

**Village of Skaneateles
Zoning Board of Appeals Meeting
January 27, 2015**

Public Rehearing 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
 Mike Balestra, 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
 Jodell McVey, Applicant
 Meg Brooks, on behalf of the Applicant

 Susan Jones, Village Trustee
 Carol Stokes-Cawley, Village Trustee

Recused: Curt Coville, Member

Chairman Phinney opened the matter at 7:36 pm announcing the application of James & Jodell McVey for 38 Onondaga Street. He stated, "At the last ZBA meeting held on December 23, 2014, a motion was made, seconded and passed unanimously at the end of the meeting, to hold a rehearing on January 27, 2015 (which is this evening) to rehear an application for variances on the property located at 38 Onondaga Street in the Village of Skaneateles. At this time Mr. Eggleston, acting on behalf of James and Jodell McVey will have an opportunity to present this application in either in previous or in modified form. After the Public Hearing is closed tonight, or if it is not closed tonight, either way per Section 225-76E, the ZBA vote must be unanimous among those present and voting in order to modify or annul its original decision made on December 23, 2014. Questions?" Member Coville recused himself as an interested party in that he lives next door.

Mr. Eggleston introduced himself and presented, "Jodell McVey is here along with Meg Brooks who is the realtor who worked with the McVeys. Just to recap the application – the existing

house at 38 Onondaga Street was actually an old barn that got relocated and repurposed into a house in the early 1960s. It has a new foundation, but it is the old structure which is the current two-story structure, and then it had a one-story bay put on the west side. So the house currently is about 1500 SF. It has just living space on the first floor. It has a garage in the basement and some minimal finished space in the basement which is kind of a walk-out because it falls away in the back. The second floor has two small bedrooms – it has the master bedroom which is medium size and just one small bathroom. The first floor just has a very small bathroom on it. Some previous owners took the attic space of this one story wing and created a closet, so it's finished space inside but it's only 5 feet high, so you have to bend over to go into the closet. That was their solution to try to enhance the master bedroom.”

Mr. Eggleston continued, “What the McVeys would like to do is add 270 SF, 12 by 22, over the first floor footprint. The footprint of the house stays exactly the same, and we are just raising it up to make it a full two-story colonial all the way across. In doing so they will be residing it – right now it has 14 inch exposed cedar shingles and vertical siding above. They would like to put new cement board siding on it and give it a more traditional beveled-siding, colonial look. On the west side there are two windows currently in the family room on the west side first floor. You can see the height of the roof here. What we had done is taken those same size windows and mimicked them upstairs. One of the things we were trying to be very cautious about – when you go to the Planning Board they are very concerned about the esthetics and village-appropriateness of an addition. They were recommending that we put the beveled siding on. That was something [the owners] were considering as a cost consideration; they have since decided that they are definitely going to put the beveled siding on.”

Mr. Eggleston continued, “Having the windows up here obviously helps keep the Village character. When you get into suburban subdivisions, so many times they have no windows in the side. That's because they are close to the neighbors and they don't want to look into each other's houses. If we were to go back to the Planning Board without any windows on here, I suspect they would be concerned that it would take away the village character. It would look more like a suburban colonial than a village colonial. That's something we have looked at and paid some close attention to.”

Mr. Eggleston continued, “So the variances we are asking for is a continuation of the 9.5 feet on this southwest corner. The original site plan I had was based on an older survey that the McVeys were given; since I made application they have closed. We have a new up-to-date Lighton survey. I have modified this to show details...” Chairman Phinney, “So it is closer. The old one was 23.6, now we are 18.5. The distance between the two houses is closer.” Mr. Eggleston, “We were working before with a survey that did not have the exact location of the Coville house on it. We have since verified it in the field. So basically, the Covilles at 36 have for practical purposes the same exact side yard as what we have. They have a full 2 story house 9 feet from the property line. We are proposing that we will have a full 2 story house 9.5 feet from the property line. One of the questions that came up in the last meeting – the survey had shown a shed in the back that had been taken down. It is not on the new survey and we are not putting it back. So our open space actually is 77%, whereas in the old survey we showed 76.5.

