Margaret Sennett
 Alexandra Doyle-Perry

The meeting commenced at 7:00 p.m. at Town Hall. The next regularly scheduled Zoning Board of Appeals meeting will be held on December 3, 2013. There will be no site visits scheduled for the Zoning Board of Appeals this month. Adam D'Amico was introduced as the Town's new Codes Enforcement Officer. Previous distribution to the Board of the regular meeting minutes of October 1, 2013 were executed and all members present acknowledged receipt of those minutes.

WHEREFORE a motion was made by Member Condon and seconded by Member Ketchum to accept the October 1, 2013 minutes as corrected. The Board having been polled resulted in favor of said motion. Member Tucker and Vice Chair Rhoads abstained from the vote due to their absence at last month's meeting.

Public Hearing

Applicant: Alison Miller
 Alison Enterprises LLC
 1416 Thornton Heights Road
 Skaneateles, NY 13152
 Tax Map #057.-01-12.0

Present: Allison Miller, Applicant; Matthew Manuel, Architect

No one requested to have the public notice read. The Onondaga County Planning Board recommended modifications to the proposal for the applicant to obtain OCDOH septic approval, and DEC and City of Syracuse Water department approvals in their resolution dated August 14/October 16, 2013. The City of Syracuse Department of Water commented that the applicant should receive septic system approval from the OCDOH for the existing waste water system in their correspondence dated August 5, November 7, 2013. Members from the Board have visited the site on August 10/October 12, 2013.

The applicant's lot is between 20-40,000SF on Thornton Heights Road. Proposed is a two-story one-car garage addition to an existing 800SF dwelling. The existing dwelling is a two story dwelling with a finished basement; the dwelling has 5.2% footprint with 9.9% living space. Impermeable surface coverage is 7.1% existing with 7.4% proposed, and the proposed garage located over existing tarvia. The addition consists of a one-car garage on the first level with two bedrooms located on the second floor. Variances requested are for the front yard setback of 25'2" whereas 30' is required; and a north side yard setback of 10.5' whereas 20' is required. The garage will extend 3.5' closer to the front property line than the existing dwelling.

The applicant and her design professional have reviewed other design options to reduce variances, however, the alternatives would increase the impermeable surface coverage to over 10%. A site visit will be conducted on October 12, 2013. CEO Williams complimented the applicant and her design professional in their work with the Town in preparation for the ZBA presentation. Mr. Manuel stated that the other location options were not viable as locating the garage to the south would incur grade change and removal of trees. The impermeable surface coverage would also increase the coverage whereas the location on the north side will only increase impermeable surface coverage by .3%. It would be cost prohibitive to place the garage to the south rather than the proposed location.

Mr. Manuel stated that there are existing drainage issues in the area and that the property to the right of the applicants is at a higher elevation with water draining onto the applicant's driveway. A drainage trench will be constructed to direct stormwater to a collection underground. A precedent was set recently in the area with a detached garage located 10' from the side property line receiving a variance from the Zoning Board of Appeals.

Member Condon inquired on the location of the well. The well is located in the rear of the property with the septic system located in front of the dwelling. Chairman Graham inquired on the Department of Health review of the septic system. Ms. Miller stated that she has contracted with Mr. Chernoff to provide a professional evaluation of the system. CEO Williams stated that the 2 bedroom septic system was installed by the prior owner without Department of Health approval. She continued stating that a building permit will not be issued until septic approval has been given and the Zoning Board could also condition their approval requiring OCDOH septic approval.

WHEREFORE a motion was made by Vice Chair Rhoads and seconded by Member Ketchum 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 Chairman Graham opened the public hearing and asked if there was anyone wishing to speak in favor of the application. Three lettersAn email letter of support from Eugene Franchini, the neighbors across the street were submitted. Chairman Graham 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. Margaret Sennett, co-owner of the property to the north, stated her concerns. She stated that the garage encroaching in the setbacks to her property impacts any future development of her lot and the value of the property. CEO Williams stated that the lot next to the applicants would require a variance to build on the lot. Ms. Sennett stated that no variance would be needed if the garage is located on the south side of the property. She continued that the new addition will aggravate the drainage problems. Mr. Leiss, co-owner of the property to the north, stated that he would like to preserve their rights to their property and feels that the addition would be an intrusion to development of their property. He recommended that the addition be placed on the south side of the dwelling. Member Ketchum stated that if the garage addition were placed on the south side that applicant would still need a variance to place the deck on the north side. CEO Williams stated that the applicant and her design professional have vetted alternatives, and that the proposal was the best plan. Ms. Sennett stated that she feels that applicant's reason for placing it to the north is financial and does not feel that she should suffer a financial impact to her property so that the applicant can save money.

Member Condon stated that the drainage problems will be improved with the applicant's proposal. Mr. Leiss stated that there could be other alternatives than the current proposal. Member Condon stated that most of the properties on Thornton Heights Road have required variances as most of the lots are very small. Mr. Manuel stated that the applicant has explored several options prior to the proposal and determined that more environmental damage would occur if the addition were placed on the south side. He had recommended that Ms. Miller discuss the proposal with the neighbors and Ms. Miller stated that the neighbors did not have a problem with the proposal. Mr. Leiss stated that he told Ms. Miller that he would be happy to discuss the project when she had a plan. Ms. Miller stated that she had discussed the project with Mr. Leiss in May/June of this year and stated that Mr. Leiss said that he was okay with the plan as long as she did not build on his land. She continued stating that although she did not show the final plan to him, the plan had not essentially changed. An email was received from Mary Sennett and Bob Leiss addressing their concerns with the proposal and is part of the official file..

WHEREFORE a motion was made by Member Ketchum 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 proposed addition is modest in size and is in keeping with other dwellings in the neighborhood. Many properties in the neighborhood have received variances with a recent variance granted for a property with a larger garage located to the south of the applicant's parcel.

