

Village of Skaneateles
Zoning Board of Appeals Public Hearing
December 2, 2013

In the matter of the application submitted by **Virginia Bryce** to vary the strict application of Section 225-69D Non-conforming Buildings, Structures and Uses, Extension or Expansion; and Section 225-14C5a Accessory buildings, distance to lot lines or structures, to remove an existing garage and replace it with a one-car garage at the property addressed as **8 Orchard Road** in the Village of Skaneateles.

Present: Craig Phinney, Chairman
 Mike Balestra, Member
 John Cromp, Member
 Larry Pardee, Member

Dennis Dundon, Clerk to the ZBA

Mary Sennett, Village Trustee
Kathleen Burke, Skaneateles
Tim McNally, Skaneateles

Absent: David Badami, Member

Chairman Phinney opened the Public Hearing at 7:30 pm announcing the request of Virginia Bryce for 8 Orchard Road for an extension of the variance granted on November 27, 2012. He noted that Ms. Bryce had requested the extension prior to the expiration of the variance, but it could not be heard because the Board's schedule had moved the meeting to December 2, 2013. He thought that the facts of the matter sounded reasonable in light of the circumstances.

Chairman Phinney said, "I move that we extend the variance for one year, so that construction is to be completed by December 1, 2014." Member Pardee seconded the motion. Upon the unanimous vote of the members present in favor of the motion, Chairman Phinney announced, "The motion is passed." This matter was concluded at 7:32 PM.

Village of Skaneateles
Zoning Board of Appeals Public Hearing
December 2, 2013

In the matter of the application submitted by **Katherine Burke** for a Special Use Permit and to vary the strict application of Section 225-A5 Density Control Schedule for Side yard set-back left; Rear yard set-back; and Percentage of open area and Section 225-23 c(1) Minimum lot dimension for supplemental apartment to remove a 1-story wing, rebuild a 14 foot by 19 foot 2-story wing, add a 17 foot dormer to house, remove a 2-car garage and construct a 24 foot by 34 foot 2-car garage with a 741 SF supplemental apartment above at the property addressed as **10 State Street** in the Village of Skaneateles.

Present: Craig Phinney, Chairman
 Mike Balestra, Member
 John Crompton, Member
 Larry Pardee, Member

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

 Robert Eggleston, Architect, on behalf of the Applicant
 Kathleen Burke, Skaneateles, Applicant

 Tim McNally, Skaneateles

Absent: David Badami, Member

Chairman Phinney opened the Public Hearing at 7:33 pm announcing the application of Katherine Burke for 10 State Street. Ms. Burke introduced herself and presented, "Aunt Ginny, who is 86 years old, needs to reside with me. I oversee her. So we came up with this carriage barn. I have a Master of Fine Arts and a Master of Arts, so I'm very keen on the esthetic piece. I'm looking to house her comfortably; and that's the way to do it; and continue to run my home, I have 4 children, so they return. It provides the space. The addition is something that wouldn't need a variance to change – so it's really the question of this barn and the size of the barn.. and ultimately it is a 200 year-old property that originally had a beautiful carriage barn that was ripped down and now it is sitting there with a garage that's not really up to code. So I'm looking to get rid of it; and it's not large, and it's within the boundaries of what we're; and I have quite a lot of yard space so it should seem actually proportionally small for the house really."

Chairman Phinney, "And in the back, I noticed the fences are a little off-kilter, in the back toward Legg Hall. Are the measurements going to go back closest to Legg Hall?" Ms. Burke, "No, because I'm friends with a lot of the people at Legg Hall, we discussed; they moved their fence actually off my property – they had a bit of it on the property. So I think everybody is

really clear about the boundary. Jack Varney's wife agreed and signed on a piece of paper."
[Mr. Eggleston arrived]

Mr. Eggleston said, "As you are aware this is an historic house and Kathy Burke has done an awesome job of; she got permission for a bed & breakfast and she has two just wonderful stellar suites that are very early federal. The first item is she wants to take this little shed addition – which is the current laundry room – tear it down, build a little bit bigger laundry/mud room. Right now she has just a bedroom squeezed under the roof and her 7 foot son has a challenge using it. So we are going to put a two-story addition to complement the house on the side. This addition, in and of itself, does not need a variance. The house is conforming, it meets the open space, but it is part of the project and I included it. We are sticking with the architectural features of the house. The house is not part of the Historic District, but we are paying attention to its architectural character."

