

Village of Skaneateles
Zoning Board of Appeals Public Hearing
June 24, 2014

In the matter of the application of Gerald Morrissey for Special Use Permit to create a supplemental apartment and to vary the strict application of Section 225-A5 Density Control Schedule for Front yard set-back and Percentage of open area; and section 225-69D Non-conforming Buildings, Structures and Uses, Extension or Expansion; to convert an existing dwelling unit to a guest-house accessory structure greater than 800 SF and to construct a new 4,020 SF single-family dwelling at the property addressed as 42 East Street in the Village of Skaneateles.

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

 Riccardo Galbato, Attorney for the ZBA
 Dennis Dundon, Clerk to the ZBA
 John Crompton, Village CEO

 James Lanning, Village Trustee
 Herbert Alexander, 19 West Austin Street
 Wayne LaFrance, Skaneateles
 Janice Miller, Skaneateles
 Patti Chapman, 60 Fennell Street
 Bob Chapman, 60 Fennell Street
 Bob Eggleston, Skaneateles
 Richard Sargent, Esq., Syracuse
 Kami Cheney, Syracuse
 Rich Aiello, Syracuse

Chairman Phinney opened this hearing at 7:30 pm introducing the application of Gerald Morrissey for 42 East Street. Chairman Phinney announced that the applicant has requested a postponement to the August meeting. **Member Balestra said, "I move to table this matter and continue the Public Hearing to 7:30 pm on August 26, 2014. Member Pardee seconded the motion.** On the unanimous vote of the members, this matter was tabled until the next meeting. This portion of the meeting was concluded at 7:36 pm.

Respectfully submitted,
Dennis Dundon
Clerk to the Boards

Village of Skaneateles
Zoning Board of Appeals Public Hearing
July 22, 2014

In the matter of the application of Francis Moran to vary the strict application of Section 225-A5 Density Control Schedule for Side yard set-back, left and Percentage of open area; and Section 225-69D Non-conforming Buildings, Structures and Uses, Extension or Expansion; to construct a 4 bedroom house with a 2-car detached garage at the property addressed as 62 Fennell Street in the Village of Skaneateles.

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

 Riccardo Galbato, Attorney for the ZBA
 Dennis Dundon, Clerk to the ZBA
 John Crompt, Village CEO

 Robert Eggleston, Architect, on behalf of the Applicant
 Richard Sargent, Esq., Syracuse, on behalf of the Applicant

 James Lanning, Village Trustee
 Herbert Alexander, 19 West Austin Street
 Wayne LaFrance, Skaneateles
 Janice Miller, Skaneateles
 Patti Chapman, 60 Fennell Street
 Bob Chapman, 60 Fennell Street
 Kami Cheney, Syracuse
 Rich Aiello, Syracuse

Chairman Phinney opened this hearing at 7:35 pm introducing the application of Francis Moran for 62 Fennell Street. Mr. Sargent and Mr. Eggleston handed out hard-copies of materials that had been provided previously to Board members by email. Chairman Phinney said, "At the previous meeting, the issue regarding the Moran property at 62 Fennell Street we had mentioned the possibility of a rehearing. So what we are here for today is that at the last ZBA meeting on the 24th of June, a motion was made and seconded to consider a rehearing on the Moran application. The ZBA initially denied a virtually identical and similar application on November 27nd of 2012. Counsel for the applicant requested that we adjourn the meeting to this meeting today, July 22, 2014, which we have done. At this point I'd like to reopen the discussion on the motion for rehearing. Before I do that, I would also like to read what that entails. 'A rehearing. A motion for the Zoning Board of Appeals to hold a rehearing to review any order, decision, or determination of the Board not previously reheard may be made by any member of the Board. A

unanimous vote of all members of the Board then present is required for such a rehearing to occur. Such a rehearing is subject to the same notice provisions as an original hearing. Upon such rehearing the Board may reverse, modify, or annul its original order, decision, or determination upon the unanimous vote of all members then present, provided that the Board finds that rights vested in persons acting in good faith in reliance upon the reviewed order, decision or determination will not be prejudiced thereby.’ So if the motion for a rehearing passes by a unanimous vote, then we will open up a Public Hearing on the application. It is the onus of proof is on the applicant to show that there has been a substantial change to the initial application so that we might rehear.”

Mr. Sargent introduced himself and presented, “I am here with Mr. Eggleston tonight. Let me just say that I think the rehearing issue is where there can be reconsideration. By our definition, when we were here the time before, I had not had a chance to tell when it had been brought up that day, as to whether or not; when the history of the plans, and whether or not there had been changes or what have you. Having done that we now understand that by the time the Board voted negatively on the application in 2012, there had been some changes to the original plan of 2,400 square feet. It had gone from 2,400 with 5 variances, and down to 1,900 square feet with two variances. Now what was substantially different is that the information provided the board did not include the information that Mr. Eggleston is going to provide this evening – in terms of how this described property, how the plans will fit within the area of the; as it already exists and the fact that we are going to be able to show that there are plans that could fit in the building without ant variances whatsoever and how that’s not in character. So therefore, under these circumstances, what we are providing the Board is a great deal more information for it to make a decision. So therefore we are asking that at least we get through the first step so that this Board allow us to have the rehearing.”