Mr. Eggleston continued, "The Planning Board took a look at the original application and very quickly came to a unanimous decision to recommend that the ZBA approve the application. They felt it was appropriate, they felt it was in keeping with the Village and they had no issues. So they had a unanimous vote recommending approval. When we came to the ZBA last month, there seemed to be no issues during the public hearing portion except for the question about the shed; we have since clarified and corrected the shed. It is not going to be replaced. The owners were in the process of purchasing the house and they were living out of town. I knew that Curt Coville was a member of the ZBA and I thought it was inappropriate to discuss the project with him if he was going to be on the ZBA. It wasn't until 2 days before the hearing that Curt sent me an email out of courtesy saying that he was going to recuse himself. At the hearing since there seemed to be no issues that were brought up by the public, no neighbors came or sent letters, Curt was here, Curt didn't express any objection to it. We proceeded on with a vote. I do need to remind the Board that notices are sent to all neighbors within 200 feet, I believe, of the property; so it did go out to quite a few people and no one thought it was necessary to come and express any opinion about it. So I was a little surprised when it was a 2 to 1 vote. The surprise was that had there been any issues brought up in the meeting, we could have addressed the issues. After the vote, a couple of items were pointed out (1) that we didn't have any letters from neighbors (which is not a requirement). Proper notification went out and a neighbor was here and said nothing. (2) The addition will shade the neighbor's house and (3) just the general closeness of the two buildings."

Mr. Eggleston continued, "I took note of that and I did reach out to Curt Coville. We were able to get together and ask Curt if there were any issues. He did say that there were a couple of issues that he had with the project. The first was the drainage. This is a one story eave on the front. The gutter on the main house drains toward the east, comes out and then spills on the lawn to the east. There is probably a good 25 feet on so between 40 and this house, whereas there is only 18 on the other side. This gutter comes down – you can see in the photographs that this gutter comes down and then spills out into the retaining wall. So then it spills onto the McVey's driveway, and then it kind of spills over to the back corner of Curt Coville's house." Member Balestra, "You wouldn't have that downspout any longer would you?" Mr. Eggleston, "The beauty of going two story is we could then make it all go to the east or we could run it to the Village sewers. On the new plan we have committed to that. I have made a note that we will either tie the roof gutter into the storm sewers or we will run it to the east; there is a much larger area for it to absorb or bring it into the back yard. There is a large back yard area. I have talked to Shannon who is the new DMO, and yes there are storm sewers on Onondaga Street. There is actually a catch basin just west of Curt Coville's house. The question is whether there is a lateral that we could easily tie into. We haven't pinned that down yet. Our first choice is if the storm sewer runs along the sidewalk. If that is not practical, we will tie it all and bring it to the east. Then we can spill it out on the lawn and/or we could bring it back and put it in a dry well or something in the back of the property. So the first issue that Curt had, we are committed to resolving."

Mr. Eggleston continued, "At one point regarding the height and 'gee it's real imposing being a full two story', one thought I had was maybe we make this a half-story with a dormer. That would make it more difficult to resolve the water problem. The easiest thing is to have one gutter go straight across. Otherwise we have to bring it down there, which is OK if we are going

to the storm sewer, but if not we would have to go to the front of the house. I don't think the McVeys want water going across their driveway because it could be an icing condition. The second question/issue that Curt pointed out was there would be a loss of sunlight or a visual appearance of the sky. As far as sunlight, because the houses are on the south side of the street, the south is in their backyard, not their front yard. So it is only a few minutes in the morning that this house would shade that; in fact by 10 o'clock this house begins to shade itself. Whether this addition is there or not will make maybe minutes difference of direct sunlight. I can appreciate that. Would doing a half addition help? Again we are talking about minutes of daylight difference. The third issue that Curt had was the fact that there are windows here, and they have windows looking into windows. The Coville house has a bay window and two small windows upstairs. I'm not sure what one window is because there's a couple of vent pipes that come out of that window. I had talked with McVeys and I talked with Curt Coville, 'if we put transom windows would that be better?' The window is still there but it is not like – I'm not sure that anyone is staring at each other. I get it – but it is also the Village. There are lots of houses, two story houses, two of my houses in the Village when I was in the kitchen window I could see 20 or 30 feet away, my neighbor in their kitchen window at the same time. It is village living. My concern is if we start eliminating windows or putting in faux windows, it's just not going to look like a village house anymore. The McVeys and myself have decided it is better to make it look like a normal colonial village house. They have committed as shown on the drawings, that they will put window treatments on the windows, whether it is blinds or shades or whatever. They are not just going to have bare windows. I am sure that when the Public Hearing opens Curt can speak for himself, but these were the items that we discovered from Curt that he had questions about the application."