Mr. Eggleston continued, "The garage is just a 1060s 'put up a garage'. What she would like to do is have a more appropriate structure – more of a carriage house look – there's one similar a couple of doors down on State Street. And her current need is that Aunt Ginny has come to live with her and she is building this for Aunt Ginny. We are allowed a supplemental apartment up to 800 SF; this would be 741 SF. It will have an outside entrance. The architectural design of it was very important – having an appropriate face toward State Street, but also you are in a fishbowl because you have such a long lawn to the Barrow Art Gallery and the Library. She wanted this façade -- a very visible façade – she wanted the traditional barn doors, so that if she has a party she can use this space and open it up to the lawn. So it has a kind of dual purpose in that respect. So we did put the entrance door just around the corner coming up. And we have anticipated Aunt Ginny's accessibility issues; whether we have an elevator or stair lift we are in the middle of that discussion right now, but that will all be internal. The longer range plan for Kathy since she is an artist is that once Aunt Ginny is not using it she sees this as her studio to do her own personal artwork."

Mr Eggleston continued, "The variances that we require – we do have a setback variance. A two-car garage is allowed to be 3 feet off the side property line and 15 feet off the back. We have placed it 5 feet off the side property line and 5 feet off the back. Because this is more than a two-car garage, it has a primary structure set-back so we are required to have a 15 foot side yard and 35 foot rear yard. We do feel that while we could just pit this in the middle of the lawn, we feel that this is an appropriate place, with a driveway. We leave 5 feet, because 5 feet is actually the building code separation to not require special fire rating on the walls. Also 5 feet allows us to align properly for the garage door. We are required to have one extra parking place for the supplemental apartment. We have two for the house in the garage, two for the B&B on the side, and then the fifth would be to the side of the door, in front of the garage. We were conforming at 85.9% open area; we will cut back to 84.03%, so we are less than 1% short of conforming, which is very unusual for lower State Street, where usually they are in the 70 to 75% range."

Chairman Phinney asked, "Is the overall height going to be pretty even with the barn on the Legg Hall property?" Mr. Eggleston, "It's going to be very similar to that." Chairman Phinney, "Similar to that because the other garage on the Legg Hall property is pretty high." Mr.

Eggleston, "We designed it from an architectural form-based image of what would be appropriate; especially for a stellar home like this, you would expect more than a 1960s two-car garage." Member Cromp, "I was reading over the Planning Board minutes – can you clarify for me the banter between you and Bruce Kenan about the elevator?" Mr. Eggleston said, "There was some question about having an elevator from a garage into a house. Yes, because an elevator has a fire-rated shaft. And you can't exit a house only through a garage, so that's why you come down the stairs and out the door, which is a fire-rated stair." Member Cromp asked, "Is there anything in the file from neighbors either for or against?" Mr. Eggleston said, "Yes, we do have Legg Hall, John Varney from Legg Hall or Judy Varney and then we have Carol ??" Member Comp read for the record, "'We the undersigned are aware that Katherine Burke is proposing to remove a one-story wing, rebuild a 14 foot by 19 foot two-story wing, add a 17 foot dormer to the house, remove a two-car garage and construct a 24 by 34 foot two-car garage with a 741 SF supplemental apartment to the property at 10 State Street. We are aware that this requires an area variance and special use permit. We have reviewed the drawings of Robert Eggleston, architect, dates October 24, 2013 and have no objection to this application.' This was signed by Judy Varney at 74 East Genesee Street and last name Carroll at 14 State Street."

