

**Village of Skaneateles
Zoning Board of Appeals Meeting
December 23, 2014**

Public Hearing in the matter of the application of James & Jodell McVey to vary the strict application of Section 225-A5 Density Control Schedule for Side yard set-back, left; Side yard set-back, right; Both side yards combined; Percentage of structure width/lot width; and Section 225-69D Nonconforming Buildings, Structures and Uses, Extension or Expansion to construct a second floor addition at the property addressed as 38 Onondaga Street in the Village of Skaneateles.

Present: Craig Phinney, Chairman
 David Badami, Member
 Larry Pardee, Member

 Riccardo Galbato, Attorney for the ZBA
 John Crompt, Code Enforcement Officer
 Dennis Dundon, Clerk to the ZBA

 Bob Eggleston, Architect, on behalf of the Applicant

Recused: Curt Coville, Member

Absent: Mike Balestra, Member

Chairman Phinney opened the matter at 7:50 pm announcing the application of James & Jodell McVey for 38 Onondaga Street. Member Coville recused himself as an interested party in that he lives next door. Mr. Eggleston introduced himself and presented, "The McVeys recently purchased the house on Onondaga Street. While it is a nice, cute, little house, the key is it is a little house. It is over 1,200 SF. Two-thirds of the second floor is two-story and the rest is one-story. What they would like to do; it has 3 small bedrooms and a bath upstairs – they would like to put a 12 by 22 foot addition over the one-story portion to make it a full two-story colonial so that they can have a larger master bedroom and add a second bathroom upstairs. They are not changing the footprint or the set-backs other than they are continuing a nonconforming 9.2 foot side yard set-back on the; for the house. And there is a 24 foot front yard set-back but that is less than the street average so they are fine in the front yard. What they; in discussion the question was brought up at he planning Board – we are showing matching the existing siding. If they have enough budget, they would like to put cement board clapboard siding on it – take off the shingle siding and the vinyl vertical siding. They are hoping they have the budget to be able to do that, and do the whole house in clapboard. They are finding that some of the cedar is rotted and not in good shape. Again, we are not changing the open space in that we are going straight up to make a full two-story and just clean up the house in general."

Chairman Phinney, "You are just matching the peak?" Mr. Eggleston, "Correct; the roof just goes right straight across. Are there any questions relative to the application?" Member Pardee, "I have one. You showed an existing shed? It is not there." Mr. Eggleston, "It showed up on the site plan. I don't know if the previous owners took it with them. It was on the survey. That actually improves the overall coverage. We do not plan on putting a shed back there."

Chairman Phinney opened the public comment portion of the Hearing. There was no one wishing to speak on behalf of or against the project. **Chairman Phinney said, "I move that we close the Public Hearing." Member Badami seconded the motion.** Upon an 'aye' vote by Members Phinney, Badami and Pardee, the Public Hearing was closed.

Member Pardee said, "I move that we accept the variance recommendations in the matter of the application by James and Jodell McVey to vary the strict application of Section 225-A5 Density Control Schedule for Side yard set-back, left; Side yard set-back, right; Both side yards combined; Percentage of structure width/lot width; and Section 225-69D Nonconforming Buildings, Structures and Uses, Extension or Expansion to construct a second floor addition at the property addressed as 38 Onondaga Street in the Village of Skaneateles. This action is based on 2 pages of drawings dated 20 November 2014, a Type 2 transaction and one year to complete." Chairman Phinney seconded the motion. Chairman Phinney and Member Pardee voted 'aye', with Member Badami voting 'nay' and Member Coville recused. The motion failed to pass on a vote of 2 in favor and 1 against. Mr. Eggleston said, "Really?"

Attorney Galbato reminded the Board that a total of 3 affirmative votes are required to pass any motion; a vote of 2-1 does not constitute a majority of the board and therefore the motion "did not pass". Mr. Eggleston, "I am rather perplexed. I guess I would like to know if there was a reason for the 'no' vote?" Member Badami, "First of all I note that you didn't have any comments from neighbors; input, approval, yes or no or otherwise. That's number 1." Mr. Eggleston, "Which is not required." Member Badami, "Not required. My concern specifically is this distance here raising this up here – the amount of light that that's going to block on the neighboring house. I walked over here – it's 20 some odd feet. Raising that up virtually eliminates sunlight coming in on that side to the house." Mr. Eggleston, "But it would be sunlight from the north that would cause that shadow, because that's the south elevation." Member Badami, "Let me bring out that drawing." Mr. Eggleston, "The sunlight from the north would shadow that. The light from the east – the rising sun – is it going to cast a shadow 24 feet over?" Member Badami, "Well anything on this side of the house is effectively going to be blocked out. That's my concern. That's my concern."