2. **Whether the benefit sought by the applicant can be achieved by a feasible alternative to the variance:** No. The proposed location for the addition is the most suitable as the garage addition will be placed over existing tarvia with minimal disturbance. Locating the addition to the south would require removal of the existing wrap around deck and mature trees with grading required and increase the impermeable surface coverage over 10% of the lot.
3. **Whether the requested variance is substantial** No. The requested variance is not substantial as the front yard variance is only 2' closer to the private road than allowed. The lot to the north is 50' in width and is used for parking of vehicles and boat storage.
4. **Would the variance have an adverse impact on the physical or environmental condition in the neighborhood;** No. The proposal will have minimal impact due to the proposed location of the addition over existing tarvia. There is pre-existing stormwater runoff and the applicant will improve the drainage with drainage plans including stormwater gutters for the new addition.
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 Chairman Graham and seconded by Vice Chair Rhoads, that this application be **APPROVED** with standard conditions and additional special conditions:

Additional Condition No. 1 That the Site Plan, dated September 9, 2013, prepared by Matthew Manuel, Architect, be followed; and

Additional Condition No. 2 The Onondaga County Health Department and City of Syracuse Water Department must accept and approve any existing or proposed septic system to service the property; and

Additional Condition No. 3 A drainage plan be submitted to reduce stormwater over the right-of-way, to be reviewed by the Codes Enforcement Officer; and

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

Public Hearing Continuance

Applicant: Dwight Perry & Alexandra Doyle
 1812 Webster Street
 Philadelphia, PA

Property:
 1698 Amerman Road
 Skaneateles, NY 13152
Tax Map #063.-04-01.0

Present: Alexandra Doyle-Perry, new owner

Anthony and Lynn Hart sold the property on October 23, 2013 to Dwight Perry & Alexandra Doyle-Perry. The October 1, 2013 site plan reflects a wraparound L-shaped deck design with the width of the deck on the east reduced to 10' and placed 12' from the southern property line. The northern side of the deck aligns with the back of the existing dwelling. The applicant would like to modify it further by widening the northern side of the deck from 8.5' to 10'. The deck will increase in size by 45' from 428SF to 473SF. The impermeable surface coverage and open space calculations comply with Town code. Member Tucker inquired if the east side of the design could be reduced further in width. Mrs. Perry stated that she would prefer to keep it at the proposed 10' as they would like to use it for outdoor dining and take advantage of the views. Mrs. Perry commented that CEO Williams and Secretary Barkdull had been very helpful in answering any questions she had.

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At this time Chairman Graham re-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. Chairman Graham 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 Ketchum and seconded by Member Tucker to close the Public Hearing. The Board having been polled resulted in the unanimous affirmance of said motion.

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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 applicant's proposal will improve the livability of the dwelling and provide safe access from the dwelling sliding doors to the outside. The proposal will improve the value of the property, without an undesirable change.

2. **Whether the benefit sought by the applicant can be achieved by a feasible alternative to the variance:** No. The applicant reviewed the suggestions given by the ZBA members and revised the deck plan to reduce the variance requested. No other alternative is available due to the dwellings location to the lake and watercourse.
3. **Whether the requested variance is substantial; within 200 feet of Skaneateles Lake, any area variance that enlarges a building or enables it to encroach into a required lake yard shall be presumed to be substantial because of the cumulative risk of degradation of the lake posed by granting individual variances. This presumption is rebuttable:** No. The existing dwelling is located close to the top of the cliff and the applicant has adjusted the proposed width of the deck from 12' to 10' to compensate.
4. **Would the variance have an adverse impact on the physical or environmental condition in the neighborhood; within 200 feet of Skaneateles Lake, any area variance than enlarges a building or enables it to encroach into a required lake yard shall be presumed to have an adverse environmental impact because of the cumulative risk of degradation of the lake posed by granting individual variances. This presumption is rebuttable:** No. The deck construction will cause minimal disruption during construction with the revised setback further from the southern watercourse and in a more stable area.
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 Vice Chair Rhoads and seconded by Member Ketchum, that this application be **APPROVED** with standard conditions and additional special conditions:

Additional Condition No. 1 That the Site Plan, dated October 1, 2013, prepared by Jocelyn Gavitt, Architect, be amended to reflect the modification of the width of the deck on the northern side of the deck from 8.5' to 10'; and

Additional Condition No. 2 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	David Graham	Present	[Yes]
Vice Chair	Denise Rhoads	Present	[Yes]
Member	Jim Condon	Present	[Yes]

Member	Sherill Ketchum	Present	[Yes]
Member	Steven Tucker	Present	[Yes]

Discussion

The Zoning Board of Appeals has been receiving an increasing number of variance amendment requests over the last few years. As there is no amendment fee established for the Zoning Board, the costs associated with the amendments have been absorbed by the Town.

WHEREFORE a motion was made by Member Ketchum and seconded by Member Condon to recommend to the Town Board establishment of a variance amendment fee of \$100. The Board having been polled resulted in the unanimous affirmance of said motion.

Discussion

The Town Board has approved a modest increase to the Board members stipend and salaries.

Discussion

Cornell Cooperative hosted a discussion on water quality and climate change on Saturday October 26, 2013 at the Lodge. An information packet is on file regarding the meeting.

Discussion

Section 123 of the Town code, Sign, is under review and suggested revisions will be sent to the Planning Board and ZBA for review and comment prior to submission to the Town Board.

There being no further business a motion was made by Member Condon Vice Chair Rhoads and seconded by Member Ketchum to adjourn the meeting. The Zoning Board of Appeals meeting adjourned at 8:30 p.m.

Respectfully Submitted,

Karen Barkdull