

**TOWN OF SKANEATELES
ZONING BOARD OF APPEALS
MEETING MINUTES OF
October 10, 2023**

Present:

Denise Rhoads, Chair
Kris Kiefer
Dave Lee
Sherill Ketchum
Scott Molnar, Attorney
Karen Barkdull, P&Z Clerk
Aimie Case, ZBA Clerk

Absent:

David Palen, Vice Chair

Chair Rhoads opened the meeting at 7:02 pm.

Minutes

Previous distribution to the Board of the regular meeting minutes of September 12, 2023, was executed, and all members present acknowledged receipt of those minutes.

WHEREFORE, a motion was made by Member Lee and seconded by Member Kiefer to accept the September 12, 2023, minutes as presented. The Board having been polled resulted in unanimous affirmation of said motion.

Record of Vote

Chair	Denise Rhoads	Present [Yes]
Vice Chair	David Palen	Absent [X]
Member	Kris Kiefer	Present [Yes]
Member	Dave Lee	Present [Yes]
Member	Sherill Ketchum	Present [Yes]

Public Hearing

Applicant:	Dennis & Tracey McCarthy 1 Sachem Drive Skaneateles, NY 13152	Property:	3241 East Lake Road Skaneateles, NY 13152 Tax Map #040.-01-08.0
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Present: Andrew Ramsgard, Ramsgard Architectural Design
Dennis McCarthy, Applicant

Tracey McCarthy, Applicant

A site visit was conducted by the Board on September 23, 2023. Member Kiefer was unable to attend on the 23rd but conducted his own visit on October 10, 2023.

The applicant is seeking approval to renovate their existing single-family residence at 3241 East Lake Road and construct a detached garage. Architect, Andy Ramsgard represented applicants, Dennis, and Tracey McCarthy. All were all present.

The existing dwelling is on a 0.6-acre lot in the RF District. This is an existing nonconforming lot as it does not comply with minimum side yard setbacks and lake frontage. The proposed renovations and new construction will comply with all dimensional requirements except for minimum lake frontage. The applicant is requesting a variance of ± 7.30 feet regarding lake frontage. The existing lot has 67.7 feet of lake frontage whereas 75 feet is required. The proposed new construction of a 24-foot by 20-foot detached garage will have a 30.0-foot setback from Fire Lane S and is set 190.7 feet away from the lake. Mr. Ramsgard noted that the proposed changes to the roofline of the dwelling would allow additional living space by including a loft area as opposed to altering the original footprint of the dwelling. By keeping with the original footprint, full compliance can be maintained in terms of density control schedule requirements.

The existing semi enclosed porch will be altered by the demolition of one wall and a patio will be added to the northwest side of the dwelling. A new septic will be installed.

A portion of the existing driveway will be demolished, and a new 50-foot (818.50 sf) driveway will meet the east facing side of the garage. The proposed permeable patios off the garage and house, as well as the permeable walkway between the two structures will fall within the impermeable surface coverage requirements.

It was stated for the record that two letters of support, from the north and the south boundary neighbors, had been received and added to the file.

At this time, Chair Rhoads asked if there was anyone who would like the public hearing notice read. No one requested the public hearing notice to be read into the record.

WHEREFORE, a motion was made by Member Ketchum and seconded by Member Lee to consider the proposed action as a Type II SEQR action as per section 617.5(c)(17) and not subject to SEQR review. The Board having been polled resulted in the unanimous affirmation of said motion.

WHEREFORE, a motion was made by Member Kiefer and seconded by Member Ketchum to open the public hearing. The Board having been polled resulted in unanimous affirmation of said motion.

At this time Chair Rhoads asked if there were any questions or comments regarding the application. There were none.

WHEREFORE, a motion was made by Member Lee and seconded by Member Kiefer to close the public hearing. The Board having been polled resulted in unanimous affirmation of said motion.

Chair Rhoads asked that Counsel Molnar take the Board through the Statutory Criteria set forth in Town Code for an area variance. At this time, the Board reviewed the Five Criteria for the area variance

concerning the applicable sections of Town Zoning Code: 148-8-9-A.1.b.G -- Nonconforming Minimum Lake Frontage. Counsel Molnar stated when considering the benefit to the Applicant if the area variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community, the Zoning Board of Appeals is charged with answering these five questions:

FACTORS CONSIDERED IN CONTEMPLATING THE AREA VARIANCE:

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance:

Yes No

Reasons: No. The proposed renovations to the existing dwelling will allow for a second story loft while keeping with the existing footprint. The proposed new construction of a 24'x24' two story, two car, detached garage will improve the aesthetics of the property and will have a 30-foot setback from Fire Lane S. The proposed plans will bring the structure into compliance with all dimensional requirements except for lake frontage, which will require a variance of 7.30 feet.