Member Balestra asked, "There are some big trees to the north side of the garage – a pair of big, tall very tall trees. It would be a shame to lose them. Are you going to take those out?" Ms. Burke, "I like all the trees. The ones that are on the very north edge have been trimmed by Legg Hall, so how stable and ready to remain there is a good question. One of them was a black walnut. They are just kind of standing there, they are not all graceful. They are trimming them all the time to keep them contained and eventually they will come down, because they are retiring. I am landscaping all the time, I have put a lot of trees on the property and I have saved the black walnut on the other edge. So I have done my best to save the trees." Chairman Phinney said, "The fences are two different depths, and we were not quite sure which fence you were going to measure to when you are doing your 5 feet." Mr. Eggleston said, "We are going to measure to the property line." Chairman Phinney, "Is the property line between the two fences or one of the two fences?" Mr. Eggleston, "The surveyor will tell us."

Chairman Phinney opened the public comment portion of the hearing asking, "Is there anyone to speak in favor of this project?" Hearing no one he asked, "Is there anyone to speak against this project?" Again hearing no one, he said, "I will move to close the public hearing." Member Pardee seconded the motion. Upon the unanimous vote of the members present in favor of the motion, Chairman Phinney announced, "The Hearing is closed."

Member Pardee said, "I move that in the matter of the application of Katherine Burke for a Special Use Permit and to vary the strict application of Section 225-A5 Density Control Schedule for Side yard set-back left; Rear yard set-back; and Percentage of open area and Section 225-23 c(1) Minimum lot dimension for supplemental apartment to remove a 1-story wing, rebuild a 14 foot by 19 foot 2-story wing, add a 17 foot dormer to house, remove a 2-car garage and construct a 24 foot by 34 foot 2-car garage with a 741 SF supplemental apartment above at the property addressed as 10 State Street in the Village of Skaneateles, that we grant the Special Use Permit and Variances requested based on 3 pages of drawings dated October 24, 2013. This is a Type 2 action under SEQRA, and the

Applicant will have two years to complete the project.” Member Crompt seconded the motion.

Upon the unanimous vote of the members present in favor of the motion, Chairman Phinney announced, “The motion is passed.” This matter was concluded at 7:49 PM.

**Village of Skaneateles
Zoning Board of Appeals Public Hearing
December 2, 2013**

In the matter of the application submitted by **David & Amy Allyn** to vary the strict application of Section 225-A5 Density Control Schedule for Side yard set-back, right; Rear yard set-back; and Percentage of open area; to remove a play area, relocate shed and gazebo, construct 20 foot by 24 foot recreation room on the back of the garage and construct 11 foot by 34 foot storage area on the side of the garage at the property addressed as **14 West Lake Street** in the Village of Skaneateles.

Present: Craig Phinney, Chairman
 Mike Balestra, Member
 John Cromp, Member
 Larry Pardee, Member

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

 Robert Eggleston, Architect, on behalf of the Applicant
 Tim McNally, Skaneateles, on behalf of the Applicant

Absent: David Badami, Member

Chairman Phinney opened the Public Hearing at 7:50 pm announcing the application of David & Amy Allyn for 14 West Lake Street. Mr. Eggleston introduced himself and presented, “The Allyn family has occupied this property for 4 generations. The house was bought for Noah Allyn’s second wife; Lew Allyn raised his family in it and now David Allyn is there. They have made improvements to the house over the years and they do have 4 kids. The property has a two-car garage, a 1-car garage and the gazebo, originally built for Mrs. Allyn, and is an important structure to the family. We are going to relocate the gazebo actually to a point where, when you look out the back of the house, it makes a nice turning access for their L-shaped, boomerang-shaped lot. The one-car garage, while it is totally outplayed its usefulness and is just used for storage, they want to maintain and are going to relocate it to the back corner for extra storage for seasonal items. Currently the two-car garage, while it does accommodate two cars, usually has a collector automobile in it all the time. The upstairs happens to be the home practice for the Mere Mortals.”

Mr. Eggleston continued, “What they would like – they don’t have a suitable basement to create a rec room -- they wanted a little more living space – so we are proposing by relocating these two structures, to build a 24 by 20 foot wing in the back. It will be 1 ½ story, 2 story space and architecturally we are respecting the garage, and just stepping the roofline down – but it’s a big volume space. It will have just a 6 foot loft on the second level from the Mere Mortals band room. The intent is that they have bought a little bowling machine and a small parlor pool table and just a little bar area, where they can go and have recreation functions, that type of thing.

The other thing that they wanted to do is to add an 11 foot wing on the side where they can put the sports car; we have actually relocated the boiler room to the back so they can fit the car in there, but also the bikes; Dave Allyn has a thing for grills – he has about 4 or 5 of them.”

Mr. Eggleston continued, “The variances that we’re asking for – if this was a two-car garage we’d be allowed a 3 foot side yard set-back. The existing garage that we are relocating is actually 2.4 feet. We will be proposing 5 feet. That will give us the required 10 foot separation from the Duggan’s garage next door. We meet the requirement for the separation from the house to the garage. So, because it is more that a two-car garage it requires a 25 foot side yard set-back and 35 foot rear yard set-back. We are asking for a 5 foot, 5.2 foot set-back for the two, again which meets the NYS building code separation requirements. With Tim McNally doing the work, we intend on keeping the character of the garage and making it a structure worthy of the property and the home. There will be a slight decrease in the open area from a conforming 20.2% coverage; we will be going to 89.6%, which is 0.4% on open space. They have talked to the two immediate neighbors – that’s Lynn Cleary, Dave Duggan and the Pidhirnys.”

Member Crompt said, “I’ll read this in ‘To David & Amy Allyn, we the undersigned are aware that David and Amy Allyn are proposing to remove play area, relocate shed and gazebo, add a 20 by 24 foot rec room on the back of the garage and an 11 by 34 foot storage area on side of garage to the property at 14 West Lake Street. We are aware this requires an area variance. We have reviewed the drawings of Robert Eggleston dated October 24, 2013 and have no objection to this application.’ Signed 10 West Lake Street for Duggan and Cleary and 16 West Lake Street for John and Pam Pidhirny.”

Member Pardee asked, “Is the band room going to be thoroughly insulated for sound?” Mr. McNally said, “It already is.” Mr. Eggleston said, “It is thermally insulated.” Member Crompt, “So they use this currently for the band, is what you’re saying; and I guess we haven’t heard anything. I had a question. Was there any thought; on the relocation of the shed I guess the neighbors didn’t have any quarrel with that, was there any problem moving it someplace else?” Mr. Eggleston, “It’s a conforming location, we can just do it. Again, I have included it in the application; we could have moved it.” Chairman Phinney. “It’s kind of hidden by the vegetation also?” Mr. McNally, “That’s why we had the vegetation placed on the ...” Mr. Eggleston, “So we knew where to place it; so it’s right in the edge. As one’s eye is led to the gazebo, it kind of gives you an architectural interest and point there, It something that the less used items occupy. It was a great structure and why waste it.” Member Crompt, “It was tough seeing exactly where it would be in the vegetation; but I just wondered if the neighbors knew about it; knew it was going to be moved.”

Chairman Phinney opened the public comment portion of the hearing asking, “It is open for anyone to speak in favor of the project.” Hearing no one, he asked, “Against?” Again hearing no one he said “I move that we close the Public Hearing.” The motion was seconded by Member Pardee. Upon the unanimous vote of the members present in favor of the motion, Chairman Phinney announced, “The Hearing is closed.”

Member Crompt said, “I make the motion that we approve the application of David & Amy Allyn to vary the strict application of Section 225-A5 Density Control Schedule for Side

yard set-back, right; Rear yard set-back; and Percentage of open area; to remove a play area, relocate shed and gazebo, construct 20 foot by 24 foot recreation room on the back of the garage and construct 11 foot by 34 foot storage area on the side of the garage at the property addressed as 14 West Lake Street in the Village of Skaneateles. This approval is based on 3 pages of drawings dated October 24, 2013. This is a Type 2 action under SEQRA and the applicant will have two years to complete the project.” Member Pardee seconded the motion. Upon the unanimous vote of the members present in favor of the motion, Chairman Phinney announced, “The motion is passed.” This matter was concluded at 8:00 pm.

**Village of Skaneateles
Zoning Board of Appeals Public Hearing
December 2, 2013**

In the matter of the request from Robert Eggleston, Architect on behalf of **Doug & Nancy McDowell** to consider modification of variances granted on August 27, 2013 for the property addressed as **30 Hannum Street** in the Village of Skaneateles.

Present: Craig Phinney, Chairman
 Mike Balestra, Member
 John Cromp, Member
 Larry Pardee, Member

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

 Robert Eggleston, Architect, on behalf of the Applicant

 Adam D'Amico, Code Enforcement Officer
 Tim McNally, Skaneateles

Absent: David Badami, Member

Chairman Phinney opened the discussion at 8:02 pm regarding Doug & Nancy McDowell for 30 Hannum Street. Mr. Eggleston introduced himself and presented, "Back in maybe September, we were given Zoning approval to put 1-story additions onto the house that the McDowells recently purchased on the corner of Hannum and Kelley Streets. At the time I made several phone calls to a person with the City of Syracuse who never returned the phone calls. It wasn't until we got our building permit and filed for the underground facilities to come out and mark the utilities – there are two City of Syracuse water lines that cross the property. At the time, even the surveyor did not have the legal right-of-way location. I know working on the Creamery across the street there is no right-of-ways; in fact the water line goes underneath the Creamery. There were agreements between the Village and the City of Syracuse for any work that might have to happen in the future, and how it would be dealt with."

Mr. Eggleston continued, "This had received an addition to the far west by the previous owner, Mrs. Tardiff, and in the original deed it said that the City was responsible for any restoration of the house should they have to come in and work on the lines. Once we finally got the City's attention, they basically asked the McDowells to sign off on the City's right to rip down the house at your cost if we have to come in. The McDowells said 'no, we're not going there'. When we realized where we were, I have now shown the right-of-way – and there's a very small buildable area that's allowed. So we redesigned the house as a 2-story – a second story addition going straight up – and the only first floor footprint change is an extension of the deck within the area outside the right-of-way. Off the garage was a small little kitchen, and then a small living

room and dining room; we flipped the house putting the kitchen over in this bedroom wing, and this deck and steps actually gives them good access to a parking area that is established off from Hannum Street. We have just opened up the first floor as living space and then put 2 bedrooms and 2 bathrooms and a small study upstairs. We do have a letter that we have copied you saying the City saying 'we don't like it but I guess you can do it'. So we finally have the sign-off from the City accepting this plan."

Mr. Eggleston continued, "So the question is, what does this mean for the variance that was granted? In the past when there have been changes, if it made the variances more significant, we had to start the process all over. In this case actually, a lot of the variances go away. The front yard had a new yard of 6.3 feet, but now we will still be no closer than the existing front yard. The left side yard is fine. The second front yard we were actually at 27.6; while it is going to be 25, it is still less than the 2.8 that was existing. The minimal living space was non-conforming to begin with; as a result we will be 1900 SF instead of 1500 SF. None of the variances are any greater than what the original variances were – we are just going straight up. Traditionally it has been the prerogative of this Board to accept the revised plan, and that is for you to determine. We did contact the neighbor to the west, who had signed off before, and they have signed off on the new plan – the Yates family."

Chairman Phinney read the letter into the record, "It is 're: Doug & Nancy McDowell, 30 Hannum Street. We the undersigned are aware that Doug & Nancy McDowell have modified their plans and are proposing to add a second story to their home and add a 4.5 foot by 10 foot deck to their property at 30 Hannum Street. We are aware that this requires an area variance. We have reviewed the drawings of Robert O. Eggleston, Architect, dated November 18th, 2013 and have no objection to this application.' Signed by Mr. & Mrs. Yates at 42 Hannum Street."

Member Pardee asked, "Do you have the old drawings with you?" Mr. Eggleston, "I do." Attorney Galbato said, "Bob, as part of your presentation please state why this is an insignificant change that does not warrant an additional Public Hearing to approve the variances requested." Mr. Eggleston, "Yes. The original plan was expanding out – we were pushing out here, we were filling in here; we were putting this 16 by 14 foot addition on the side beyond the existing wing that was put on by Mrs. Tardiff. We were filling in where the deck was with house; we were adding a further deck out here; we were adding in here. These were all additions to the footprint which was disturbing to the City. In that we are now going vertical, and conforming in terms of the height restrictions – I think this has less impact on the site that what it did before."

Chairman Phinney asked, "Adam do you have an opinion while he is looking?" CEO D'Amico, "Well I agreed with the modification to existing variances because while the design looks different, the actual variances have been reduced. So they were not asking for anything more than they have already gotten. That's how I classified it." Mr. Eggleston illustrated the differences again for the Board, confirming that the only new footprint is a 4.5 by 10 foot extension to the deck. He said, "Since this is a large lot, we have no coverage issues. Between the creek and the two rights-of-way there is very little space to build on."

Member Crompton asked, "The outside materials, which the Planning Board might have questions about – what are the materials that will be used?" Mr. Eggleston, "What we were going to do

originally is maintain the 8 inch redwood siding. Because there is such a change in everything, we are going to use a bevel cement board, because we have to change all the windows. We will have a bevel siding on the first floor, shingle on the second floor, trying to keep that cottage look.” Member Crompt asked, “Since the Planning Board had received the drawings, has anyone said anything to you?” Mr. Eggleston, “No. The McDowells have suffered by inaction by the City of Syracuse, and have gutted. Now they need to get going. If we went through the complete new variance process we would not get approval until the end of December.” Member Crompt asked, “Do we want to act without the Planning Board looking at it. It’s a change in materials. Want to comment on this Rick?” Attorney Galbato, “I think the ZBA has to make a determination whether they felt that the evidence submitted in this revised proposal is a significant change from the variances that were approved originally for this project. If it is minor – deemed to be insignificant – the Board has historically and correctly made a decision on the revised plans. If you feel it is a significant change from what was previously approved, then it would go back to the Planning Board as a new application, and then a Public Hearing at your next ZBA meeting.”

CEO D’Amico, “I know as far as the materials and siding – if they wanted to just re-side the house it would not even require a building permit.” Mr. Eggleston, “The McDowells and I like to do things that are Village appropriate. How do we put a 2-story house on this site? It is surrounded by 2-story houses; the 1-story house is the exception.” Member Crompt said, “I guess I’m more comfortable with it than I was in the beginning of the evening when we didn’t know...” Chairman Phinney said, “I am also. I’m definitely more comfortable. You answered my questions and my concerns. I don’t have a real difficulty, particularly with the reduction in the number of variances. Every other house in the neighborhood is 2-stories.” Member Crompt, “And I do like the fact that they have at least gone to the Yates’.”

Attorney Galbato, “If it is the pleasure of the Board, then you entertain a motion that the revised proposal or plan is not a significant or substantial change to that originally adopted by the Zoning Board of Appeals on August 27, and then make your findings appropriate in regard to the revised plan and variances needed.” Mr. Eggleston, “They are ready to go so they don’t need an extension on the time.”

Member Crompt said, “I will make the motion that we find that this revised proposal is not a substantial or significant change from the plans approved by the Board on August 27, 2013 and note that the planned additions are for the most part within the original footprint of the house and that the variances needed for the revised plan are in fact less than those granted originally – and therefore recommend approval of the application based on drawings dated 11/18/13, retaining the original completion date limit.” Chairman Phinney seconded the motion. Upon the unanimous vote of the members present in favor of the motion, Chairman Phinney announced, “The motion is passed.”

Upon motion of Chairman Phinney seconded by Member Pardee the meeting was adjourned at 8:27 pm.