Mr. Eggleston, “I think that to reiterate that, because there was quite a bit of concern with the first original application, which in fact as Mr. Sargent said was 2,400 square feet, 5 variances. And we did come back with a substantially reduced application. A lot of comments were made – it’s in character with the neighborhood, it’s similar to other properties – but there wasn’t physical proof given to you. And also the statement was made ‘Yeah we could build a house on here but you wouldn’t like what the house would look like, because we’d have to make it much more dense. We wouldn’t be constrained to any review boards and we could put up anything we wanted, whereas now the Planning Board through the variance process critiques the character and architectural appropriateness.’ So these statements were said but they were not substantiated with hard evidence that you could easily see. Again you would have had a chance to see some of the hard evidence that we now have for you. So this will give you a chance to consider the hard evidence that was there before.”

Member Badami, “May I ask you a question? So in essence the plan is the same that was submitted two years ago, but what you are saying; the substantial change that you are referring to is the amount of information related to that plan?” Mr. Sargent, “It is not the plan that was submitted, but in the discussions going on they say if you did this or you did that and they kept bringing it down, and Bob got it down to the two areas. So that physically these plans are the same plans that were here that very last night, however a lot of the discussion that had gone on before was just plain wrong it terms of ‘this is much bigger, this is too far, this has more, it

doesn't fit in with the neighborhood' and everything else. And what we now are bringing to you and what you have there to show that this is in fact is very typical of that neighborhood."

Member Balestra, "Couldn't that have been presented in November 2012?" Mr. Eggleston, "That was presented but it wasn't pre... – well one of the challenges was that we thought that by substantially reducing the size of the house, that by substantially reducing the number of variances – and we provided pictures of two-story houses. One of the comments from a Zoning Board member was 'well gee, why don't you make it a 1 ½ story house like the house next door.' Well the house next door is actually the house [unintelligible] and just happens to be next door. And without variances you could put a two-story house twice the size on it because it does have a large lot. We were caught off-guard by maybe the lack of consideration that the Zoning Board was giving to the revised plan, and that's why we realized 'gee, maybe we needed to really spell it out for them' and that's what we have done this time." Mr. Sargent, "In a legal sense, as you know, if people don't like what the Zoning Board of Appeals does, lots of times they run to court with an Article 78 proceeding. This is actually another way, if you want to take a second bite at the apple or reargue; in that you are going back to the same people and saying we missed – this is the same plan, but would you please consider it. Now the burden is high, it has to be unanimous of all of us who are there, but that's the reason for it – because sometimes you might scratch your head and say well maybe with what I know now, that wasn't the right decision. And that's what we are asking for is the opportunity to provide to you; to show you why this is the best that can go into that parcel, so it will be part of the Village and it will look like it will be there for a long, long time – rather than something else that has been put up. So that's what we are asking for."

Chairman Phinney, "That's it?" Mr. Eggleston, "Do you have any other questions?" Chairman Phinney, "Yeah! So basically what you are asking us to do is to reconsider the plans that were rejected on a 3 to 1 vote in November 2012, with you making no changes to those plans other than suggesting that you have additional information. I would suggest as I look at some of this information, I think it's very nice Bob that you went to all this research to find out about all of the variances that were granted – totally irrelevant because all of those were preexisting nonconforming situations with houses that already existed on property. You are talking about a blank lot. So it's not 229-69D, it is 229-70. So that this is very nice that we can see that there were variances and changes and it is certainly a valid piece of paper but it isn't necessarily addressing new information to us – something where you are taking apples and comparing them to oranges – where the variances were granted, for instance would be one of the comments that I would make on that. Mike do you have any other comments on that?"

Member Balestra, "Well, I'll piggyback on that and just note for the minutes that 53 Fennell street, 56 Fennell Street, 60 Fennell Street, 19 West Austin Street, 17 West Austin Street, 22 West Austin Street are not listed, are not referred to off the block density plan on the other sheet of paper titled neighboring properties; and two of those are adjacent to this lot and two of them are adjacent to the adjacent property. It seems like they are in the immediate vicinity; I wonder why they weren't referenced?" Mr. Eggleston, "And again, it is not our purpose at this phase to argue the information or fully present the information; we'd be glad to do that. I thought that was more appropriate on the second phase. If you choose to have a rehearing, then we will give you the things that should be considered. The other thing, if you look at the minutes, The Zoning Board of Appeals did not go through the five criteria for determining a variance. There were a lot

of things they didn't do; for instance they didn't even make a motion to deny the variance, they made a motion to pass, to approve the variance." Chairman Phinney, "I would interrupt there to say that that is exactly; that is semantics, and there has not been anything in 13 years where we have ever offered to, as part of a resolution, to deny. We have always offered to pass and then the members can then choose to pass or deny and the semantics are very important there." Mr. Eggleston, "Actually I'll argue that only because I have been here for 20-some years and I have seen some motions to deny." Chairman Phinney, "Extremely rare. I will certainly stand corrected, but I would imagine that there were not more than 3 or 4 in the last 15 years." Mr. Eggleston, "And again there are not that many that are actually..." Chairman Phinney, "Moving on."