2. Whether the benefit sought by the Applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance:

Yes No

Reasons: No. The benefit sought by the Applicant cannot be achieved without an area variance as the property is a preexisting nonconforming lot with only 67.7-feet of lineal lake frontage, necessitating an area variance. The proposal is not any more nonconforming than what currently exists.

3. Whether the requested variance is substantial:

Yes No

Reasons: No. The requested variance is not substantial because the footprint of the existing structure will not change with the proposed renovations. All dimensional requirements will be met except for lake frontage, requiring a variance of 7.30 feet. The building site is over 200 feet from the lake and 30 feet from Fire Lane S.

4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district:

Yes No

Reasons: No. The proposed improvements will not have an adverse effect on the physical or environmental condition in the neighborhood. Construction will be over 200 feet from the lake while keeping with the existing footprint of the dwelling. An existing porch wall will be demolished, and a new permeable patio will be installed 190.7 feet from the lake. The proposed new detached garage will be built within compliance and will sit over 300 feet from the lake and a significant distance from the existing dwelling. There will be no significant change in drainage to the property. The septic will be evaluated, and improvements will be made if necessary. A detailed construction sequence, including silt fences has been established and will ensure protection of the environment.

5. Whether the alleged difficulty was self-created:

Yes No

Reasons: Yes, by majority vote.

RECORD OF VOTE

MEMBER NAME	AYE	NAY	ABSENT
Chair DENISE RHOADS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vice Chair DAVID PALEN	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Member KRIS KIEFER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Member DAVE LEE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Member SHERILL KETCHUM	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

DETERMINATION OF ZBA BASED ON THE ABOVE FACTORS:

The ZBA, after taking into consideration the above five factors, upon a motion made by Chair Rhoads, duly seconded by Member Ketchum and a unanimous (4-0) affirmation of all Members present as recorded herein, approves the variances requested, and finds as follows:

- the Benefit to the Applicant DOES NOT outweigh the Detriment to the Neighborhood or Community and therefore the variance request is denied.
- the Benefit to the Applicant DOES outweigh the Detriment to the Neighborhood or Community.

Reasons: In review of the stated 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. This decision is based on all the evidence presented in the Application, the Record, as well as the Board members' inspection of the property, and is conditioned as follows:

STANDARD CONDITIONS:

1. That the Applicant obtain any necessary permit(s) from the Codes Enforcement Officer or otherwise commence the use within one (1) year from the filing of the variance decision. Any application for zoning/building permit(s) shall terminate and become void if the project is not completed within the eighteen (18) months from the issuance of the permit(s).
2. That the Applicant shall obtain all necessary permits and approvals from the Planning Board

and any agency or authority having jurisdiction over the Property or Application.

3. That the Applicant obtain a Certificate of Occupancy and/or Certificate of Compliance, as required, from the Codes Enforcement Officer.

4. That the Applicant notify the Codes Enforcement Officer on completion of the footing of any project for which a variance has been obtained; and

ADDITIONAL CONDITIONS: The ZBA finds that the following additional conditions are necessary to minimize adverse impacts upon the neighborhood or community:

1. That the Site Plan dated July 31, 2023, with Narrative dated July 31, 2023, prepared by Andrew Ramsgard, Ramsgard Architectural Design be complied with in all respects; and
2. That the Applicant obtain Town of Skaneateles Planning Board approval of the Site Plan and Narrative, together with compliance of any conditions the Planning Board may impose, if different; and
3. That the Applicant obtain and comply with any state agency approvals.

Denise Rhoads
Chair, Zoning Board of Appeals

Date

RECORD OF VOTE

MEMBER NAME	AYE	NAY	ABSENT
Chair DENISE RHOADS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vice Chair DAVID PALEN	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Member KRIS KIEFER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Member DAVE LEE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Member SHERILL KETCHUM	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion:

The next ZBA meeting will be held on November 14, 2023, at 7:00 pm.

The Board continued their review of the Town's proposed Shoreline legislation, 148-7-1K--Shoreline Regulations. Board Members commented on their concerns and suggestions, to be submitted collectively to the Town Board and Shoreline Committee. Counsel Molnar recommended that the Board make a motion. A motion was made by Member Ketchum and seconded by Member Kiefer to endorse the proposed Shoreline regulations, with comments. The ZBA's endorsement, along with comments, are outlined in the attached referral letter.

There being no further Board business, a motion was made by Member Kiefer and seconded by Member Lee to adjourn the meeting. The Zoning Board of Appeals meeting adjourned at 8:04 pm.

Respectfully Submitted,

Aimie Case
ZBA Clerk

Additional Meeting Attendees: Andrew Ramsgard, Ramsgard Architectural Design
Dennis McCarthy, Applicant
Tracey McCarthy, Applicant