

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

May 7, 2013

Present:

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

Also present: Robert Eggleston Jay Seiler
 Scott Bennett Barb Bennett
 Mark Buell

The meeting commenced at 7:00 p.m. at Town Hall. The next regularly scheduled Zoning Board of Appeals meeting will be held on June 4, 2013. The Zoning Board of Appeals site visits are scheduled for June 1, 2013. Previous distribution to the Board of the regular meeting minutes of April 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 Condon to accept the April 2, 2013 minutes as submitted. The Board having been polled resulted in favor of said motion. Member Condon and Member Ketchum abstained from the vote.

Initial Review

Applicant: Scott Bennett
 4241 Railroad Street
 Mottville, New York

Property:
 4251 Railroad Street
 Mottville, NY 13119
 Tax Map #024.-01-05.3

Present: Scott Bennett, Applicant

The proposal is for the removal of the existing 684SF mobile home and replacing it with a 1232SF mobile home seventeen feet further back from the watercourse. The new dwelling would be located 20FT from the street aligned similarly to the dwelling to the north. The property is located in the HM district and may be in the 100 year flood zone. The proposed dwelling would be placed on a concrete pad. The Onondaga County Department of Health has no objections to the proposal as stated in their correspondence dated April 3, 2013. The impermeable surface coverage will be reduced to 8.4% as the new dwelling will be placed over part of the existing driveway. The existing dwelling is located 36.2Ft from the watercourse and the proposed dwelling would be 53.5Ft from the watercourse. Variances are required for the nonconforming lot size, 20FT front yard setback and the location of the dwelling within 100' of

the watercourse. The surveyor will need to determine the elevation of the proposed dwelling in relation to the nearby flood zone. A site visit will be conducted on June 1, 2013.

WHEREFORE a motion was made by Member Tucker and seconded by Vice Chair Rhoads to schedule a Public Hearing on ***June 4, 2013 at 7:10 pm***. The board being polled voted in favor of said motion.

Public Hearing

Applicant: Jason Seiler
175 East. Genesee Street
Skaneateles, New York

Property:
790 Sheldon Rd
Skaneateles, NY 13152
Tax Map #024.-01-04.2

Present: Jason Seiler, Applicant; Robert Eggleston, Architect

No one requested to have the public notice read. The distance from the watercourse to the new addition has been verified and it is over 90FT. The Town will be adopting the easement shortly and the sale will be finalized after the easement establishment. The septic system has not been verified; however it will be once the sale of the property has been completed.

Chairman Graham requested clarification of the location of the additions, and areas that are proposed for impermeable surface removal and replacement with grass. Mr. Eggleston stated that the right-of-way is located one foot off the property line and grass will replace the existing gravel that borders the easement. The gravel parking area will be reduced to 5 parking places with grass and trees. A permeable walkway from the parking spaces to the proposed office will be installed.

The proposed office addition will be built into the hill with a four foot retaining wall constructed as part of the building development. The drainage on the west side of the building will drain to a drywell in the southwest corner of the building. The 100 year flood plain is located outside the easement and building areas.

Three variances are required for the proposal. The existing corner of the building is located 55' from the watercourse making the building nonconforming; the proposed 67% expansion exceeds the 25% allowed for a nonconforming lot. The proposed addition is located 90' from the watercourse, although the increase in footprint is farther from the watercourse than the existing building. The side yard setback is 32.1' from the property line whereas 37' is required based on 20% of the lot width of 185' with the width measured at the front of the building. An updated narrative and site plan will be submitted to reflect the correct information proposed.

At this time Counsel Molnar recommended to the Board that the application be an Unlisted Action and reviewed the short form SEQR with the Board. In evaluating each of the criteria set forth in Part II (A) of the short form EAF, the Board determined that the action does not exceed any type I threshold. Part II (B) No. The Board did not find any significant adverse environment impacts. Part II (C) No, the Board did not find any adverse effects. The site is being improved
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over the existing conditions with a proposed reduction in impermeable surface coverage. There will be no change in the traffic or noise. The aesthetic of the building will be improved with the building maintained as a commercial use. Part II (D) No, the Board determined that the project would not have any an impact on the environmental characteristics that caused the CEA. Part II (E) No, the Board determined that there is no controversy related to potential adverse environmental impacts.

