

**TOWN OF SKANEATELES
ZONING BOARD OF APPEALS
MEETING MINUTES OF
May 4, 2021**

Present:

Denise Rhoads
David Palen
Kris Kiefer
Dave Lee
Sherill Ketchum
Scott Molnar, Attorney
Karen Barkdull, P&Z Clerk
Kim Benda, ZBA Clerk

The meeting commenced at 7:00 p.m. at Town Hall via Zoom. The next Zoning Board of Appeals meeting will be held on June 1, 2021 at 7:00 p.m.

Initial Review

Applicant: Jean Beeles
 3903 State Street Rd
 Skaneateles, NY 13152
 Tax Map #045.-02-31.0

Present: Donald Kasper, Representative

Chair Rhoads described the Applicant is requesting the variance to build a 10ft. x 12ft. shed outside of the lot's building envelope. The property is located in the Butters Farm development, which is a conservation subdivision with a minimum rear yard setback of 60ft., where Ms. Beeles is requesting a 15ft. setback. Don Kasper, the Applicant's representative, and north adjacent neighbor stated when the subdivision was created the developers did not take into consideration future improvements such as sheds. Mr. Kasper explained he would be building the 10ft. x 12ft. shed for Ms. Beeles with siding to match the house rather than the Applicant installing a prefabricated shed like she initially planned. There will not be a permanent foundation as it will sit on dry blocks with stone underneath. The location is proposed behind the house, which has three roads surrounding the property State Street Rd along the back property line, and the private drive to access the Butters Farm houses from State Street Rd along the south and west property lines. Ms. Beeles's house faces the private driveway, so the shed would be located 15ft. from State Street Rd. with trees and bushes shielding the shed from the view of State Street Rd. The building envelope requires a rear yard setback of 60ft.

Chair Rhoads stated this is not the first, and likely not the last, shed variance request for the Butters Farm development. Member Kiefer added, the Board reviewed an application for a shed in the Butters Farm development a couple of months ago, at that time the Board discussed when the development was created the installation of sheds was not contemplated when forming building envelope restrictions, if this request were on any other lot in the Town, it would be allowed by right. Member Kiefer asked if this same logic applied to this specific variance request. Mr. Kasper stated there are no limitations from the Homeowner's Association (HOA) not permitting the installation of sheds, fences, etc., the developers did not consider future installations of sheds or pools when creating the building envelopes on the parcels.

Vice Chair Palen asked where the entrance to Ms. Beeles's property was located. Mr. Kasper explained it is on the north property line with access from the private drive, near the proposed location of the shed, the house itself faces west. Clerk Barkdull provided background, stating when Butters Farm subdivision was

created the Developer was given the flexibility to create front, rear, and side yard setbacks, at which time they arbitrarily chose a 60ft. rear yard setback when they could have chosen a 15ft. setback, this has resulted in a number of variances within the subdivision over the years. Had the developer realized this issue would be a result of the design of the subdivision they would have established different setbacks. Member Kiefer asked for clarification that if the shed were being installed on a parcel outside of Butters Farm it would not require a variance. Clerk Barkdull explained that is correct, a resident can build a shed under 200sq.ft. and have it located 10ft. from the rear and side yard property lines, in any other location the Applicant would have obtained their Building Permit and had the shed installed already. Vice Chair Palen asked if there are any other sheds in the area. Mr. Kasper stated yes, he has a shed behind his house on the north adjacent property.

The Board agreed to make individual site visits of the property before the public hearing. Mr. Kasper stated he would stake the location of the shed to allow visibility for the Board as they conduct their site visits.

WHEREFORE, a motion was made by Vice Chair Palen and seconded by Member Kiefer to schedule a public hearing for *Tuesday, June 1, 2021 at 7:02 pm*. The Board having been polled resulted in unanimous affirmation of said motion.

Executive Session

WHEREFORE, a motion was made by Chair Rhoads and seconded by Vice Chair Palen to enter an Executive Session for Attorney advice at *7:11 pm*. The Board having been polled resulted in unanimous affirmation of said motion.

WHEREFORE, a motion was made by Chair Rhoads and seconded by Member Ketchum to return from the Executive Session for Attorney advice at *7:39 pm*. The Board having been polled resulted in unanimous affirmation of said motion.

