

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

August 6, 2013

Present:

Dave Graham
Denise Rhoads
Jim Condon--Excused
Steven Tucker
Sherill Ketchum
Debbie Williams, Codes Enforcement Officer
Scott Molnar, Attorney
Karen Barkdull, Secretary

Also present: Robert Eggleston Daniel Robert
 Chase Taggart

The meeting commenced at 7:00 p.m. at Town Hall. The next regularly scheduled Zoning Board of Appeals meeting will be held on September 3, 2013. The Zoning Board of Appeals site visits are scheduled for August 10, 2013. Previous distribution to the Board of the regular meeting minutes of July 2, 2013 were executed and all members present acknowledged receipt of those minutes.

WHEREFORE a motion was made by Vice Chair Rhoads and seconded by Member Ketchum to accept the July 2, 2013 minutes with minor corrections. The Board having been polled resulted in favor of said motion. Chairman Graham abstained from the vote due to his absence at the July 2, 2013 meeting.

Initial Review

Applicant: Thomas & Brenda Parkes
 6 Saddle Hill
 Honeoye Falls, NY 14472

Property:
2809 East Lake Road
Skaneateles, NY 13152
Tax Map #038.-01-17.0

Present: Robert Eggleston, Architect

In 2007a variance was granted to the prior owner who proposed to demolish the existing dwelling and construct a four bedroom dwelling located 75' from the lake line. The prior owner did not act on the approval and it expired in 2008.

The 42,043SF nonconforming lot has 148' of lake frontage with 10.8% of approved impermeable surface coverage and 88.8% open space. The existing dwelling does not comply with current building code and is structurally under-designed. The applicant would like to demolish the existing dwelling and construct a 4 bedroom dwelling located further from the lake line than the existing dwelling located at 49' from the lake line. The proposed lake yard setback is 71.6' to the dwelling, 65.7' to the proposed deck, and 59.7' to the stairs leading to the deck. The proposed location falls within the prevailing setback

in the neighborhood and all other setbacks are in compliance. A 672SF detached garage with habitable space and a full bath is also proposed.

The existing shoreline structures are beginning to fail and will be replaced with a modular masonry retaining wall, patio and stairs at the top of the bank. The large rocks along the shoreline will be repositioned and repaired as needed.

Chairman Graham stated that the proposed layout of the dwelling reflects four bedrooms with two additional room that have full baths associated with them, and expressed his concern that the septic system may not be able to support the usage. Mr. Eggleston stated that the Parkes are empty-nesters who will be residing there on a full time basis with occasional family guests. As such the septic can support the four bedrooms and that the septic system is being reviewed by the City of Syracuse Department of Water with the OCDOH having final jurisdiction on the septic system approval. The existing septic system installed in 2001 is for a four bedroom dwelling. .

The Parkes had received a special permit approval in 2008 for redevelopment and paid into the fund for the impermeable surface overage, allowing the property to maintain 10.8% impermeable surface coverage.

WHEREFORE a motion was made by Vice Chair Rhoads and seconded by Member Ketchum to schedule a Public Hearing on ***September 3, 2013 at 7:10 pm.*** The board being polled voted in favor of said motion.

Public Hearing

Applicant: Chase Taggart
9 Teasel Lane
Skaneateles, NY 13152
Tax Map #032.-03-38.0

Present: Chase Taggart, Applicant

No one requested to have the public notice read. The Onondaga County Planning Board had no comments on the proposal in their resolution dated July 24, 2013. The City of Syracuse Department of Water commented that the septic system should be located prior to the construction activity in their correspondence dated June 6, 2013. Members from the Board have visited the site on July 15, 2013.

The applicant has a 20,909SF lot located in both the Village and the Town, with the Town portion comprising 14,564SF. The Town portion of the lot has 6.8% impermeable surface coverage and open space of 90.7%. The applicant is proposing to remove the existing deck steps and pavers and replacing them with an 1100SF permeable deck. There will a small area where the HVAC equipment will remain. There will no change in the impermeable surface coverage and open space will be reduced to 85.6%. All side yard setbacks comply with the zoning code. The applicant will need a variance approval for a lot under 20,000SF located in the lake

watershed. The Village of Skaneateles submitted a letter of no interest from the codes enforcement officer.

