

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

**March 1, 2016**

Present:

Denise Rhoads  
Jim Condon  
Sherill Ketchum  
Curt Coville  
Michele Norstad, ZBA Secretary  
Karen Barkdull, P&Z Clerk

The meeting commenced at 7:00 p.m. at Town Hall. The next Zoning Board of Appeals meeting will be held on Tuesday, April 5, 2016. Previous distribution to the Board of the regular meeting minutes of February 2, 2016 was executed and all members present acknowledged receipt of those minutes.

**WHEREFORE** a motion was made by Vice Chair Condon and seconded by Member Ketchum to accept the February 2, 2016 minutes with correction. The Board having been polled resulted in unanimous affirmation of said motion.

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

Member hours were turned in for the month of February, 2016.

Initial Review

Applicant: Mark Congel / 5 Fires LLC  
3395 East Lake Road  
Skaneateles, NY 13152  
**Tax Map #041.-01-21.0**

Present: Mark Congel, Meaghan Congel, Wayne LaFrance

Chair Rhoads stated that the applicant's proposal is to remove an existing garage and construct a new garage attached to the dwelling. Wayne LaFrance, Architect, approached the board and reviewed the proposal. The existing garage is in need of repair and the client wishes to take the existing garage down and build a new garage in a new location attached to the home. Infringement in proximity to the north neighbor will be improved upon with this change. The

24FT by 21FT existing garage is currently 4INCHES from the property line. Due to the size of the client's vehicles, the new proposed garage size is 24FT by 30FT which includes a small east wall work bench and the entry doors to face the lake on the west side. The existing impermeable surface coverage is 13.5% and the proposed increases the surface coverage by .03%, bringing the total impermeable surface coverage request to 13.8%. The increase comes from the size difference of the garages. The attached garage would provide opportunity for a second story master bedroom, per Mr. LaFrance. The dwelling is currently a three bedroom and four bedrooms would be the ultimate outcome. The septic system is designed for a four bedroom dwelling. A new septic field placed for the cottage (one bedroom) was created last year which pumps up to the main septic system. The County counts bedrooms as one for the cottage and four for the house and therefore would not object to this proposal, per Mr. LaFrance. Vice Chair Condon requested a letter from the County stating that they are in approval of the septic as it exists now and with the addition of a master bedroom as per the current proposal. The client wishes to turn this home into a year-round residence versus its current status as seasonal only. Mr. Congel intends to re-locate his family here permanently.

A variance for side yard setback of 12FT 9INCHES, whereas 25FT 8INCHES is required and a variance for the increase to impermeable surface coverage of 0.3% are being sought. Chair Rhoads expressed the unusual nature of this request as an increase to impermeable surface coverage is almost never seen before the Zoning Board of Appeals. Most partial tear downs require an applicant to comply with all of the current zoning standards.

Vice Chair Condon asked if any of the current property structures had been considered as possible eliminations to aid in the reduction of the total impermeable surface coverage of the property. Some concrete pads were discussed which aid in the underground drainage. Also, a small renovated doll house, the cottage at the lakefront and a concrete ramp were discussed. The concrete ramp/slab had not been considered, but, according to Mr. LaFrance and Mr. Congel will be going forward. It is a steep pad/ramp that goes down into the water and was installed in the 1950's and isn't being used currently per Mr. Congel. Perhaps putting six inches of dirt over the pad and seeding would suffice. As this application is reviewed by the Planning Board this month, John Camp may give suggestions as to how to best address the pad, per Clerk Barkdull.

Member Coville asked if a full 30FT is really necessary as the proposed garage depth. Mr. LaFrance stated that the total vehicle length is 18FT 9INCHES and pointed out that walk around space is necessary. The width is staying basically the same. The bench across the back wall is 2FT plus 3FT of stand space, taking the total depth to 30FT.

Slate steps reflected on the current plan drawing (9 Slate Steps totaling 39SF), yet subtracted in the space calculations was questioned by Vice Chair Condon. Mr. LaFrance assured the board that the slate steps have been removed.