Public Hearing

Applicant: Bruce & Lorraine Reid
3342 East Lake Rd.
Skaneateles, NY 13152
Tax Map #034.-04-24.0

Present: Jeff Reid, Representative, Applicant's Son
Bruce Reid, Applicant

Chair Rhoads described the proposal is for construction of a detached 24ft. x 28ft. garage, requesting an increase in preexisting nonconforming ISC and side yard setback. Jeff Reid, son of Bruce and Lorraine Reid, represented the Applicants. Mr. Reid reviewed the required variances are for the 8ft. setback from the south property line and an increase in ISC from 10.47% to 12.25%. The preexisting nonconforming lot is 0.87 acres. Mr. Reid stated he had been in contact with the neighbors to the north, east and south, all were in support of the application.

Mr. Reid reviewed the previous discussion with the Board from the April ZBA meeting and again inquired what the maximum allowed ISC increase could be granted for this proposal. He referenced the Osmun application, which granted the Applicant an increase in ISC from 10% to 11.3% as a result of safety concerns. Mr. Reid then proposed an alternative option for the location of the 2-car detached garage, moving the garage west toward West Lake Rd. by 12.5ft to 13ft. resulting in a decrease in the

proposed ISC. This would reduce the proposed ISC by 180sq.ft., reflecting an increase in ISC from 10.47% to 11.76%. Vice Chair Palen suggested the use of permeable pavers in the driveway turnaround in an effort to reduce the ISC further. Mr. Reid stated permeable pavers were discussed but would be dug up in the winter during snow removal and did not feel it was feasible to include them in the driveway. Member Ketchum noted the 1.29% ISC increase proposed as a result of the alternative location would not be accurate as it would not accommodate for the additional width of tarvia that would be required create an access up to both garage doors. Mr. Reid suggested the Applicant could consider a 2-car garage with one large door to access the garage rather than 2 separate doors, this option may not require as wide of a paved access area. Member Kiefer inquired what items would be stored in the garage and asked where they are currently. Mr. Reid answered a sedan, a pickup truck, and a riding lawnmower are the primary items the garage would be used to store, currently they sit in the open elements.

Member Lee stated he would rather see a driveway encroach on the property line than the proposed garage and would prefer to see the garage located closer to the dwelling and West Lake Rd. Member Ketchum stated she would like to see the proposed garage located closer to the dwelling as well, especially given the age of the Applicants as it would reduce a number of safety concerns. Member Kiefer suggested the Applicant entertain the proposal for a 1-car garage, which would reduce the proposed ISC and eliminate the required side yard setback variance. The Board agreed they would like the Applicant to submit alternative plans reflecting a compromise for the proposal. At this time Mr. Reid has not consulted a design professional to create an alternative proposal.

Chair Rhoads asked if anyone would like the public hearing notice to be read, no one spoke. All Board members have conducted a site visit of the property and the Applicant did have the location of the proposed garage staked for viewing.

WHEREFORE, a motion was made by Vice Chair Palen and seconded by Member Ketchum 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.

At this time Chair Rhoads opened the public hearing, stating the Board received letter of support from Barry Maturevitz, owner of Eastmere Farms, the east and south adjacent properties located on East Lake Rd. The letter requested Mr. & Mrs. Reid survey and stake the property with pins to delineate the property lines giving an accurate side yard setback. Chair Rhoads asked if there was anyone who would like to make any additional comments regarding the application, no one spoke.

WHEREFORE, a motion was made by Member Ketchum and seconded by Member Kiefer to continue the public hearing on *Tuesday, June 1, 2021 at 7:10 pm*. The Board having been polled resulted in unanimous affirmation of said motion.

Public Hearing

Applicant: Joseph & Linda Dwyer
867 Milford Dr.
Skaneateles, NY 13152
Tax Map #047.-02-04.0

Present: Bob Eggleston, Architect
Joseph & Linda Dwyer, Owners

Chair Rhoads described the proposal is for the construction of a 22ft. x 22ft. attached garage, enlargement of an existing porch to 8ft. x 20ft., and the addition of a 12ft. x 20ft. deck. Bob Eggleston, Architect,

reviewed this property currently has a 1-car garage with 900sq.ft. of living space. The benefits sought by the Dwyer's are a 2-car attached garage with some additional living space to allow for laundry on the living level. The dwelling is served by Town water and is not located within the LWOD. The Applicant has contacted the east adjacent neighbor, Carl Byrne, requesting the acquisition of 8,000sq.ft. of his large property. Mr. Eggleston recalled the site plan of the proposal submitted to Mr. Byrne; however, Mr. Byrne denied the Dwyer's request. If Mr. Byrne had agreed to sell 8,000sq.ft. of his property to the Applicant the property would become compliant even after the proposed improvements with an ISC of 12.5%. Mr. Byrne's ISC would increase from 4.3% to 4.6% with the proposed property line change. Mr. Byrne has been granted area variances for accessory buildings that have not yet been completed, if he were to complete the proposed approved projects, he would remain under the allowed 10% ISC for his property after giving up 8,000sq.ft.

Mr. Eggleston reviewed mitigating factors such as the addition of an 8ft. x 20ft. bioswale in the south east corner of the lot, this will perform for the property beyond simply treating the runoff rainwater. Currently the rainwater runs off the roof and out of the gutters to the north east corner of the lot where the septic field is located, this is not good for the septic field. Mr. Byrne has concern with his lot being low and wet and he feels there is water coming from the houses on Milford Drive, Mr. Byrne has installed a French drain on his property to mitigate this issue and protect his septic system. The proposed roof has been designed in such a way that stormwater runoff from the house and the driveway would be directed into the proposed bioswale, protecting the Dwyer's septic field while removing water that has been flowing onto Mr. Byrne's property. Highway Superintendent Wellington, who maintains the drainage on Milford Drive, submitted a letter to the ZBA expressing his belief the proposed bioswale and the underdrain directed into the road ditch will be acceptable and should not cause any problems with stormwater on Milford Drive.

Mr. Eggleston appreciates it is not a common request to increase ISC, however the Dwyer's have exhausted all of their options while trying to make the house a little more suitable for themselves in their retirement. He noted they have made as many reductions as they can, and they are proposing a system to treat the stormwater runoff and reminded the Board the property is not in LWOD.

Member Ketchum sought clarification on the staircase reflected in the northeast corner of the dwelling as it is a ranch. Mr. Eggleston explained it was the access to the basement and the direction of the stairs was mislabeled.

Chair Rhoads asked if anyone would like the public hearing notice to be read, no one spoke. All Board members have conducted a site visit of the property.

WHEREFORE, a motion was made by Vice Chair Palen and seconded by Member Kiefer 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.

At this time Chair Rhoads opened the public hearing, stating the Board received Letters of No Objection from the following neighbors: Kenneth Bennett, 862 Milford Drive; Elizabeth Knickerbocker, 870 Milford Drive; Matthew Major, 855 Milford Drive; and Carl Byrne, 887 West Elizabeth Street. Chair Rhoads asked if there was anyone who would like to make any additional comments regarding the application, no one spoke.

WHEREFORE, a motion was made by Chair Rhoads and seconded by Member Lee to continue the public hearing on *Tuesday, June 1, 2021 at 7:20pm*. The Board having been polled resulted in unanimous affirmation of said motion.

Minutes

Previous distribution to the Board of the regular meeting minutes of April 6, 2021 was executed and all members present acknowledged receipt of those minutes.

WHEREFORE, a motion was made by Member Lee and seconded by Vice Chair Palen to accept the April 6, 2021 minutes as presented. The Board having been polled resulted in unanimous affirmation of said motion.

Record of Vote

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|------------------------|---------------|
| 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] |

Member hours for the present Board members were requested and submitted for those who attended in the month of April 2021 via email.

Other Board Business

Chair Rhoads reminded the Board of the Planning & Zoning meeting scheduled for Tuesday, May 11, 2021 at 6:30pm to discuss Planned Units Developments.

Chair Roads discussed various training opportunities available for the Board Members to attend. Vice Chair Palen shared an upcoming webinar offered by New York Planning Federation as well.

Clerk Barkdull informed the ZBA during the Monday, May 3, 2021 Town Board meeting, the TB had approved an extension formally requested by the PB granting an additional 90 days to review the proposed Local Law A-2021 and submit comments or recommendations.

There being no further Board business, a motion was made by Member Ketchum and seconded by Member Kiefer to adjourn the meeting. The Zoning Board of Appeals meeting adjourned at 8:34 pm.

Respectfully Submitted,
Kim Benda