Member Balestra, "I think at this stage what we would like to know before we vote on whether or not to have a rehearing is, we would like to know what information exists now – not that has been presented to us necessarily – but what new information or circumstances are there out there that the applicant could not have presented two years ago? Because it is not our job to present the case for a variance; that's the applicant's job." Mr. Eggleston, "Sure." Member Balestra, "So what has changed? That's kind of, I think we'd like to know that." Mr. Eggleston, "I think it is the substantiation of the comments. The comments were made that it's in keeping with the neighborhood; the only thing that was provided at that time was the fact that there are mostly two-story houses in Austin Street, and of course the Zoning Board was pushing why didn't you do a 1 ½ story house because that's what's next door. There was comments about the percent open space was typical for that and we show a case where looking at 12 typical lots right in that area that are smaller lots, that is very typical of what it is. So we have the actual proof of that this time as opposed to just on hearsay."

Mr. Sargent, "You also have a number of neighbors who have all agreed and looked at the plans and find that they are in line with the neighborhood and therefore would be happy to see that piece of property be developed in this manner. Clearly some of them might like to have it a lot forever, but that's not the situation." Member Balestra, "Did any of those neighbors voice opposition two years ago?" Mr. Eggleston, "No, I think we only had two adjacent neighbors as opposed to 6. We just went out and canvassed [unintelligible]. And then again we didn't choose neighbors on State Street or West Lake Street; these are people that are right – that actually see this lot."

Chairman Phinney, "And also, I'm not sure how relevant this is now, because you don't yet have the opportunity to re-present, but you have sent us some information here showing how a possible garage and house could be constructed on the property and meet all codes. I would have to say that you certainly made it look as ugly as you as it possibly could and be sure that the garage faces Fennell Street and all the rest. We have seen your work and it is never at that level. However, you are now saying that gee this is good. We can now do a 29 by 24 by 14 house and we can do a 22 foot square garage. Let's pop that garage over on the east side of the house, you can put it on a separate thing, have the garage go to West Austin, build the house the way you've got it there – Wham, Bam you're done. So this is what you are proposing to come in and say 'well we of course could always do it this way'. Well if you need to always do it within code, why are we seeking to have it be 10% below code on a vacant lot in contrast to in a preexisting nonconforming situation?" Mr. Eggleston, "Again I'll be glad to explain that in detail. If you

want it now I can do it now, but I can do it later.” Chairman Phinney, “As far as; explain which portion?” Mr. Eggleston, “While we meet the letter of the law, we absolutely do not meet the character of the Village. And there are a number of aspects that are absolutely wrong in making a code-compliant house. I think we can think of a couple of examples in the Village where people went and just built a house and you say boy that was ugly. Done recently and you wonder why. And guess what, they can just come in and do it. There was no process for reviewing. And again the Planning Board is extremely critical of architectural design in keeping with the character of the village. The first time and again this time they thought this was a very appropriate house and very fitting in keeping with the character of the village.”

Member Balestra, “I was only going to say that it seems evidence that the hardship, not the ‘ugly’ house. The ‘ugly’ house seems to be evidence that the hardship created by the ‘pretty’ house is self-created.” Mr. Sargent, “Well even if it is, and we are jumping ahead, that is not necessarily a negative for the granting of an application, even when there has been a hardship.” Mr. Balestra, “It’s a fact.” Mr. Sargent, “Yes.”

Member Badami, “One other question. Is there a; are you proposing that the no variance house could not be constructed in a way that would fit within the character. Are you proposing that; is that your position?” Mr. Eggleston, “I was just saying that we have no requirement...” Member Badami, “That’s not what I asked you. Could it or could it not be constructed in a manner that would be fitting within the character of the neighborhood?” Mr. Eggleston, “One could enhance the architecture but then one of the challenges is that because you have a smaller footprint you lose half of your footprint to garage. Again, if we had no garage, we still have to take 360, 380 square feet of coverage for the cars parked outside. So there’s no getting around the garage or outside parking. But it reduces the footprint to a point where you can’t accomplish a reasonable house for a gentleman that’s in his 80s who wants a first floor bedroom. You know we can; so the no variance house was ‘hey what would you do if you didn’t have any architectural restraints to deal with since you don’t have to go before any board, and here’s what people would want in a village house – let’s have a 2,400 square foot house. Why not there’s another one just around the corner on Elizabeth Street that’s 2,400 square feet’. Is that an unreasonably large house? No. As it is we reduced it to 19 to try to address some of the original ZBA concerns, but I don’t think the ZBA gave due consideration to it, they were thinking that you should build with no variances. And I’m not sure that they were looking at the character of Skaneateles and what the rest of the street was, just what was right next door.”