WHEREFORE, a motion was made by Vice Chair Rhoads and seconded by Member Condon to declare this application to be an Unlisted action, and after review of the SEQR short environmental assessment form, determined that the proposed action will not result in any significant adverse environmental impacts. 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. 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 Vice Chair Rhoads 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 proposal will improve the property with reduction in impermeable surface coverage by defining the driveway bordered with added green grass in place of the removed stone, and removal of outside storage on the property.
2. **Whether the benefit sought by the applicant can be achieved by a feasible alternative to the variance:** No. The property borders Skaneateles Creek and has a 24' Town easement restricting what can be proposed on the lot. The proposed changes will enhance the historic character of the site and not create a detriment to the community. The requested setback variances do not increase the nonconformity of the existing building.
3. **Whether the requested variance is substantial:** No. The applicant is proposing a better use for the property that will eliminate outdoor storage with the expanded warehouse. The proposed expansion of the warehouse is setback further from the watercourse than the existing building. The floor space expansion with the three foot increase in height to allow office space upstairs is minimal.

4. **Would the variance have an adverse impact on the physical or environmental condition in the neighborhood:** No. The proposed modifications to the building and property will improve the aesthetics in the neighborhood by removing the outside storage, providing more green space and changing the façade to be in keeping with the historic railroad structure.
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 Rhoads and seconded by Member Condon, that this application be **APPROVED** with standard conditions and additional special conditions:

SPECIAL 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 Site Plan dated March 14, 2013 be revised and submitted to reflect the accurate proposed setback to the watercourse, and modify the proposed porch to overhang; the Narrative dated March 22, 2013 prepared by Robert O. Eggleston, Architect, be modified to reflect said changes; and

Condition No. 2: The applicant shall obtain all necessary approval from the Onondaga County Department of Health for the on-site wastewater treatment system; and

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; and

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	[Yes]

Initial Review

Applicant: Mark Buell
789 Stump Road
Skaneateles, New York
Tax Map #012.-02-02.3

Present: Mark Buell, Applicant

The dwelling is located on a 2.5 acre lot and was built in 2012. During construction, a large stone outcropping was discovered in the proposed location of the dwelling. The dwelling was relocated 62FT further back from the previous siting of 99FT from the road line. The driveway was also relocated to the west side of the dwelling.

The applicant is proposing an above ground pool and deck expansion to be located 25.5FT from the north property line that borders an active farm field. The property owner to the north and east, Nancy Hourigan, has signed a letter of approval for the variance. A site visit will be conducted on June 1, 2013.

WHEREFORE a motion was made by Member Ketchum and seconded by Vice Chair Rhoads to schedule a Public Hearing on ***June 4, 2013 at 7:20 pm.*** The board being polled voted in favor of said motion.

Initial Review

Applicant: Gennaro Bruni
27-20 27th Street
Astoria, New York 11102

Property:
1255 Longview Shores
Skaneateles, NY 13152
Tax Map #054.-01-06.0

Present: Robert Eggleston, Architect

The nonconforming 14,254SF property with 50.3FT of shoreline has a 4 bedroom dwelling 53FT from the lake line and .5FT from the north property line making it nonconforming. During recent renovations it was determined that the cottage needed to be raised three feet to achieve an elevation of two feet above the 100 year flood line. In doing so the applicant now needs to constructed access to the dwelling. Proposed is a 4FT deck to the east of the cottage to access the French doors. A 281SF deck is proposed along the lake side of the dwelling for access to the house. In addition, a 236SF patio with 16SF fireplace is proposed at the shoreline. The impermeable surface coverage will be reduced to 18.2% from the existing 23%, and the open space will increase from 77% to 78.1%.