Member Ketchum inquired about the turn around tarvia to the south and if it is necessary to keep based on the new location of the garage entrance and ample tarvia plus the circle drive. Mr. LaFrance stated that the Congels have many driving age family members who require more space to park and maneuver. Vice Chair Condon asked Mr. LaFrance if he could meet with his client and discuss possible alternatives, looking at options with his client that would reduce the overall driveway size and impermeable surface coverage. Vice Chair Condon said that having drawings with options would be advisable in preparation for the next meeting date. Mr.

LaFrance agreed and said that they are open to suggestions and that he will have time to talk at length with his client.

A Zoning Board of Appeals site visit is scheduled for March 19, 2016 at 9:10a.m.

**WHEREFORE**, a motion was made by Member Ketchum and seconded by Vice Chair Condon to schedule the public hearing on *Tuesday, April 5, 2016 at 7:10 p.m.* The Board having been polled resulted in the unanimous affirmation of said motion.

### **Public Hearing**

Applicant: John P. Teixeira  
2763 East Lake Road  
Skaneateles, NY 13152  
**Tax Map #038.-01-25.0**

Present: Debbie Williams, John Teixeira, Andy Ramsgard

Chair Rhoads explained the applicant's proposal to add a 174SF addition on the second floor of the seasonal cottage located at 2763 East Lake Road on a non-conforming lot. The board did make a site visit to the property on February 27, 2016. A revised site plan dated February 10, 2016 was received, changing the driveway location and design. The changes created a reduction in impermeable surface coverage from 20.3% to 17.7% and increased open space from 79.4% to 82%. The proposal changes created an additional variance request. Variance requests are currently for existing nonconforming lots, existing nonconforming lots-lake frontage, supplementary lake yard restrictions and supplementary dimensional regulations-driveway. Debbie Williams is representing the applicant, John Teixeira. Ms. Williams approached the board and explained that she has spoken with Rusty Cooper and he said there is a 10FT distance between the main water supply line and the leach field and that he isn't concerned with it. The overall concern was the leach line leaking into the main trench and ultimately getting into the lake. Mr. Cooper also stated that he would be more concerned if this wasn't a private water supply situation, per Ms. Williams. John Camp and the Planning Board will be reviewing this issue. A member of the audience, Mr. Mike Quigley of 2765 East Lake Rd, requested an explanation of what was being discussed. Ms. Williams explained that the distance separation of the water line to the septic and the issue of the leach field to the new trench were what was being discussed. Vice Chair Condon stated that wicking into the lake is a major concern. The placement isn't typical of similar properties. Normally it is the lake, water line, camp then septic at the furthest point from the lake. Ms. Williams stated that she will have another conversation with Rich Abbott describing the trench along the new water line and possible wicking (seepage/leaking of leaching material into water line trench). A new trench takes six years to become stable.

Chair Rhoads inquired about what type of easement exists which belongs to Mark Tucker on Mr. Teixeira's property. The easement holder (Mr. Tucker) would be allowed to walk, drive or gain access to the lake across Mr. Teixeira's property. The right of way easement runs the entire length of the property at the south side located at 12FT from the property edge. At the end of the driveway, the easement access is over the top of grass. Ms. Williams stated that in order for

there to be disturbance, grass would need to be driven over every day for a period of six months. The likelihood of that happening is minimal. Impermeable surface area is created once property becomes disturbed, per Ms. Williams. Chair Rhoads pointed out that “disturbance” isn’t defined in the code. The intended use of the property will remain seasonal and may become a rental property, per Mr. Teixeira. Vice Chair Condon stated that no one is to drive past the driveway edge and over the septic tank. A condition may be created to prevent this from happening if the application is approved. It was made clear through the discussion, that in the best interest of all involved, a barricade must be created preventing someone from driving over the top of the septic tank without blocking access to the easement holder. Rocks, landscaping and fence would work best to prevent damage to the septic system. Parking on the lawn is not permitted by the Town and yet the right of way allows for just that. In all practically, a gate with shared lock might be a good solution to be worked out between property owner and the easement holder. A barricade/shrubs could also be a solution extending far enough to prevent a vehicle from driving around them after the end of the driveway. Mr. Ramsgard stated that this situation is unique and that if Mr. Tucker does indeed have right of way, then doesn’t the right of way become part of the pre-existing impermeable surface coverage? Mr. Ramsgard suggested a small attractive English style gate and garden to embellish the area at the end of the driveway.