Member Badami, “I’m not sure if that was a yes or a no answer to my question. Would you like to give me an answer?” Mr. Eggleston, “Could a more architecturally appropriate house; yes it could be enhanced to make it more architecturally appropriate. But again, there’s no requirement.” Member Pardee, “Why not do it then?” Chairman Phinney, “Versus trying to use it as a lever to try to hammer us for a position. You are trying to attempt to use this as a lever to get us to change our mind about how you could make an abomination.” Mr. Eggleston, “Well I think part of the concern of the neighbors is ‘gee, you know we don’t want anything next door. Well that’s not an option. We went from requiring a variance on the south side to not requiring a variance on the south side. You know, and the only dimensional variance is to allow for a porch that we project into the front yard on Austin Street. And it’s not a significant variance. There are other houses on that street that are only 4 or 5 feet off the street line at the other end. Again

the footprint is such that it; the 15% footprint as indicated in the Comprehensive Plan for the last two revisions. The Comprehensive Plan has suggested that the Village needed to get their Zoning ordinance more in character, in keeping with the character of the Village and not have a suburban zoning ordinance – which is basically what they have with 85% open space and 90% open space. But the village just hasn't followed the suggestions of the Comprehensive Plan. So this is not out of character with the Comprehensive Plan.”

Chairman Phinney, “But it is out of character with our existing Zoning Laws.” Mr. Eggleston, “But out of character with the Comprehensive Plan.” Chairman Phinney, “Which may be the fact that we can't change that. Until the Zoning law is changed we have to act under the guidelines of that. Whether I helped write and understand the Comprehensive Plan, it is not law now. It is not a mandatory scenario. It is a suggestion. Many of them are pretty good suggestions; that happens to be a good suggestion, but it doesn't mean that we can act on a suggestion, or I don't interpret it that way at least.”

Mr. Sargent, “The next thing as far as the configuration of the house and in the case of the modern house let's say, we are going to be limited by, as Bob said, a gentleman who wants to have a bedroom downstairs and have the ability to live down there in his 80s and what have you. And that is not atypical of this community. And so therefore I think that is something to be considered and I don't necessarily think that this is a hardship that he has put on himself, other than as we get older we may not want to go up stairs or have the ability to go up and down stairs. And so I think that's one of the things to consider. As Bob has pointed out, a car is going to be parked on that lot somewhere taking up that square footage.” Mr. Eggleston, “I think the additional information that we have provided you is some legal information relative to neighbor's objections and this type of thing that were not presented at the last time, so that's new information that Mr. Sargent has provided in his letter and will expound on during the rehearing. Some considerations I think, you know did the ZBA take too much consideration into what the neighbors concerns were? Well of course if you have a free lot next door; a free side yard that you don't have to mow, that's kind of nice, instead of having a house next door. But I think that some of that information that Mr. Sargent has provided as a basis, which was not presented at the last meeting.”

Member Balestra, “If Mr. Moran felt that the ZBA previously, back in November 20102, did not consider all of the information that it should have considered or should have considered it differently, why didn't he come back one or two or three or four months later and ask for a rehearing or ask for any kind of review of the board's decision. Why is he waiting over a year and a half to do it?” Mr. Sargent, “To be honest with you I think the answer is that he and Bob have tried to work out what's the home that he would like and Bob called me maybe a year ago and told me what had gone on and then he called me and finally said ‘this is the plan. It is appropriate for this community, for this neighborhood. This is what Mr. Moran wants to run with’. So that's why we have come here basically two years later.”

Chairman Phinney, “I guess that I would ask if, you know this is not necessarily a Public Hearing, but we are not beyond hearing opinions of any other people that might be in the audience that have something to say about this at this point. We can certainly maintain decorum and all the rest, but if there are some people who would like to make a comment on this we are

certainly open to any comments that might be made. Not necessarily for or against but just comments in particular. Mr. Lanning.” Trustee Lanning, “How many of you were board members at the time.” Chairman Phinney, “Just Larry and I [referring to Member Pardee] and I was not present for the vote that was taken. I was absent for the vote that was taken and it was a 3 to 1 against vote at that particular time.” Trustee Lanning, “Thank you.”