Variances requested are for the nonconforming lot area and lake frontage; side yard setbacks for the deck located 3.4' from the property line with access steps located 2.7' from the north

property line whereas 10.5' is required; and the lake yard setback for the new deck located 50' from the lake line whereas 100' is required.

There is a shared private access road owned by the McCarthy family that provides access to six properties and the Bruni driveway is shared by the neighbor next door, Mr. Fox. The driveway configuration allows for a looped drive for access and egress. Of the six properties on the private road only two are year round residents. A site visit will be conducted on June 1, 2013.

WHEREFORE a motion was made by Vice Chair Rhoads and seconded by Member Ketchum to schedule a Public Hearing on ***June 4, 2013 at 7:30 pm.*** The board being polled voted in favor of said motion.

Chairman Graham and Member Ketchum recused themselves as they are members of the Skaneateles Country Club.

Initial Review

Applicant: Skaneateles Country Club
3344 West Lake Street
Skaneateles, New York
Tax Map #049.-02-02.1

Present: Jim Fields, SCC General Manager; Tom Trytek, Engineer

The existing marina has a mooring boundary of 500' x 1634' off the shoreline permitted by the NYS Preservation Office. The proposal is for the addition of 32 permanent boat slips to the existing permanent floating dock that comprises 80 boat slips. The slips will stay within the permitted mooring boundary. The proposal includes 192LF breakwater docks, 240LF walkway and 384LF finger docks for a combined surface area of 4,028SF. The breakwater docks provide wave attenuation to reduce wave action. The new dock sections will be constructed of pressure-treated wood and foam and meet the new standards set forth by the DEC, and will have the same anchoring system as the existing dock system. The docks remain in the lake year round. The concrete anchors rest on the lake bed with the lake depth varying between 10-14'. The additional slip will replace six existing moorings.

The application requires Zoning Board of Appeals approvals for a proposed 38,175SF in shoreline structures with a maximum of 32,605SF allowed; and for the permanent dock extending more than 75FT from the lake line. The ACOE has no jurisdiction on the project. The City of Syracuse is deferring comment until NYSOGS has commented. DEC approval is not required for the project. A site visit will be conducted on June 1, 2013.

WHEREFORE a motion was made by Member Tucker and seconded by Member Condon to schedule a Public Hearing on ***June 4, 2013 at 7:40 pm.*** The board being polled voted in favor of said motion.

Chairman Graham and Member Ketchum rejoined the Board at this time.

Discussion

Applicant: Victory Sports Medicine
791 East Genesee St
Skaneateles, New York

Property:
Cherry Valley Turnpike
Skaneateles, New York
Tax Map # 042.-01-13.1

WHEREAS, at its regularly scheduled meeting of May 7, 2013, the ZBA discussed and considered retaining, at its own cost and expense, a professional stenographer to create verbatim meeting transcripts for that portion of any ZBA meeting which concerns the variance application VSM has pending before the ZBA (“Application”), as the ZBA’s official record for the Application, including these suggested considerations:

- a) A ZBA motion to utilize a professional stenographer to record the verbatim discussion of the VSM Application would be renewed at each ZBA meeting where the VSM Application is on the ZBA Agenda for discussion;
- b) The cost of the stenographer(s) would be absorbed by the ZBA, or shared with the Applicant, if feasible; and
- c) All transcripts prepared by a stenographer(s) for the ZBA relative to the VSM Application would be subject to review, correction and adoption by the ZBA, similar in fashion to the adoption of all other ZBA past and future minutes, prior to publication by the ZBA of such a transcript as its official record of the proceeding(s).

WHEREFORE, a motion was made by Chairman Graham and seconded by Member Condon that the ZBA authorize the use of its budgeted funds to contract a stenographer for the purpose of rendering verbatim transcripts for all proceeding relating to the VSM Application pending before the ZBA, subject to the suggested considerations referenced above. The Board, having been polled, unanimously approved said motion on May 7, 2013.

Record of Vote

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

Cornell Cooperative Extension in conjunction with the City of Syracuse Department of Water is hosting a training session on May 21, 2013 discussing feral swine impacts and management.

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

Respectfully Submitted,

Karen Barkdull