Mr. Eggleston continued, "The question is, are there other alternatives that we could explore? The problem is we have a very small second floor that has only one bathroom for three bedrooms and they wanted just a little bit more space upstairs there. For us to come out the back and put an addition on the south side is the only way. We would still need an area variance. There is no way to do anything on this property without getting a variance; it just happens to be how the Zoning Law reads. We could bring something out, but now what happens is we end up building three stories – we have to put a basement on it, we have to put a first floor on it to get a second floor on it. So now we are building three times the addition that we would otherwise need to accomplish the same thing. We would be taking away the deck, we would then expand the deck or patio, whatever. Will that expand the footprint which decreases open space? If so, we have created a greater variance for open space if we are covering more footprint. And we are creating space where they don't need space – the first floor living space is fine, they don't need any more basement, they have the garage there and the mechanicals. And we can't come off the west side, and we can't go three stories – you can only have a two-story house. So we felt that this was the best solution which required the minimal variance as far as trying to minimize that amount of variance or type of variance. When the Zoning notice cites the nonconforming elements, they are all existing elements that we are not changing, other than the 9.5 feet that we are extending into space not currently occupied by it, but we are not getting it any closer to the side property line. Are there any questions that you have at this point relative to where we are as far as the design, the changes that we made as slight as they are, to the application?"

Member Badami, "Bob, the alternative solution coming south would increase the area variance. At the same time, it would decrease the impact to the adjacent property, is that correct? Let's say that you and I are standing looking out this particular window. There is a certain angle that you and I can stand at and see sky – not light, but visible sky. Correct me if I am wrong. If you put the addition the way that it is, that sky will disappear from view standing in the Coville residence on the first floor. I am not talking light; I understand what your detailed description that it's going to change a few minutes of light. But let's talk about visible sky. That's going to disappear when you go out. Correct?" Mr. Eggleston, "Mmm Hmm. Correct. Curt had the courtesy of showing me that this is what he sees. This is standing - how far away are you from the window?" Mr. Coville, "5 feet, 6 feet back." Mr. Eggleston, "So if he's in the middle of the room, he's not even going to see this much sky. If he's on the other end of the room he's not going to see any sky. He has to get up to the window to look up." Member Badami, "Can we superimpose on that what it would look like?" Mr. Eggleston, "You would see no sky. If you come up here to this window and look, you won't see any sky. The window is only this high. If you stand back here today, you will see no sky already. It is only when you are standing in front of the window that you can actually see the sky." Member Badami, "Is that accurate, Curt? Can I get comment from Mr. Coville?" Member Badami, "This photograph here shows..." Mr. Eggleston, "This is the bay window." Member Coville, "Right about there; it is open living room dining room. So you have living room here and dining room here; so our dining room ends about there. And I was on the other side of the table when I took the picture. So I was probably about where that 3 is." Member Badami, "So in the middle; somewhere in the middle of the house. That's in the middle, not right up against the window." Member Coville, "No." Mr. Eggleston, "Was this a zoom? If you were on the other side of the table, and the table is not right in front of the window, I'd take it." Member Badami, "Guesstimate where you were standing from these windows, ballpark." Member Coville, "About here." Member Pardee, "So 9, 10 feet." Member Coville, "Yeah. With the dining room table there's enough room to get chairs around it." Member Badami, "So you were on the other side of the table." Member Coville, "Yeah." Mr. Eggleston, "So you must have zoomed in on the picture?" Member Coville, "Probably what the basic setting is on the phone. To be honest with you I don't use..."

