

**Village of Skaneateles
Zoning Board of Appeals Public Hearing
July 23, 2013**

In the matter of the application of Thomas & Bettina Smallman to vary the strict application of Section 225-A5 Density Control Schedule for Percentage of open area, Front yard set-back and Rear yard set-back; and Section 225-69D Non-conforming Buildings, Structures and Uses, Extension or Expansion; to construct a front porch addition, a two story addition on the west side, a one story addition on the east side and a 7.5 foot high fence on the north side at the property addressed as 3 Chestnut Circle in the Village of Skaneateles.

Present: Lisa Banuski, Chairman
John Cromp, Member
Craig Phinney, Member
Larry Pardee, Member

Riccardo Galbato, Attorney for the ZBA
Dennis Dundon, Clerk to the ZBA

Robert Eggleston, Architect, representing the Applicants
Thomas Smallman, Applicant

Bill Hanbury, Skaneateles
Valerie Hanbury, Skaneateles
Robert Kleckner, Skaneateles
Cathy Kleckner, Skaneateles
George Kocsis, Skaneateles
Dawn Kocsis, Skaneateles
Jane Teffar, Skaneateles
Diane Weaver, Skaneateles
Alvin Poppen, Skaneateles
Carol Poppen, Skaneateles
Mary Sennett, Village Trustee
Adam D'Amico, CEO

Absent: Stephen Hartnett, Member

Chairman Banuski opened the Public Hearing at 8:08 pm announcing the application of Thomas & Bettina Smallman for 3 Chestnut Circle. Mr. Eggleston introduced himself and presented, "Chestnut Circle is a unique area where there is a cul-de-sac that serves just two houses. There are a total of four houses. Two of the original houses face and align with East Genesee Street and these are the two that set back. The colonial house is 1950s, 1960s vintage, and what they would like to do is put a front porch on it and also expand their kitchen. So they would like to

come out 6 feet to make the kitchen a little bigger, and under the same roof line put a 13 foot porch. Right now they have just a 1 foot overhang of the second floor cantilever for protection. The front steps are in tough shape, so they'd like to have a much more appropriate porch for the front. The second thing is to put a 14 by 18 foot two-story sunroom with a loft in it on the west side. The third element is to give them a little more storage for lawn equipment and things, to give them a 10 by 16 foot addition on the side of the garage. The house itself is an existing non-conforming structure; from the front yard 26.1 feet where 30 is required, and the rear yard is 27.1 feet, which is actually just one small corner – a variance was granted to Soderbergs so they could build a first floor master suite. That variance was granted several years ago. The open space is 84.3% which was part of the variance granted to the Soderbergs.”

Mr. Eggleston continued. “This application will increase the front yard set-back, in that the existing front yard is 26.1 and will become 20.8 feet. It will be for the porch and for that small addition on the kitchen. Because the house does not sit on Genesee Street, where you have a whole row of houses and you want to have a uniform set-back; it doesn't really have any other houses – it relates to the other house that is tweaked at an angle on the cul-de-sac. As a mitigating factor you don't have that strong street frontage that would be critical. The other variance is the open space that will reduce to 81% just from the square footage of these. Again 81% is not uncommon in this area; before 1986 the open area was 80%, so it is not out of character with many of the houses in the area. They put a fence in the back yard; they have cats that they want to allow to come and go, but they don't want them to roam the whole neighborhood. They got a building permit for a 6 foot tall fence, but they found that they needed to put ; have the fence curve in to keep the cats – they have some cats that like to jump – so now the fence is, I believe, 7, 7.5 feet tall. The Zoning Ordinance has a prohibition of any fence outside of the building envelope. In other words, once we get to our 35 foot required set-back, we have to be only 6 feet high. It doesn't prohibit a higher fence if it is back more than 35 feet from the property line. So the variance that we're talking about is just a small, little corner that's within 35 feet of the back yard. The other alternative is to cut off this corner of the fence; have an odd angle there. When they realized they were in non-conformance, they asked to have it included. So the existing fence is conforming until we get to the gate and then from there to the master bedroom addition it is non-conforming.”

Mr. Eggleston continued, “So that's the other variance that we are asking for. We will have the exterior finishes of the house consistent with the existing house so it will blend. We have purposely matched the window sizes and proportions on the front of the house to be consistent with the rest. The sunroom, obviously they wanted more glass -- it kind of looks into the back corner of the property, so they really are not looking into other people's houses. The adjacent neighbor's house is 60 feet away on Genesee Street. The house on Onondaga is about 35 to 40 feet away. And it is fairly well vegetated. The garage and the sunroom meet all the required set-backs, it is really the open space. Are there any questions relative to what they are proposing?”