Mr. Chapman, “I guess my comments are, I think at the last meeting you got into the prior minutes on the Moran property. I really don’t think the whole picture is being presented by the representatives of Mr. Moran. I know they are paid to do their job. And to get this project going. My wife and are adjacent landowners on Fennell Street. We have some concerns and we have shared those in the prior two minutes. But because there are a couple of new Board members I only need like maybe two minutes of your time just to reiterate those to make sure it’s clear. First thing I’d like to react to is the comment that the neighbor, neighbors – and I guess I’ll consider myself a neighbor because I’m at 60 Fennell right next door – I’m not opposed to a house being on that lot, just for the minutes. I am not opposed to that, we never have been opposed to that. If somebody owns a piece of property, they want to build on it, from my standpoint they are paying their taxes – if it fits the Zoning requirements I don’t have an issue. I’ll say that right now to the attorney and to the architect.”

Mr. Chapman continued, “However, and I’m going to repeat to the two prior board members some things that I said. I have noted them to myself so I don’t forget. My wife and I are at 60 Fennell Street. The house has been in our family for three generations now. We received notice of the Public Hearing on this and the Zoning process which we appreciate and I said that before. After I read the communication I came up here. I got a copy of the blueprints, I got a copy of the application. And I took them home, I reviewed them and nothing had changed. I mean nothing had changed – square footage, nothing. So I said to myself that I must be missing something. I don’t deal with this every day, so I called the Code Enforcement Officer, I said ‘John, do you have a minute of your time? I’m missing something here on this project; I know it was turned down’. Then after I viewed it with John, nothing had changed. So after meeting with John I thought to myself, what’s changed? So then when I called and I asked up here and I found out that the Board had changed a little bit, I thought maybe they are coming back because there are some new Board members which I can understand. I also looked at the 20 month time lapse that had gone by and wondered why is it taking so long? My concerns in the prior two meeting’s minutes of the two prior meetings that we’re at haven’t changed: the open area space – that’s important to me as a neighbor. You can look at the block that was presented by the architect and I;m not looking at dimensions here. But if you just look at the open area space, that’s the smallest lot in the whole block. Visual. Now I didn’t do the drawings so I assume they are to scale. To me that has not been identified and fixed.’

Mr. Chapman continued, “The side yard setback which is really a front yard – I know this property is entitled to 2 front lots because it is on a corner – is an issue. One of the largest issues I have as the adjacent land owner is the fact of, and it was mentioned in the prior meetings, is the flooding of this lot, which is a major concern of mine because we live next door. We have a house that was built in the late 1800s. It is not water sealed but it is a dry basement. Here’s my lot; our property is right here. Just a visual. My biggest concern is the flooding that takes place on this lot – and when the elevation is changed, I don’t know what it is going to do.” Chairman

Phinney, "Actually, I think Bob you did address that didn't you? I thought that was something that was addressed as something that could be handled. Mr. Eggleston, "The Zoning Board of Appeals thought that there were technical ways to resolve that." Mr. Chapman, "What was addressed at the time was that they were going to put gutters on the house and gutters on the garage. I really don't think that's going to fix the flooding, the flooding situation but that's my concern and I'm sharing my concerns."

Mr. Chapman continued, "I also reviewed it with our attorney who is not present. And there's 3 things that I'd like to point out. I am not an attorney but I am a person, I believe, that understands it. The first thing is is there an alternative to comply or meet the zoning requirements. I believe there is and it was stated before; build a smaller house. Mr. Moran stated in an earlier board meeting that he wanted to build a retirement house for himself. My wife and I were anticipating a single story house that would fit the lot, not a 2-story house with 4 bedrooms a deck and a 2-car garage. That's not what I thought of as a retirement home. But that's just my situation. Another factor is this situation a self-created hardship on Mr. Moran's part? I believe it was. The property has not shrunk since he purchased it. Does it affect of impact the physical or environmental conditions? For me, the water, it definitely is and it's not meeting the open area which is requested for a variance and the side yard setback. So there's three factors there that I wish the Board would consider. Just to make it perfectly clear, my wife and I are not opposed to a house. We would like to see one there. We have no opposition to it. However we'd like to see the Zoning laws enforced as far as the open area space. Our property lines, when you just visually look at it, I've got. Maybe someday I'll want to retire to that house and I'd come back here to the board and want to do the same thing. As far as the neighbors, I haven't seen what was passed out but I can tell you that I'm the adjacent neighbor. If somebody three houses down wanted to add a garage to the side of their house – I'm not opposed to it; it doesn't affect me. OK. But in this case it does affect our property. So I just want to make it clear that we are adamantly opposed to the request and the people who are affected the most are the adjacent neighbors. If you are two or three houses down does it really affect you? You all live here. If it's four houses down – somebody says to me do you mind if I put a 2 car garage and he's three houses up; I don't care. I'm going to say yes to it. But if it's next door to me? I'd like to be a good neighbor and I'd like to be a good neighbor with Mr. Moran. But I'll also make it perfectly clear what my position is as a neighbor. And I think I have that right. So I just want to be very upfront; I don't want to hide anything but I really don't think the whole picture is being presented as far as the neighbors that have been affected. So those are my comments. They are in the prior meetings and thank you for your time."