Mr. Eggleston, "I'm seeing this is the chandelier; the reflection of the chandelier? While I had asked to meet Curt there it didn't work out that we could meet in his house. I haven't been in this house in about 30 years so I couldn't tell you where this might be taken, but that's the chandelier reflection in the picture." Member Pardee, "After we closed last month, I asked you about doing this." Mr. Eggleston, "Putting a hip roof on the end of it." Member Pardee, "What does that do for things?" Mr. Eggleston, "We can. The Planning Board would go ballistic." [Multiple conversations] Member Badami, "Bob, I just want to let you know that I would be inclined to support a design like that. My original concerns from our last meeting..." Member Pardee, "Just keep this corner off a little bit like that, but just give them a little more view of the sky. That's ridiculous; that scenario." Mr. Eggleston, "That would be a full hip roof. We could put a cottage edge on it." Member Pardee, "That would give it the floor space." Member Badami, "I would be inclined to support that; I am not inclined to change if everything remains the same from last month. But that; I understand the home owners predicament; I am sympathetic to that, I have done something similar to a house I used to own. I get it. It's not that I am opposed to that in principal. But if it could be done like that..." Mr. Eggleston, "And what about Larry's suggestion that we put a cottage hip on that? So what that does it comes across so

this is roof here. I understand how that softens that harsh 2 ½ story...” Chairman Phinney, “Is that a doable thing?” Mr. Eggleston, “We physically could do it.” Member Balestra, “I have to be honest looking at that – I think that the north elevation and the south elevation when you do that to the house it just destroys the colonial look. And quite frankly I’m not sure it changes anything if you are standing in the Coville’s window. There is a greater harm in having a house next door that looks like that, than there is in...” Mr. Eggleston, “That’s lopsided.” Member Badami, “What if it were done on both sides?” Mr. Eggleston, “I have to agree with Mike that it would look OK if we did the same thing to the other side. I would be inclined to think that this was an irrational move.” Member Badami, “I don’t disagree with you there. Would this be a possibility?” Mr. Eggleston, “It’s; now what we are doing is coming into this other; I would sooner recommend that they put a cottage hip on both sides as opposed to make both sides a hip – I mean turn it into a Georgian. That would be a major cost.”

Chairman Phinney, “Comments? Curt certainly has the right to talk in a public hearing, sir.” Member Coville, “First off I want to put this on record because the last thing I need is John Crompton our code officer showing up at my house. The bedroom – the room that Bob is referring to with the pipes coming out is actually our bedroom air filter that we put in where the weather is a little bit warmer. It is out now. So it is bedroom; it is not an illegal laundry room. I appreciated Bob meeting with me and I appreciate the conversation I had with McVeys. In the discussion, we have talked about the roof line – and I had three concerns and Bob highlighted all those concerns. The most major for me owning the property, the last thing I want to do is have additional water coming onto the property. Right now in the spring when we get those heavy rains, the way this drainage is set up it actually is graded toward our house. So in conversation with Bob, he has proposed what will be a better solution – having the roof line that way so you can run the drainage somewhere else.” Chairman Phinney, “Could you do that with the dormer?” Mr. Eggleston, “The dormer makes it impossible.” Member Coville, “So I appreciate that Bob was able to come up with a solution that the McVeys were agreeable to, to at least alleviate one of the major issues of the project and that would have been the most detrimental to me. It is one thing to lose sky, but it’s another thing to have a pool in your basement.”

Chairman Phinney, “So are you basically saying that to you as long as the drainage is being fixed, the tradeoff for you is fine with having the addition be as initially presented?” Member Badami, “Let me ask would you prefer it this way with this and this being done that way?” Member Coville, “I would certainly, if they wanted to pursue; you know neighbors working with neighbors, if they did want to pursue this option I certainly would be more open to the idea of having it on both sides, To lose the complete balance...” Chairman Phinney, “Versus the tradeoff for drainage, because as Bob said trying to lay that gutter system in that kind of situation would certainly change radically and look ‘UGLY’, I think.” Member Coville, “I mean the concerns are still there but as Bob said it’s one of those things I’m going to have to deal with living in the Village. I’m just happy that in the process we are able to fix one of the major concerns. My other concerns are still there but...” Chairman Phinney, “So you are more amenable to the situation.” Member Coville, “Yeah especially since I know I’m not going to be having tons of water going into the basement.”