The Marshuska property (Roger Scott) was brought up, stating that parking in the grass wasn’t allowed therefore all of the easement holders (multiple) parked in the road while taking advantage of their lake access. This use easement is different, however, as pedestrian access only was specified.

The septic system modification is brand new and an ATU (aerobic treatment unit) will be installed during warmer weather months. The building inspector would need to wait for a sign off per the county regarding septic before a certificate of occupancy could be issued. A building inspector does not inspect septic systems unless a condition of a resolution directs him to do so.

Chair Rhoads asked if there was anyone in the audience who wished to have the notice of public hearing read. No one spoke. Mention that the board did make a site visit to the property on February 27, 2016 was given.

**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 affirmation 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 or that had any other comments. No one spoke. Chair Rhoads asked if there was anyone wishing to speak in opposition of the application or that had any other comments. Mike Quigley, neighbor to the north, of 2765 East Lake Road spoke. Mr. Quigley stated that in prior construction work to Mr. Teixtera’s property, people had driven on, in front of and near his lot. Mr. Quigley stated that he would like the lawn back and to be repaired as soon as possible. Mr. Teixeira stated that he would absolutely do this and didn’t have any trouble accommodating Mr. Quigley’s wishes. Mr. Quigley was concerned with the height addition of 4FT 9INCHES (17FT 3INCHES to 22FT) to the cottage potentially blocking his south west view of the lake. Ms. Williams pointed out some trees which had been removed from an OnGov.net Pictometry aerial photo. The removal of these trees has enhanced the Quigley’s view already. Mrs. Quigley then approached the board and asked Member Ketchum about prior septic

approvals, shale ground and it was determined that newer septic systems work with the ground differently in the present day. No one spoke or had any further comments.

**WHEREFORE**, a motion was made by Vice Chair Condon and seconded by Member Coville to close the public hearing. The Board having been polled resulted in the unanimous affirmation of said motion.

At this time Clerk Barkdull 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, viewing all four variances within each criteria, indicating any specific difference as it pertains to a specific variance, which are:

1. **Whether an undesirable change would be produced in the character of the neighborhood or a detriment to nearby properties:** No. There will be no undesirable change to the character of the neighborhood or detriment to nearby properties. The proposed second floor addition is expanding an existing bedroom, not adding an additional bedroom and the property has been and is being renovated which will be more aesthetically pleasing to the neighborhood and adjoining properties.
2. **Whether the benefit sought by the applicant can be achieved by a feasible alternative to the variance:** No. The site is non-conforming and any proposed improvements to this property would require a variance. The site only has 65.7FT of lake frontage whereas 75FT is required; lot size is only 19,984SF whereas the minimum lot size in the lake watershed is 20,000SF. Any expansion of the improvements requires a variance due to the size and width of the site. The proposed second story addition of 194SF will not increase the building footprint or impervious surface coverage; it will not increase the number of bedrooms but only expand one bedroom in size. The applicant is working to reduce impermeable surface coverage by reducing and reconfiguring the driveway. The applicant has worked with the Zoning Board to reconfigure the driveway which ultimately results in a safer turn around/parking area. The location of the driveway is rather limited by the width of the lot and the septic/leach field placement.
3. **Whether the requested variance is substantial:** No. The variance request is not substantial. Impermeability was decreased from 20.3% to 17.7%. The open space increased from 79.4% to 82%. The addition is not encroaching further into the lake yard.
4. **Would the variance have an adverse impact on the physical or environmental condition in the neighborhood:** No. The applicant's request would not have an adverse impact on the physical or environmental conditions in the lake or within 200FT of the lake. An updated septic system to include an aerobic treatment unit will be installed prior to the issuance of the Certificate of Occupancy. A barricade will be installed to prevent pass-through of any vehicles driving through and over the new septic system. The Planning Board and Town Engineer will further deliberate over the potential impact for the leach lines. The reduction of impermeable surface coverage, reduction and relocation of driveway, new septic and water lines are all positive site improvements to this pre-

existing and non-conforming property which outweigh the variance request of side-yard setback. All other variances are unavoidable due to non-conforming lot size.

5. **Whether the alleged difficulty was self-created:** Yes, to the issue of side yard setback variance as other variances are unavoidable.