Mr. Eggleston, "The reason we didn't go to the neighbors is because Curt was on the Board and we thought it was inappropriate to go to a Board member to ask their opinion – not knowing that Curt was going to be recusing himself." Member Pardee, "Well you almost have to assume he will have to recuse." Mr. Eggleston, "No. The only time a neighbor is required to recuse himself is if he objects to the application before it is presented to the Board." Member Pardee, "I think that any one of us that is a next-door neighbor to a project where a variance is required, any one of us Board members would recuse himself. I have done that in the past." Mr. Badami, "And I am stating to you as if I was standing in the shoes. I went over there and I stood there,

and I personally found that that would not have acceptable to me.” Chairman Phinney, “So you are talking about morning sun.” Member Badami, “Yes. I think that’s a valuable right to air and sunlight. This would effectively block it, and I don’t find that acceptable.”

Mr. Eggleston, “So why didn’t you ask me about that during the question period?” Member Badami, “Why would I ask you about it? The document speaks for itself. I can see where north is, I can see where east is. It is all laid out there. Is there some type of…” Mr. Eggleston, “Because my explanation would be this would probably be an occasion that might occur for an hour or two at the most in the extreme summer.” Member Badami, “well, it is not just sunlight, it is air as well. If he is looking out his window, he is now going to lose the sky. He is looking at a roof. It is not just the morning sunlight.” Mr. Eggleston, “And then I guess I don’t know if the neighbor has any interest in commenting on that. Is that a concern that he has or not? Curt, do you have a concern with the sunlight shading your house from the two-story addition?” Member Coville (recused), “A little bit, but it is a difficult situation.” Mr. Eggleston, “So that was not a concern of yours?” Member Coville, “It would be a concern being that close of a house.”

Member Pardee, “Could you reach some sort of a compromise?” Mr. Eggleston, “I am trying to think what sort of a compromise there could be and still get the required effect. We could make a hip roof; I think that might look odd from an esthetic standpoint. There are 24 feet between the two. Looking at the neighbor’s house is it the same height or not. Obviously he has a sloped roof coming towards that. Whether we put a saltbox on that so that it diminishes it; I might need to talk with the neighbors about that.” [Multiple conversations]

Chairman Phinney, “Well, do we want to try to have a rehearing to see if we can have a different idea or proposal; to come in here and go at it, which would include all members of the Board?” Mr. Eggleston, “I guess if that were the case, I could request a rehearing if that were acceptable to the Board and then have the rehearing next month.” Chairman Phinney, “Is that something that, David, you would be amenable to?” Member Badami, “Absolutely. I am all for alternatives. Absolutely.” Attorney Galbato, “A rehearing requires a unanimous vote, just to rehear it.” [Multiple conversations] Chairman Phinney, “I certainly recalled and mentioned to 4 people, but did not even think about 3 people and the consequences of the 2-1 vote versus the unanimous vote, so that was my omission on that part.” Attorney Galbato, “There is a motion that did not pass because it only got 2 votes, so the application as presented was denied. The applicant can request a rehearing under 225-76E. A unanimous vote of all members of the Board then present is required. So we would still need 3 votes because Curt is still recused.”

Chairman Phinney, “Would that be a matter of me accepting Bob’s motion?” Mr. Eggleston, “I formally make a request for a rehearing to be at the January 27, 2015 meeting.” Chairman Phinney said, “I would move that we accept that motion.” Member Pardee, “I second.” Upon the unanimous vote of the members present and voting, this item, whether the same application or a modified application, will be reheard at the January 27 ZBA meeting. Chairman Phinney, “Now Mr. Eggleston will get a chance to re-present this either in the same or modified form.” Mr. Eggleston thanked the Board. Chairman Phinney moved to adjourn the meeting, seconded by Member Pardee. Upon the unanimous vote of the members present in favor of the motion, the meeting was adjourned at 8:07 pm,

Respectfully submitted,

Dennis Dundon, Clerk to the Boards