WHEREFORE a motion was made by Member Tucker and seconded by Vice Chair Rhoads 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. Mr., Eggleston, architect, stated that the total property located in the Village and Town meets the minimum lot size of a lot located in the HC district supplied with public water. 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 Vice Chair Rhoads 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 is in keeping with other dwellings in the neighborhood that have decks. There will be no visible impact to the neighborhood and the proposed deck will replace the failing deck and pavers, with the proposed deck not extending further than the length of the existing dwelling.
2. **Whether the benefit sought by the applicant can be achieved by a feasible alternative to the variance:** No. The nonconforming lot is located in the Lake Watershed Overlay District and would require a variance for any proposed modification.
3. **Whether the requested variance is substantial:** No. The entire lot located in the Village and Town is over 20,000SF, meeting the minimum lot size for a lot that is provided with public water. The applicant is not increasing the impermeable surface coverage on the lot with the proposed open space of 85.6% over the minimum open space 80% requirement.
4. **Would the variance have an adverse impact on the physical or environmental condition in the neighborhood:** No. The proposed permeable deck will be located in the rear of the property improving the aesthetics of the area and will be constructed with minimal soil disturbance.
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 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:

Condition No. 1 That the survey dated June 21, 2013 prepared by Paul Olszewski, Land Surveyor, be followed; and

Condition No. 2 Verification of dimensions of the proposed deck upon completion of project.

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

Public Hearing Continuance

Applicant: Anthony & Lynn Hart
 3 Willow Place
 Cazenovia, New York

Property:
1698 Amerman Road
Mottville, NY 13119
Tax Map #063.-04-01.0

At this time Chairman Graham opened the public hearing continuance. The applicant requested a postponement until the October Zoning Board of Appeals meeting.

WHEREFORE a motion was made by Chairman Graham and seconded by Vice Chair Rhoads to continue the Public Hearing on ***October 1, 2013 at 7:10 pm.*** The board being polled voted in favor of said motion.

Initial Review

Applicant: Daniel & Agnes Robert
 2707 East Lake Rd
 Skaneateles, NY 13152
 Tax Map #037.-01-01.0

Z.B.A.08.06.2013

Present: Daniel Robert, Applicant; Robert Eggleston, Architect

In 1999 the applicant was granted a variance for construction of one dormer on the east side of the residence and to raise the height of an existing dormer on the west side. The approval expired and the applicant is proposing the same alterations. The center dormer is approximately 6 ½' high with an existing bathroom less than 6' in height, making difficult for the applicant to stand without the requested modifications.

A variance is required for developing a lot under 20,000 in the lake watershed overlay district. There will be no increase in the footprint of the building and the roof will be raised 4' in the proposed dormers areas. No variance is required for the increase in floor area as the footprint is not increasing. A letter of support signed by four neighbors was submitted.

WHEREFORE a motion was made by Chairman Graham and seconded by Vice Chair Rhoads to schedule a Public Hearing on ***September 3, 2013 at 7:20 pm***. The board being polled voted in favor of said motion.

Amendment

Applicant: Fred Singler
2685 East Lake Rd
Skaneateles, NY 13152
Tax Map #037.-01-07.0

In 2004 the applicant received variance approval for modifications to a deck and stairs to the lake based on a stated lot size of 12,016SF and 27% impermeable surface coverage as reflected on the survey prepared by Jon Dussing Sr. The 2006 survey completed by Paul Olszewski, reflects a more accurate lot size of 13,514SF with 22.5% impermeable surface coverage. The Zoning Board of Appeals needs to reconcile the lot size and impermeable surface coverage approvals. The calculations of the two surveys should be compared and further discussed by the Zoning Board of Appeals before a resolution can be created.

There being no further business a motion was made by Member Ketchum and seconded by Vice Chair Rhoads to adjourn the meeting. The Zoning Board of Appeals meeting adjourned at 8:10 p.m.

Respectfully Submitted,

Karen Barkdull