\*\*Ms. Debbie Williams asked Chair Rhoads if she could speak to the #3 response regarding further encroachment into the lake yard. Ms. Williams wanted to make a point that there is no encroachment proposed. Member Ketchum agreed, verifying that this was what was said. Ms. Williams went on to say that 60FT is allowed for a pre-existing structure. Member Ketchum again agreed, saying “we said no encroachment.” Member Ketchum pointed out that this is a positive to the application.

**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 Condon and seconded by Member Ketchum, 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 pages Z-1.1 of Z-1.4 dated February 10, 2016, with the Narrative dated January 8, 2016, prepared by Ramsgard Architects, 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 The applicant shall obtain a letter from the City of Syracuse for approval by John Camp at the Planning Board meeting that there is no concern with the leach field leaching back through the waterline trench; and
4. Additional Condition No. 4 The applicant shall obtain a Certificate of Occupancy and/or Certificate of Compliance, as required, also showing that the ATU (aerobic treatment unit) has been installed, from the Codes Enforcement Officer; and
5. Additional Condition No. 5 The applicant install a barricade from the easement at the west end of the driveway to the eastern cottage which will prevent access via automobile to the west from the driveway end; and
6. Additional Condition No. 6 The applicant shall obtain a final letter of approval from the Onondaga County Health Department after septic installation is complete; and

7. Additional Condition No. 7 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 Curt Coville	Present	[Yes]
Member David Palen	Absent	

**Other Board Business**

- The **John Walsh** application was removed from the original agenda for tonight per the request of the applicant.
- Applicant **Kerrin Hopkins** of 1813 Russells Landing, Skaneateles, NY 13152, Tax Map #063.-03-13.0 has asked (via e-mail) to continue her public hearing at the next monthly meeting on April 5, 2016.

**WHEREFORE**, a motion was made by Member Coville and seconded by Vice Chair Condon to continue the public hearing on ***Tuesday, April 5, 2016 at 7:20 p.m.*** The Board having been polled resulted in the unanimous affirmation of said motion.

- A joint Town Board, Planning Board and Zoning Board of Appeals **Round Table Meeting** is scheduled for March 5, 2016 from 9-11 am.
- **Abandonment Law** is going to public hearing this Thursday, March 3, 2016 with the Town Board of Skaneateles.
- **The County Planning Federation Symposium** is March 9, 2016. Chair Rhoads and Member Coville plan to attend.
- Member Coville inquired regarding the possibility of changing the Zoning Board of Appeals **meeting dates**. Per Counsel Molnar, it is recommended to keep the 2016 schedule as it is which has already been established. The calendar was set a year in advance and all of the professionals including Counsel Molnar have accommodated said schedule. However, on a case by case basis, the board may make a recommendation to change a single meeting date or schedule a special second meeting within the same month where a board quorum is unachievable. This recommendation must come one or more months in advance, based on attendance and the availability of the board room. Decisions to recommend a potential change are not instantaneous. Member Ketchum asked Member Coville if, theoretically, it is basically every scheduled Tuesday night that

Member Coville would not be able to attend the Zoning Board of Appeals meetings. Member Coville replied that yes, it will be each date until summertime that the conflict arises between the School Board meeting dates (1<sup>st</sup> and 3<sup>rd</sup> Tuesdays) and the regular Zoning Board of Appeals meeting dates. In the summer, the School Board meeting dates will change and the conflict should be resolved temporarily over the summer, per Member Coville. Member Ketchum may not be able to attend the May 3<sup>rd</sup>, 2016 meeting date and Member Coville stated that the April 5<sup>th</sup> meeting conflicts with the School Board meeting and that the May 3<sup>rd</sup> meeting date is a conflict for him. Member Coville stated that June holds nothing conflicting on his calendar. Chair Rhoads confirmed with Member Coville that he may not be able to attend the April 5<sup>th</sup> meeting due to a conflict. Where a three member board exists, all members must have been at any scheduled site visits or worked out a private site visit, for all public hearings and to be able to vote. Previously, due to Grievance Day in 2015, the Zoning Board of Appeals moved their regularly scheduled meeting date.

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 8:03 p.m.

Respectfully Submitted,

*Michele Norstad*

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