Mr. Alexander, "I'm at 19 West Austin. My name is Herbert Alexander, and I have the same objections as Bob has. The house is too big for the size lot and I think it will have a negative impact on the property value of my property." Chairman Phinney, "Are you one up?" Mr. Alexander, "I'm right next door. I don't have an objection to a house being built, but you put cones in place to be sure everything stays within restriction." Chairman Phinney, "Anyone else at this point?"

Member Coville, "Bob, I have a question for you. Is there any reasonable expansion that would accommodate, for the 'ugly' house, that would accommodate Mr. Moran's needs? Mr. Eggleston, "I think the problem in the simplification, and unfortunately we are starting to argue

the merits of the case not the question of the rehearing. But as long as we are arguing the merits of the case, the challenge of working with the 15% coverage or the 85% open area, is that if you did not have a garage, you'd have to deduct 360 square feet for the parking. Because required parking, even if he only has one car, he need to take 360 square feet – that's the Zoning Law. That leaves him 750 square feet, which Mr. Chapman who lives on Jordan Road but owns the house next door, would like to say put a ranch in. A ranch at 753 square feet is an extremely small house – in fact it doesn't meet the Zoning Law. You have to have 1200 square feet of minimum living space. If you had a garage, which would be a reasonable expectation for an elderly person to want to have a garage for that convenience, that's 560 square feet so you only have a 600 square foot house. So now you have to have a 2 story house in order to meet the minimum Zoning requirement and not have to have a variance for having too small a house. And again now 600 square feet – yes my parents retired into a 600 square foot house and they had a 12 by 12 bedroom and they had a kitchen you couldn't change your mind in and they had a bathroom that was hardly 5 feet wide and it was a very tiny little house. When you start talking about accessibility for elderly people generally you need more space and you don't want to put in 2 foot doors into bathrooms. Can a 600 square foot house be built? Sure. But would it be appropriate for Mr. Moran? I don't think so. And also would it be appropriate for the Village and the value of the neighborhood as opposed to a house that we feel as shown by the evidence that we have put before you this time; it's very much in keeping with the average of those houses on the smaller lots in that neighborhood.”

Chairman Phinney, “We have already had a motion and it has been seconded regarding the consideration of a rehearing on the Moran application.” [The text of the motion made at the ZBA meeting of June 24, 2014 is reproduced here as if spoken again. **Member Balestra said, “I’ll make a motion for a rehearing.” Member Badami seconded the motion.”**] Chairman Phinney, “It is time for us to vote on how we feel about that, whether there has been enough information here, or enough material changes, or whether the circumstances have changed as to whether we feel that a rehearing is appropriate. The Zoning Board of Appeals voted as follows:

Member Balestra	No
Member Badami	No
Member Pardee	No
Member Coville	No
Chairman Phinney	No

Chairman Phinney declared that by a unanimous vote of 0 yes and 5 no, that the motion in favor of a rehearing of this matter had failed, saying, “A rehearing will not be considered in this application. Thank you very much.” Mr. Sargent thanked the Board.

This matter was concluded at 8:11 pm.

Respectfully submitted,

Dennis Dundon
Clerk to the Boards

Village of Skaneateles
Zoning Board of Appeals Public Hearing
July 22, 2014

Public Hearing in the matter of the application of Jill and Todd Marshall to vary the strict application of Section 225-A5 Density Control Schedule for Front yard set-back and Percentage of open area; and Section 225-69D Non-conforming Buildings, Structures and Uses, Extension or Expansion to remove a deck and create a new covered entry at the property addressed as 20 Leitch Avenue in the Village of Skaneateles.

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

 Riccardo Galbato, Attorney for the ZBA
 Dennis Dundon, Clerk to the ZBA
 John Cromp, Village CEO

 Wayne LaFrance, Architect, on behalf of the Applicant
 Janice Miller, Architect, on behalf of the Applicant

 James Lanning, Village Trustee
 Kami Cheney, Syracuse
 Rich Aiello, Syracuse

Chairman Phinney opened this hearing at 8:13 pm introducing the application of Jill and Todd Marshall for 20 Leitch Avenue. Mr. LaFrance introduced himself and presented, “I am here seeking clarification. I think no one has any objections – I don’t want to speak for John [CEO Cromp] what is happening at that residence apparently everyone is happy with so far. We did stumble into the requirement for a clarification. The first item has to do with bulk areas and set-backs. I believe there is no requirement for variance in there whatsoever – we meet all the set-backs, we meet all the percentages, we have actually decreased from them. So you can set that one aside fairly and say there is no issue there. Therefore there is no variance required on the merits of that one. On the other, on the second, there’s a question and I might even agree that a variance is possible. My interpretation being here practicing architecture in Skaneateles for 30 years, is I have always interpreted an envelope. And once you are inside that envelope, basically you can do whatever you want within reason as far as it has to do with bulk areas. That is the case here and I can demonstrate that graphically. But it came up from Bruce Kenan in our last meeting at Planning [Board]. His interpretation was slightly different from mine. He said any extension you would count. But an extension in his mind could be a negative and removing that negative inside the negative box as an extension.” Chairman Phinney, “That’s correct.”

Mr. LaFrance, “That kind of threw me a little bit because that was not my idea of an extension. I always took the attitude of what the bulk area was and whether you are infringing at that bulk area. I use the example of a dormer – he didn’t agree that was a good example, but that can change the bulk area necessarily as far as the volume of that space. But if I’m adding something and then subtracting and then adding that back in, that could still be zero. So that’s really the question, and that’s kind of it boils down to. It highlighted one of the questions that I still have, the main point really comes down to are these really in fact apart? So if one of those doesn’t exist because it meets all the requirements – set-backs and all, what is the interpretation? And if so, we seek the variance; we ask for variances.”

Chairman Phinney, “I can talk to that. I have been here 13 years and I have never seen you before in my life. So apparently you haven’t been in front of this Board over the course of that time for having practiced in town. The variance 229-69D we deal with every single meeting we have in multiple times per meeting. It is pretty much in solid rock that if you have a preexisting nonconforming building, which 99.9% of all buildings in our Village are, and you make any modification to it you have to come before us – unless, and I’m not even sure about that, if you turn it to totally conforming. But any modification, as far as our interpretation, has always been it has to come before our Board. A possible exception is 229-70 which is on a blank lot like the people here before you. The variances are different for preexisting building, for; you’re obviously, you are improving it. The plans look good, the ideas are good, but it is technically; we need to be consistent with how we always enforce that 229-69D, which is any modification – even if it’s an improvement to the property – still needs to come before us. That’s one of those, I used to call it a purple, where we can hold our breath and go crazy but until that is changed that’s the way we have continually interpreted it.” Mr. LaFrance, “And that I understand the logic behind it it makes perfect sense, I just think the wording, possibly, just to be helpful going forward you could just add something to the wording itself and maybe a little explanation, because we are dealing with normal people who do this. They maybe do it once, maybe twice, in their lifetime and then I have to sit and explain to them why they can’t get the desire of their heart. And they are crying they are weeping, and gnashing, and tearing their hair out.”

Chairman Phinney, “The other thing that is difficult – we are in the flux period right now where we have a proposed Comprehensive Plan that has been proposed for an awfully long time. But those are still only suggestions. And then it will take a specific legal action to change any specific wording that exists in the Code, which certainly does need to happen some times. There are things that we don’t agree with that we would like to see changed as well, but there are other ones where we are pretty much powerless in the situation.” Mr. LaFrance, “Makes perfect sense. May I just repeat back your interpretation to make sure I have gotten it right? So within the context of an existing envelope, if I do a negative change to that space, it still needs a variance of some kind, it needs a review.” Chairman Phinney, “Correct.” Mr. LaFrance, “I believe that is not clearly spelled out so I would like to recommend to try to...” Chairman Phinney, “Sure; absolutely.” Mr. LaFrance, “I’d like to be able to point to it to a client and then I can send him what impact. But other than that, then we simply seek the variance, and hopefully you are in agreement with the plan and that’s do-able.”

Chairman Phinney asked if there were any questions on the variance? He opened the public comment portion of the hearing asking, “Is there anyone who is for the project. Anyone against?”

Then we will close the Public Hearing.” Member Pardee said, “I move that we close the Public Hearing.” Chairman Phinney seconded the motion. Member Balestra recused himself. Upon the unanimous vote of the members present, and voting, in favor of the motion, Chairman Phinney declared the Public Hearing closed. **There being no further discussion, Chairman Phinney said, “I move that we approve the recommendation in the matter of the application of Jill and Todd Marshall to vary the strict application of Section 225-A5 Density Control Schedule for Front yard set-back and Percentage of open area; and Section 225-69D Non-conforming Buildings, Structures and Uses, Extension or Expansion to remove a deck and create a new covered entry at the property addressed as 20 Leitch Avenue in the Village of Skaneateles, noting that this is a Type 2 transaction under SEQRA. This approval is based on plans dated 6/19/2014 and Applicant will have 12 months to complete.”** Member Pardee seconded the motion. Upon a vote of 4-0 in favor of the motion, with Member Balestra recused, Chairman Phinney declared the variances granted.

This matter was concluded at 8:27 pm.

Respectfully submitted,

Dennis Dundon
Clerk to the Boards

**Village of Skaneateles
Zoning Board of Appeals Public Hearing
July 22, 2014**

Public Hearing in the matter of the application of Ron Beavers and Karen Lewis to vary the strict application of Section 225-A5 Density Control Schedule for Side yard set-back, Left; Both side yards combined; Building Height; and Percentage of open area; and Section 225-69D Non-conforming Buildings, Structures and Uses, Extension or Expansion for alteration of the existing kitchen and garage and for construction of a new garage at the property addressed as 50 West Lake Street in the Village of Skaneateles.

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

 Riccardo Galbato, Attorney for the ZBA
 Dennis Dundon, Clerk to the ZBA
 John Crompt, Village CEO

 Rich Aiello, Architect, on behalf of the Applicant
 Kami Cheney, Architect, on behalf of the Applicant

 James Lanning, Village Trustee

Chairman Phinney opened this hearing at 8:28 pm introducing the application of Ron Beavers & Karen Lewis for 50 West Lake Street. Mr. Aiello introduced himself and Ms. Cheney and presented, "We presented to the Planning Board basically all the historic information and background about this house; it is an original house from the 1800s and somewhere probably in the early 1900s an addition was put on the back and these two additional structures in the back which actually hold no value to the property anymore are two of the areas we are hoping to remove. If you look at; basically with all the set-back information – you deal extensively with existing homes in this Village – the existing house is 42 feet high which exceeds the code limit but it is an existing structure. The front yard meets your required set-back. The south or left yard obviously does not meet the required set-back but is existing. There is an expansive, you'll probably see much clearer on your drawings, an expansive back yard. So they have a very large back yard. On the north side where we are proposing all the changes, the project set-back is 40 feet 3 inches as opposed to the required 30 feet – so we are well within the area as far as that. The whole gist of the project is basically; Ron & Karen are basically trying to reclaim this area of the home which now has an existing garage and this area right here, and the kitchen is right here. But these two structures block their view to their gorgeous back yard basically. So they are proposing to remove these structures that really don't tie into the house at all; don't have much to do with historical context or anything. Take the garage that was here, add a new

existing structure, rearrange basically existing drive, add a new walk, extend the driveway in this area back here. There is already existing driveway there; we are going to be removing it, putting in new and the new structure there.”

Mr. Aiello continued, “So in this area here in the back, the two structures that were originally here will be removed; this opens up their view of the back yard; gives them much more use of that whole patio area – really kind of brings up the look of the house. It is all being tied in with what is already here as far as this addition that’s been done, so it all is contextual. And the new eye test matches this and will match the house. So basically we’re trying to tie the whole property together to keep it; right now it is kind of disjointed because right now when you get to the back of the house it’s just kind of an add-on; it really doesn’t go with anything else. Ron & Karen are very big on historical restoration so that was; the majority of the work is being done in this newer section. This, the existing home from the 1800s is pretty much being left the way it is. They have no intentions of going through and really making a lot of changes to that. To sum it up really quickly, what we are looking at is from a zoning standpoint, the alteration is going to affect the impermeability of the site in a very negligible manner. It is a change from 85.21% to 84.894% a total differential of 0.322% as far as the coverage. And so we are asking the Board to recognize the grandfathering of the above listed zoning dimensional issues, consider the alterations to be an asset to the Village and to accept the small impact of the impermeability issue. Thank you for your consideration.”

Member Pardee, “Are these gutters hooked into the storm sewer?” Mr. Aiello, “Yeah.” Chairman Phinney opened the public comment portion of the meeting asking, “Would anyone like to speak for, or against?” Trustee Lanning, “Just want to ask a point of clarification. I got a little confused about the driveway in back. How do they get to that extended drive if this is the garage?” Mr. Aiello, “This is the driveway right now here. The existing; the driveway comes up here, the garage is here, there is an existing part we have taken off here. The existing driveway is here; comes in right here.” Trustee Lanning, “So the entrance to the garage would be from the west?” Mr. Aiello, “The entrance to the garage right now is over here; it’s hidden behind the back. What you see in the front, you won’t see a garage door in the front.”

Chairman Phinney, “I move that we 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, “I move that we approve the variances in the matter of Ron Beavers and Karen Lewis to vary the strict application of Section 225-A5 Density Control Schedule for Side yard set-back, Left; Both side yards combined; Building Height; and Percentage of open area; and Section 225-69D Non-conforming Buildings, Structures and Uses, Extension or Expansion for alteration of the existing kitchen and garage and for construction of a new garage at the property addressed as 50 West Lake Street in the Village of Skaneateles. This is a Type 2 transaction under SEQRA. This approval is based on drawings dated 6/16/14. Applicant will have one year to complete.” Member Balestra seconded the motion.** Upon the unanimous vote of the members in favor of the motion, Chairman Phinney declared the motion passed. Mr. Aiello thanked the Board.

The meeting was adjourned by acclamation at 8:35 pm.

Respectfully submitted,

Dennis Dundon
Clerk to the Boards