Chairman Banuski said, “The only question I have is, it just seems like with the wings that this is getting on either side, if this is just a storage area on the east side, couldn't that be put back in line with the master bedroom that was added before? It seems like another; or is that all windows back there?” Mr. Eggleston, “Actually there aren't any windows in the back. I think that would be a little odd from the roof shapes – it's not like you just make the gable bigger. We

could do a rather tacky throw some rafters up or something. What I thought complemented the house bookends. While Griffin Street has rather narrow lots and houses and they tend to go back, this is a different kind of street – much wider street, the way that it is laid out. We actually conform with the percentage of lot width.” Chairman Banuski said, “How about the vegetation that’s in front of it. It looks like there’s a really pretty something there.” Mr. Eggleston, “They will maintain that.” Chairman Banuski, “Maybe it wouldn’t be one big blank.” Mr. Eggleston, “Absolutely. With the sunroom there’s a gorgeous red tree here. We set the sunroom back so we can keep and maintain the tree. Over here, that tree will maintain. We are really not removing any trees on the front.”

Chairman Banuski opened the public comment portion of the hearing, asking, “Is there anyone who would like to speak in favor of this application?” Mr. Smallman, “It’s not just storage that thing to the side. We actually have a little tractor which has a snowblower on it and basically there’s no place for that in the garage. The garage is as tight as you can be for just simply a pickup truck and a standard vehicle. I thought a gazillion ways to try to put something out the back, but the roofs just don’t work. We actually love the vegetation in front of the house. The front of the house will look exactly as it does now, except that when you stand in front of the front door, you will not have ice or snow or water coming down on you.”

Chairman Banuski asked, “Any other comments or questions?” Mr. Weaver said, “The fence is essentially going to be 30 feet from the property line.” Mr. Eggleston, “It will be exactly where it is today. It was put up with the proper intentions. When it ended up 7.5 foot, I noticed it, we talked about it. We pointed it out to Adam and said we’d like to include this.” Chairman Banuski, “So the fence exists; it’s not a proposed fence, it is an existing fence.” Mr. Eggleston, “What we’re trying to do is make that right.” Mr. Smallman, “I actually spoke to all the neighbors except I guess I didn’t talk to you – sorry about that. One neighbor said he didn’t like the look of the fence – it almost looks prison-like. So what we’re going to do and we have contracted somebody to do it, we’re going to do hostas around the base of it and then there is some sort of ivy product that is pre-planted that will go around the base. So that whole thing is going to be covered in ivy, so you will not see it.” Mr. Weaver, “What kind of fence is it?” Mr. Eggleston, “It’s a black chain link fence.”

Mr. Eggleston said, “And we have submitted letters from the neighbors.” For the record Member Phinney read, “Re: Thomas & Bettina Smallman’s area variance. We the undersigned are aware that Thomas & Bettina Smallman are proposing to extend their kitchen, add a front porch, add a sunroom and add a 7 foot 6 inch fence in rear yard and add 10 foot by 16 foot storage on side of garage to their property at 3 Chestnut Circle. We are aware that this requires an area variance. We have reviewed the drawings of Robert O. Eggleston, architect, dated June 21st 2013 and have no objection to this application.’ It is the residents at 14 Onondaga, 127 East Genesee, 5 Chestnut Circle, 135 East Genesee, 129 East Genesee and 12 Onondaga Street.”

Chairman Banuski said, “There being no other comments I move that we close the Public Hearing.” Member Pardee seconded the motion. Upon the unanimous vote of the members present in favor of the motion, the Public Hearing was closed.

Chairman Banuski said, "I will move that we approve the application of Thomas & Bettina Smallman to vary the strict application of Section 225-A5 Density Control Schedule for Percentage of open area, Front yard set-back and Rear yard set-back; and Section 225-69D Non-conforming Buildings, Structures and Uses, Extension or Expansion; to construct a front porch addition, a two story addition on the west side, a one story addition on the east side, a front porch and kitchen addition on the south side and approve an existing 7.5 foot high fence on the north side at the property addressed as 3 Chestnut Circle in the Village of Skaneateles. This is a Type 2 transaction under SEQRA and is based on 3 pages of drawings dated 21 June 2013. The project is to be completed with 2 years." Member Pardee seconded the motion. Upon the unanimous vote of the members present in favor of the motion, Chairman Banuski announced that the motion was passed. Mr. Eggleston thanked the Board. This matter was concluded at 8:25 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards