

**Village of Skaneateles
Zoning Board of Appeals Public Hearing
February 25, 2014**

In the matter of the application of Ted Kinder for Special Use Permit and to vary the strict application of Section 225-A5 Density Control Schedule for Rear yard set-back, Percentage of structure width/lot width and minimum lot dimension; and section 225-58 Parking; to construct a new 3-story, wood frame, multi-family residential and commercial mixed-use building containing office tenants on Level 1 and 10 residential apartment units on Levels 1, 2 and 3 at the property addressed as 21 Fennell Street in the Village of Skaneateles.

Present: Craig Phinney, Chairman
 David Badami, Member
 Mike Balestra, Member
 Curt Coville, Member
 Larry Pardee, Member

 Riccardo Galbato, Attorney for the ZBA
 John Crompt, Code Enforcement Officer
 Dennis Dundon, Clerk to the ZBA
 Bob Lotkowitz, Dir. Municipal Operations
 Jorge Battle, Village Historian

 Chad Rogers, Architect, on behalf of the Applicant
 Jim Messenger, Attorney for Robert Hood
 Robert Eggleston, Architect, on behalf of Feldmanns

 Guy Donahoe, Marcellus
 Andy Wargo, Marcellus
 Kathleen Burke, Skaneateles
 Courtney Jones, Skaneateles
 James Alexander, Skaneateles
 Mark McSwain, Skaneateles
 Brian Hess, Skaneateles

Chairman Phinney opened the meeting at 7:30 pm introducing the Public Hearing in the application of Ted Kinder for 21 Fennell Street. Mr. Rogers introduced himself and presented, "Ted cannot be here tonight, so I am going to be representing him and his two other partners tonight. We are proposing a mixed-use building, three stories at 21 Fennell. This is, if you are not familiar with it, the site adjacent to Kinney Drugs, between the four houses and Skaneateles Creek. It is a triangular site behind. It was formerly the site of a large storage barn, the teal barn, that came down years ago due to substantial deterioration so it does not stand there today. This image was taken before it was demolished. Just the foundation is left on the site today and

asphalt parking. Unfortunately we can't restore the structure, so we are looking to propose a new building there that recalls that form and some of those materials. The new project will be named the Teasel Barn. It is going to contain 10 apartment units and two smaller commercial units. Some of the images on the board are precedent and also context shots. The two at the top are Slater Mill, that's in Pawtucket Rhode Island. That is our inspiration for the new building. There's a real simple clapboard, New England mill building adjacent to a stone mill – kind of similar to the Old Stone Mill in Skaneateles. And then obviously the Creamery and Kinney which are buildings in the neighborhood having similar materials to what we are proposing.”

Mr. Rogers continued, “I'll run through the building real quickly and then return to the site, and describe our variances and the parking. The floor plan is pretty simple -- due to the shape of the site it has influenced the shape of the building; sort of a fore-shortened triangle. Level 1 on the Fennell Street side has two apartment units and on the creek side has two tenant units, one is 1140 SF, the other 889 SF, so not large. The second floor and third floor are virtually identical with 4 units per floor. So the total of 10 apartments and 2 commercial spaces. Then the building exterior showing the 3 stories – this would be the front elevation facing Fennell. The shape of the building being triangular makes it a little difficult to roof, so we've got a traditional ridged sloped roof on the front which you see here and on the rear triangular portion we've gone down to a flat roof, similar to the building that was there previously -- three stories, simple kind of looking, with some decorative and functional balconies for the residential units on levels 2 and 3.”

Mr. Rogers, “This is obviously an infill site, it does not border a street – Fennell Street is at the top of the page here, and the shape of the site presents some unique challenges. I'll describe the access and circulation through the site which is through a series of easements, both existing and proposed. Circulation to the building will be from Fennell Street in one-way circulation across what is the Salt Fit property which is owned by Mr. Hood. There is an existing 12 foot right-of-way on Mr. Hood's property along that east property line. That would be the first part of ingress into the site. The second part would be a proposed extension to that 12 foot along the rear of that site which would bring us to our property line. From there we are on our site; we have a one-way driveway through the site with double-loaded parking and then egress out goes onto the Kinney property which is owned by the Feldmann family and there is an existing 10 foot right-of-way there that we would be utilizing. The last part of the easement discussion is the creek walk easement which Mr. Kinder is very much in support of, so we are showing a 6 foot easement that parallels the creek side property line, which would accommodate that in the future. Ted's been pretty clear; wants to be very clear about that creek walk. He is preparing to grub and clear out the creek bank also on our property and behind Mr. Hood's with his permission. We wouldn't necessarily be installing the creek walk at this time, but providing the space for it such that when we have critical mass for it, then there is space and suitable terrain for it to be installed.”

Mr. Rogers, “There are 4 variances that we are proposing or seeking:

- (1) The front yard. Obviously our front yard does not front on the street, but it is by definition the front yard. No more than 25% of any front yard can be covered and used for driveways or parking. Clearly, we are far in excess of that with the location of our parking. We have about 74% of that paved. I think the intent of that provision is for a

- building fronting on the street. We are set back and due to the need for access and egress from the site and the need for parking, it's kind of what we were left with for location.
- (2) The rear yard set-back. By code it is 20 feet; our proposal is 15 feet. Again the intent is to protect your rear neighbor. In our case we have the creek which is owned by the City of Syracuse and across the creek are municipal properties." Member Balestra asked about the confirmation on City ownership. Mr. Rogers, "It is. From this property line north is owned by the City. From there south is owned by the Village. The city's property comes over across the creek here and the Village's property comes over and includes the power station." Chairman Phinney asked for the dimension to the creek walk. Mr. Rogers, "The creek walk will be 6 coming in and then you'll have 9...[Multiple conversations]"
 - (3) Minimum lot dimension. It is required to be 3,000 SF per unit, in our case we are proposing 10 dwelling units, so we are smaller than the 30,000 SF that would be required. Our lot is 17,467 SF. With trying to attain some density, it is difficult to achieve that in any project with dwelling units in it.
 - (4) Parking dimension. This is not count; due to the constraints on the site our spaces are 9 feet by 18 feet deep – the depth is required to be 20 feet. Again, we feel that is a dimension that is used by many municipalities and not out of the standards of parking these days."

Mr. Rogers, "The last thing I'll talk about is parking. If you read the Planning Board minutes there was a long discussion and it's somewhat confusing. Starting with our property first, we are required to have 16 parking spaces for our proposed building. We are providing 13 spaces on site and 3 on Mr. Eberhardt's property, giving us 16. That plays into looking at Mr. Eberhardt's property to make sure we have satisfied that parking there. He has 7 total spots – four of which are required and 3 of which would be shared with this building. To get to the four required, there is a slight change to his program there. Currently his second floor is not occupied. It was previously office. Mr. Eberhardt plans to put a one-unit apartment up there that requires only one space. With the 3 that are required for the first level it makes four. So with these two properties we have met the Zoning. Where we run into a shortage is on Mr. Hood's property – Salt Fit, formerly McLaughlin's. When that was approved last, in 1998, there were 3 properties in the mix at that time – Kirby Janke's office, this one and the triangular site. At that point they aggregated parking required across those 3 sites and they were 7 spaces short. Since then, the Janke property has been sold, with no parking easements included in that sale. We are now looking back at Mr. Hood's lot where 23 spaces are required. He has 13 on site and we would be sharing these 6 with that site. At the end of the day we are providing 19 spaces for Mr. Hood's property. All told we are 4 spaces short."

Member Badami, "Before you were short 3 spaces, now basically you are short 1 more. Is that correct?" Mr. Rogers, "The last approval had these 3 sites on it and at that point it was 7.35 spaces short. If we just looked at these 3 properties we are 4 short for Mr. Hood's." Chairman Phinney, "Its usage now, even though it's the same square footage, its usage is different from what it was as a department store." Member Badami, "One more question. Can you just go over; you show a patio sticking out on the east side of the building. Is that something that has to be there and did you consider maybe squeezing another space in if that wasn't there?" Mr. Rogers, "We looked at it and the geometry there does not allow us to squeeze in another space –

we have squeezed in as many as we could. The patio is an amenity for that first floor unit. It doesn't have a great creek view from the interior, so we're providing them a little extra outdoor amenity space there because we have the space there for it." Chairman Phinney, "And the difficulty is with the Hood property, not with this one at 21 Fennell regarding the parking."

Mr. Rogers, "In discussion with the Planning Board they suggested that we could remove one more spot. We didn't have to do that – we made everything fit – but they were OK with one less spot." Member Pardee, "Question; what's the square footage on Mr. Eberhardt's second floor?" Mr. Rogers, "It is 749 SF." Member Balestra, "Is it practical to have this one way street – right-of-way actually – going down past this building and then out the Kinney parking lot? And then you've got the loading dock here. And I believe there are probably going to be some issues or questions about that. If there's a big truck; could they block that right-of-way?" Mr. Rogers, "I don't know the answer as far as their function or use." Member Balestra, "Fair enough. Did you consider any other ways to do it? To get in and out?" Mr. Rogers, "We looked at this as something that would be simplest in terms of fewer traffic on either side. So if we had in and out on either side, we'd be changing the counts there. The widths of the existing easements doesn't really allow 2 way traffic. That allowed us to fit what we could fit in."

Member Balestra, "At the Planning Board meeting there was some discussion of snow removal and when I saw this the very first thing I thought of is where is the snow going to go – because right now it is right where the building is." Mr. Rogers, "It's in the back of the parking lot here, these triangular areas. We've got a little bit of area against the building but not much, and a little bit on the sides." Chairman Phinney, "It can't go in the creek. How long is that right-of-way between Kinney and the property." Mr. Messenger, "I'll get the abstract and the exact dates, but it's historic. It's been well over 40 years." Chairman Phinney, "So that has been there and it is documented." Mr. Messenger, "Recorded."

Chairman Phinney opened the public comment portion of the hearing asking, "I'd like to open the public hearing for anyone who would like to comment. Mr. Eggleston?" Mr. Eggleston introduced himself and presented, "At 5:30 this evening I got a phone call from Scott Feldmann. I have done work for the Feldmanns in the past. They asked me about the project. Just so you know, Shirley Feldmann is the owner of the Kinney store property; Scott Feldmann is power of attorney and pretty much is making all the decisions and looking out for Shirley's best interests. Scott was contacted December 30th by Ted through Kurt Feldmann – saying 'we are going to do this and we want to talk to you about it'. It wasn't until actually yesterday or this morning that he actually got copies of the plans. He had questions about the right-of-way. They had mentioned the right-of-way back in December. He had his attorney look through the papers for the Feldmann property – couldn't seem to find anything. So unfortunately Scott has not had a chance to totally understand the easement – there was a copy of the easement that was supplied to him this morning. Scott has a few questions about that. The other main concern is obviously his tenant, Kinney Drugs. He did contact his corporate contact with Kinney Drugs who was not familiar with the project and not familiar with the details of the project. Scott is pleased to see this property developed. I worked for Bob Hood in the emergency demolition of the teasel barn last year when part of it collapsed. Taking a look at it, it was just not salvageable and had to be removed. Scott's concern is, are there concerns at Kinney Drug, their primary tenant. There is this right-of-way here, briefly described by Scott yet not verified with Kinney – numbers or

statistics. Scott's understanding is that Kinney Drugs does receive daily deliveries and on occasion it is a tractor-trailer. My own mind imagines that we now have a tractor-trailer that has to back into the spot." Chairman Phinney said, "They are doing that already. I have watched them do that." Mr. Eggleston, "That's a concern that Scott has and he wants to know Kinney Drugs' position on it. While it is a very logical and from a textbook standpoint I can support the concept the King & King has come up with for servicing this landlocked property, not on a public street. There is a lot of good thought that's gone into it. The question is the fact that this is a right-of-way that tractor-trailers are backing into raises some concern. Scott doesn't want to just jump in and say no problem. Scott doesn't know what his questions are; I don't know what his questions are – I'm beginning to try to come up with some of the questions. We have this walkway across here that's used by the foot pedestrians when they go to their car – they park here and here, but they also park here. What kind of situation does that create? What effect will it have on the overall traffic going in and out when it goes from a teasel barn to 10 units. A question that I had come up with as I was listening to this – the rentals are they short term rentals or long term rentals?" Mr. Rogers, "They will be year leases."

Mr. Eggleston, "I also wish to add my two cents not representing Scott Feldmann. The most recent zoning law change for parking actually does not require daytime commercial parking to be provided on site. Only residential parking, overnight parking, is required to be on site. This is something the Planning Board has ignored and had used the criteria in site plan review – what are the effects of parking – so basically have held applicants to the standards not allowing that exemption. So technically, I think Chad, you are only required to provide on-site the residential parking. I know there was a lot of study; I worked with a group on trying to develop a better comprehensive ..." Chairman Phinney, "That would change to number to what? From 16 down to?" Mr. Eggleston, "Only 10 parking is required by Zoning." Chairman Phinney, "Which may change to requirement for the Hood property." Mr. Eggleston, "Technically they are not required to provide on-site parking. On the other hand the recognition and understanding of the parking and the fact that there can be a significant overlap of parking – residential by night, commercial by day are things that can be taken into account. But I do point out as a matter of fact that the Zoning Law only requires residential overnight parking on site in the Downtown D District. Scott Feldmann's position is that he is not in a position to comment intelligently to comment on the right-of-way or the effect on Kinney's. He is hoping that he can have a productive conversation or dialogue with corporate Kinney just so they as leaseholders don't have problems with the proposed use of the right-of-way."

Chairman Phinney, "Anyone else to speak in favor of the proposal here? Anyone against? Any other comments?" There was no one desiring to be heard. Member Coville, "A question actually. I understand Bob's concerns about safety. Have you guys examined reversing the traffic flow?" Mr. Rogers, "We have not." Member Coville, "I'm thinking it might be a safer pattern going that route, because people coming off of Fennell are not going to be gunning it to get around the property. They will be coming in slower. That way you avoid that blind corner." Chairman Phinney, "It doesn't take them out to one of the most busy interchanges we have in town, right in front of the Post Office. That's a good thought, Mr. Coville. Is that a feasible scenario? If we are using the exact same macadam, the exact same width, and the exact same length, and the exact same rights of way, is that something to be considered?" Mr. Rogers, "My sense is it probably would fit, but I would need to take a look at it." Chairman Phinney, "It may

allay some of the concerns that have arisen with the trucks that are there. Those delivery trucks jam up that whole side; nobody's going to get through."

Mr. Hess, "Brian Hess, 17 Fennell Street. I'm just curious how it's going to affect the surrounding properties. The traffic." Chairman Phinney, "Certainly it is going to affect it in some manner or form; I would imagine the commercial entity, from what I understand is Bill's business, so once the people are there they're going to pretty much be there. And I would have to think with 10 apartments being leased out for a year that there will certainly be traffic, but I can't imagine it will be overwhelming. I would have to think it will increase the traffic pattern, absolutely." Mr. Hess, "I heard what he said about the trucks backing in there and I live next door so I see it every day."

Chairman Phinney, "Looking at it here, are you going to have any hedge work or blockage between the north side parking or the east side parking with those 10 spaces? Has there been any thought about landscaping that might come up there?" Mr. Rogers, "Are you talking about the rear of the houses here?" Chairman Phinney, "Yes." Mr. Rogers, "We have a strip there that we plan to landscape; it is very small. There's also existing tree and walls. They're not exactly on the same elevation either. There's a step in grade up slightly up into them." Chairman Phinney, "I am not comfortable in closing the Public Hearing at this particular point in time. I think Mr. Eggleston and Mr. Feldmann have brought up some questions. I also want to get some answers regarding the things regarding 10 parking spaces vs. 13 vs. 16 which could make the potential problems with the Hood property moot. There are some other questions to be asked; I'd like to get some confirmation of the easements with some documents as well. Is that going to work out with you as well? I would like to keep the hearing open rather than closing now and starting our 62 day framework into account. We'll take this up and hopefully come up with a firm resolution at the next meeting. That would certainly be our desire."

Attorney Galbato, "You are looking for a motion to adjourn and keep the public hearing open until March 25, 2014?" Mr. Phinney, "Absolutely." **Member Pardee said, "I move that we table action on this matter and continue the Public Hearing until March 25, 2014 at 7:30 pm." Member Balestra seconded the motion.** Upon the unanimous vote of the members present in favor of the motion, this matter is continued until March 25, 2014.

Mr. Rogers thanked the Board. This matter was concluded at 8:06 pm.

Respectfully submitted,

Dennis Dundon
Clerk to the Boards

**Village of Skaneateles
Zoning Board of Appeals Public Hearing
February 25, 2014**

In the matter of the application of Courtney Jones to vary the strict application of Section 225-A5 Density Control Schedule for Side yard set-back, left; Both side yards combined; Percentage of open area; and, Section 225-69D Non-conforming Buildings, Structures and Uses, Extension or Expansion to construct a two-story addition to a two-family dwelling and convert the dwelling to single-family use at the property addressed as 24 Leitch Avenue in the Village of Skaneateles.

Present: Craig Phinney, Chairman
 David Badami, Member
 Mike Balestra, Member
 Curt Coville, Member
 Larry Pardee, Member

 Riccardo Galbato, Attorney for the ZBA
 John Crompt, Code Enforcement Officer
 Dennis Dundon, Clerk to the ZBA
 Robert Lotkowitz, Dir. Municipal Operations
 Jorge Battie, Village Historian

 Guy Donahoe, Architect, on behalf of the Applicant
 Andy Wargo, Architect, on behalf of the Applicant
 Courtney Jones, Applicant
 James Alexander, on behalf of the Applicant

 Robert Eggleston, Skaneateles
 Kathleen Burke, Skaneateles
 Mark McSwain, Skaneateles
 Brian Hess, Skaneateles

Chairman Phinney opened this matter at 8:07 pm introducing the Public Hearing in the application of Courtney Jones for 24 Leitch Avenue. Mr. Donahoe introduced himself and presented, “I don’t know if I had supplied the Board with pictures before, so I will leave some here tonight. Courtney Jones has acquired this property back in December. It currently is a two-family home – this residence—and what we are proposing to do is to renovate the property, to change it from a two-family home back into a single-family home as it was before. In this proposal we are looking to add a little bit of space and make some changes as we renovate the property. Features of the property; it is a very attractive home, a very traditional home on that street and a lot of the features of the property will remain, as far as the exterior architecture. The couple of outward proposals that we are doing is to expand the front porch of the property to bring the porch down the side of the building on the south side and then across the west side of

the property. As you can see from some of the pictures, there is a porch that's set back now that had been added at some time – it doesn't really represent well the architecture of the building. This will give us a chance to remedy that as well as to provide a much more comfortable porch across the front like a lot of the properties on Leitch. Further what we are proposing to do; in the quest for more space, is to add on to the rear of the building – centering that addition on that rear elevation, going two floors. When we do that there is an existing deck, an existing rear kind of mudroom and shed porch and stairs come off the rear of the building. We are proposing removing those structures and the centering that addition on the rear of the building.”

Chairman Phinney, “You are only extending just a couple of feet past the existing deck.” Mr. Donahoe, “The Board also has been supplied with architectural plans, so you have seen the elevations of the building and the details that we are proposing for that will very much match the existing house. In our proposal, it causes us to come before the Board for a couple of Variance requests. This is an existing non-conforming lot, in that it doesn't quite meet the requirements of the lot size today. We have been able to check all the boxes that would allow us to do this on that property except for the open area. There currently is a non-compliant open area equation of about 79.5% and although our proposal does increase the open area to 81.2% --we are able to actually add some area back in – it doesn't quite meet the 85% required. The way that we are able to add the open area back in is removing the deck, the mudroom and the steps and we are covering some sidewalk with the addition of the other porch. Further, this was a two-family house so there is a great deal of macadam that surrounds the building, there's even parking spaces in front of the building. So we are removing a great deal of the pavement. I know that the zoning doesn't take into account the pavement except for parking. A two-family home would require 4 parking spaces, two of them are in the garage and two of them we are able to remove which reduces by 180 each. The second variance is a side yard variance. In our proposal we had reconfigured the space inside; as the garage is on the north side of the property as is the driveway, we have oriented the living spaces on the south side and retain the mud room on the north side. So the porch comes up now the steps and into the side of the building which in effect is in about the same place as it was before. The current building is 11.97 whereas 15 feet is required and we hope to reduce it one more foot for this open porch.”

Chairman Phinney, “Is that going to affect the actual width of the driveway or now are you bringing it out to the driveway?” Mr. Donahoe, “It will. It comes out to the driveway. Everything here is paved right now, so I guess you would call it driveway.” Chairman Phinney, “Are you going to green this in?” Mr. Donahoe, “Yes we are. It should help to soften the space between the building and the drive.”

Chairman Phinney, “Any questions gentlemen? It looks pretty straight-forward to me.” Member Balestra, “I thought it looked really good. I liked the covered porch on the front. My only thought was a practical one in the future, whether Mr. Jones would want to add outdoor space for any type of patio or porch in the future – for eating outside in the summer? You have this big indoor addition now; the only thing that's missing in my mind is someplace to hang out outside – then you'd have to come back.” Mr. Donahoe, “That's a great question. We are not proposing anything like that at this time. In the proposed addition, we are taking that rear room, which is the great room if you will, and we are dropping the floor of that; dropping the elevation. As a matter of fact we have dropped it to the point that the detail will require us to bring some

masonry up the outside foundation wall in order to recess the floor enough that we can walk out onto the lawn. I would assume that in the definition of sidewalk that we can create a 3 by 4 space that would constitute sidewalk, but at this juncture we are just opening onto the yard.” Member Balestra, “Nor is it my issue to deal with. I don’t have anything else.”

Chairman Phinney opened the public comment portion of the Hearing, “for anyone who wants to speak in favor of the project.” Mr. McSwain, “My name is Mark McSwain. I live next door at 26 Leitch. That is the house that is just to the north. The blue house. I actually think; we looked through this, actually came over and looked through the plans. I actually think it is a great change to the house. Currently, when they talk about it being a two-family, it is up and down. So they closed some doors off to make the upstairs the second apartment. My only concern is, and I talked to Mr. Alexander about it, is the side porch that encroaches onto the driveway. And the reason I care about that is because it is only 1 foot – that is an area that is very narrow because my house is only 16 feet from that property line. So they’re going to cut another foot off and I’m just concerned since one of the things they are taking away in the parking is the turnaround, so they are going to be backing in and out of that 9 or 10 foot driveway. So I’m really just concerned about the safety with my kids running back and forth, because I have 4 little kids. I talked to Jim about the possibility, at some point, of putting a fence in that would alleviate my concerns for that. I just don’t want my kids getting run over when they’re running through a 16 foot area, because his car is going to have to come right up to the edge of that property. I have a 10 foot driveway to get around a bay window on my property, and it’s about impossible to do. I’m always afraid I’m going to clip the edge of my house. And I think the same thing would happen here. And I know you’re saying it’s only 1 foot, but it’s a big 1 foot in a small narrow part of the property.”

Mr. Donahoe, “The driveway, as it goes down the north side of that building, currently now the macadam does not reach the property line. It does start to open back to lawn – not very much – but again I would say that navigating down this driveway has not been an issue. We do still have almost 11 feet left for the width of it, which I would say is a little more is a little more generous than most driveways that are usually marked at 10 feet. Indeed it does reduce it, but we don’t have a fear about being able to navigate an 11 foot driveway.”

Member Badami, , “Is there any objection to a fence if that’s what’s going to satisfy the neighbor?” Mr. McSwain, “I talked to Jim about it, I didn’t talk to Courtney about it. I would be willing to split the cost with you guys like we talked about. I just don’t want my kids getting run over.” Ms. Jones, “My husband is Jim Alexander. We did talk about that; Jim brought Mark’s concerns to me. We had talked about a fence previously anyway.” Chairman Phinney, “It sounds like neighbor-to-neighbor it might be something that can be resolved.” Mr. McSwain, “The only reason I’m bring it up is that I was told that we want to get this on the record now, so that if we apply later and they say no you can’t do that because I know there are lots of rules.” Chairman Phinney, “You just can’t put up an 8 foot chain link with barbed wire.” [Laughter] Ms. Jones, “Is there any concern from the Zoning aspect of it for a fence?” Chairman Phinney, “No as long as; you’d have to talk with your architect as far as the correct heights and how far you can go, but with the heights and all as long as it’s on your property line. There are restrictions as far as which side of the fence faces where – who gets to look at the ugly side and who gets to look at the pretty side. Usually the way it is supposed to be is that the person who is

paying to have the fence put up usually looks at the ugly side, and the people on the outside get to look at the pretty side. Just the way it works. [Pause] Anyone to speak against? Then I move to close the Public Hearing.” Member Pardee seconded the motion. Upon the unanimous vote of the members in favor of the motion, the Public Hearing was closed.

Member Pardee said, “I move that in the matter of the application of Courtney Jones to vary the strict application of Section 225-A5 Density Control Schedule for Side yard setback, left; Both side yards combined; Percentage of open area; and, Section 225-69D Non-conforming Buildings, Structures and Uses, Extension or Expansion to construct a two-story addition to a two-family dwelling and convert the dwelling to single-family use at the property addressed as 24 Leitch Avenue in the Village of Skaneateles that we approve the requested variances. This is a type 2 transaction under SEQRA. Approval is based upon drawings dated 1/22/2014. Applicant will have 2 years to complete the project. Chairman Phinney seconded the motion. Upon the unanimous vote of the members in favor of the motion, the motion was carried. Mr. Donahoe thanked the Board. This matter was concluded at 8:24 pm.

Respectfully submitted,

Dennis Dundon
Clerk to the Boards

**Village of Skaneateles
Zoning Board of Appeals Public Hearing
February 25, 2014**

In the matter of the application of Kathleen Burke to modify variances granted by the Zoning Board of Appeals on December 2, 2013 – specifically to vary the strict application of Section 225-A5 Density Control Schedule for Rear yard set-back and Percentage of open area to eliminate the elevator and provide required egress stairs at the property addressed as 10 State Street in the Village of Skaneateles.

Present: Craig Phinney, Chairman
David Badami, Member
Mike Balestra, Member
Curt Coville, Member
Larry Pardee, Member

Riccardo Galbato, Attorney for the ZBA
John Crompt, Code Enforcement Officer
Dennis Dundon, Clerk to the ZBA
Robert Lotkowitz, Dir. Municipal Operations
Jorge Batlle, Village Historian

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

Chairman Phinney opened this matter at 8:25 pm introducing the Public Hearing in the application of Kathleen Burke for 10 State Street. Mr. Eggleston introduced himself and presented, “We were here at the end of last year to get approval for putting a carriage barn where there is just a mundane 24 by 24 garage. We are replacing that with a proposed carriage house. It will be used by Aunt Ginny with a second floor accessory apartment; that special permit was granted last time. In working out the final details, we ended up taking out the elevator. She bought a historic, really cool architecturally significant stairway which needs to be open. To get the proper fire rating between the garage and the house, we needed to have a direct access to the outside. So we’re adding a metal stair in the back. Her intention is to do it as a period wrought iron rail, not just a fire escape. Also in getting things together, we wanted to make the garage 4 feet longer, have a 4 foot wide deck on the second floor, that Aunt Ginny could actually go out on and enjoy the side lawn that overlooks the back of the library. We have asked for these modifications. Basically, we were granted a variance for a 5 foot rear yard set-back. We will have the metal stairway which is allowed to be up to the property line. You have to be 5 feet back for a wood structure. That will come out about 3.5 feet wide and we will have a 1.2 foot set-back to the rear yard. The variances that are changing are the rear yard set-back for the metal staircase would be 1.2 feet, the open space would reduce from 84 to 83.1%. This is an atypical

property for this part of State Street where they have very tiny lots and often you have 60% or less open space, so 83% is not out of character. It's the rear yard and open space variances that we are asking to be amended. Are there any questions relative to what we are proposing?"

Member Coville, "I was just curious how the parking was calculated, because it appears on the website for the Bed & Breakfast that there are 4 rooms for rent, which require 1 ¼ parking spots per room, which would be 5, then you've got the apartment that is one and the single-family which would be 2." Mr. Eggleston, "My understanding and I did get the Zoning approval for the Bed & Breakfast is that you can only have 2 Bed & Breakfast rooms. You can talk to Kathy about that. Even if you have 4 different rooms to pick from, you can only have 2 people at a time." Member Coville, "Good enough."

Member Balestra, "You said that in this area it is pretty typical to have a lot of variance from the Density Control Schedule, but this is a pretty big property is it not?" Mr. Eggleston, "Yes it is." Member Balestra, "Looking at the property I don't think there should be any trouble complying with it, so I just wanted to raise that point and ask you what was the reason for the further expansion to the width, because that's what you need the variance for." Mr. Eggleston, "Well that's contributing to it along with the metal stairway and whatever. The stairway that was purchased required that this push out. It was a ripple effect of getting this prepurchased stairway that had to fit in and having the enclosure at the top where you have a landing and then you come in to actually meet all of the codes to make this thing work." Member Balestra, "But the bathroom on this plan is a lot bigger isn't it. There's a washer and dryer, the bathroom's much larger – the rest of the stuff to the south doesn't look that much different to me which is why I questioned whether this could be done any other way without a further variance?" Mr. Eggleston, "I think also; one of the challenges, and I deal with this every 10 years on the comprehensive plan review, is that the 85% open space for a Village is unheard of. Our Zoning law does not reflect Village patterns or Village densities." Member Balestra, "But we have to enforce the code or at least consider variances. I want to be really clear. I'm very aware of what we are supposed to consider and this is not a big variance, but I do want to just voice my opinion on the record that we ought to be considering it. Given the space that's on this property, I wonder if it is truly necessary. I could see it on a tiny Village lot where a tiny little change and a tiny variance might make a dramatic difference and be a huge benefit to the owner. It should be considered; I don't want to be seen as a rubber stamp, if you will." Mr. Eggleston, "Well, well the first thing we need to do is fix the Zoning law. Unfortunately you don't have that at your disposal. And then if we want to look at the New York State standards for variances – the question 'is it in keeping with the neighborhood'. This is far more open than anything else in the neighborhood. 'Is the variance substantial'; the 2% difference whereas most other properties are 20% or 30% different, this is not substantial." Member Balestra, "I agree with that too. In looking at it comparing the plan and wondering why it was necessarily needed. And you are right it is not very substantial and it is only one factor to consider."

Mr. Eggleston, "She has talked with the two most-affected neighbors and they have signed off as having no objection to the plan." Member Badami, "The garage as it exists; are you basically using that as your starting point and building on top of that?" Mr. Eggleston, "No." Member Badami, "Ok so that's gone, you're starting fresh. Is there any reason why it has to sit as you have it laid out here such that the stairs has to go this way? Would it work turning it in a

different direction?" Mr. Eggleston, "I think what we are very sensitive is the visual appearance of these two sides – because they are; this is a fishbowl lot and you see both the west side and the south side in looking across the lawn. That's where, architecturally, we wanted to maintain that carriage barn appearance and the symmetrical façade, as opposed to having some stairs run down." Member Badami, "But you did say it would be a wrought iron, somewhat attractive stair, correct?" Mr. Eggleston, "Correct. What I'm saying is I'm not sure this is the kind of thing that you want to broadcast to State Street. And for the fact that we are coming; that would be against this back side here which is where the Legg Hall parking lot is." Member Badami, "Could it be done in such a way as to; basically what you're saying is it could be an eyesore to somebody to look at that." Mr. Eggleston, "We are going to keep it from being an eyesore by building it out of quality materials. But it's not the kind of architectural feature you want to have on the public side of the building. And I consider the south side and the west side to be public sides, in that you are seeing in through here, you are seeing all across your lawn back from here"

Chairman Phinney read into the record: "This is regarding Katherine Burke 10 State Street. We the undersigned are aware that Katherine Burke is proposing to modify the variance granted for her garage and supplemental apartment. We understand that it will be 4 feet longer with a 4 foot by 24 foot deck facing south and that metal stairs added to the east side 1.2 feet from the east property line. We have reviewed the drawings by Robert O. Eggleston, Architect, dated January 29, 2014 and have no objections. From people at 72 East Genesee Street and 14 State Street." Chairman Phinney continued, "Who would like to speak in favor of the proposition." Hearing no one he asked, "Anyone against?" Again hearing no one he said, "I move to close the Public hearing." Member Pardee seconded the motion. Upon the unanimous vote of the members in favor of the motion, the Public Hearing was closed.

Member Pardee said, " I move that in the matter of the application of Kathleen Burke to modify variances granted by the Zoning Board of Appeals on December 2, 2013 – specifically to vary the strict application of Section 225-A5 Density Control Schedule for Rear yard set-back and Percentage of open area to eliminate the elevator and provide required egress stairs at the property addressed as 10 State Street in the Village of Skaneateles, that the modification requested be approved. The approval is granted based on three pages of drawings dated 28 January 2014. This is a Type 2 transaction under SEQRA. The applicant will have 2 years to complete the project, from the date of original approval. Upon the unanimous vote of the members in favor of the motion, the motion was carried.

The meeting was adjourned by acclamation at 8:40 pm.

Respectfully submitted,

Dennis Dundon
Clerk to the Boards