Mr. Eggleston, “We did reach out to two neighbors, the Slaters who are directly across the street who are most impacted because they have to look at the front of it, and also the Rogers who are

in the back. The people at 40, the house is for sale, I'm not sure of the status of that, it's a two family house not owner occupied, so it's a little difficult to figure out who to contact there. Obviously they are far away from the issue and don't see it. The folks here who this Board knows very well. The Rogers have signed off as well as the Slaters right here. So we did reach out to the adjacent neighbors who were easy to reach and we have no objection letters from them."

Chairman Phinney, "Would you like to make some comments? You are certainly more than welcome to talk about your own stuff." Ms. McVey, "No I think Bob [unintelligible]." Mr. Eggleston, "In conclusion, according to Section 225-75B(5) 1-5, New York State has 5 standards that the Board is supposed to consider on all the variances. So I'd like to respond to those 5 from the applicant's point of view.

1. The first is whether an undesirable change is produced in the character of the neighborhood or a detriment to nearby properties can be created by the granting of an area variance. Many of the houses in the A-2 Zoning District are 20 feet or closer from each other; 2 story to 2 story. You see a lot of it on Griffin Street. You see a lot of it – well State Street they are 10 feet apart. But there are a number of houses that have this exact situation; 2 story to 2 story. So it is not uncommon. Not having windows on the west façade would make the house look like a suburban tract house and I think that would be inappropriate to the Village. Both houses have spacious back yards with decks on it, so they can enjoy the outdoors and the sun on the south side of the house.
2. Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue other than an area variance. The Village Zoning is set up where it requires any nonconforming structure to get a variance. This is probably, conservatively 60 or 70 percent of the properties in Skaneateles. The applicant needs additional space on the second floor; has plenty of space on the first floor, plenty of space in the basement. The only other option would be to go out the south, which would require building a three story space versus putting a second story on top – which would be a lot more money. It gives them 3 times the space that they really don't need and also it would likely decrease the open space if they are going to replace the decks. That is a bigger footprint which is less open area. Right now we are not changing any of the variance numbers; we are just increasing the volume that is 9.5 feet away.
3. Whether the requested area variance is substantial. In that we are no closer to the property line than the existing, and straight up, and it is the exact same setback that the neighbor has and the neighbor has a 2 story house. So they got there first. So it is consistent with what the neighbor has.
4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions of the neighborhood or District. I do want to point out that making the second floor roof even means that we can easily take care of the water problem – that is a serious problem and should have been taken care of long before this. We are seeking to see if we can easily tie into the storm sewer; we have to find out which side of the road the storm sewer is on. If we can't tie into the storm sewer, we will direct it to the east where there is a larger area of grass to absorb into. We don't want to create a problem on the east side so we will be very conscious of that.
5. Whether the alleged difficulty was self-created, which shall be relevant to the decision of the Board but which shall not preclude to granting of the area variance. Because the

Village Zoning sets up where 60% have to come in for a variance, that that is not self-created, that was something the Village Board has done by having such a restrictive Zoning Law. But any addition, we have tried to reduce the number and amount of the variances. All we are trying to do is; we are not trying to create a mansion. Even with the 270 SF addition, we still only have an 1850 SF house. This is a village setting, there is kind a presumption when you choose to live in the Village that you will be close to the neighbors. So being 20 feet away from the neighbor is kind of what you buy into. If you want unlimited use, go to the country. This is the character of the Village, that you do have houses next to each other. I think we have tried to find the most reasonable thing. The Planning Board felt that making it a full colonial was appropriate and not detracting from it. I want to consult with Jodell as far as the option of the hip roof or the partial hip roof before you make a final decision.”

Member Badami, “Can I make a suggestion Bob? That we adjourn or postpone our decision on this for another month. It gives you an opportunity for you to talk to your clients, we can continue to talk to you, get some feedback.” Mr. Eggleston, “I’d like to take two minutes and talk to my client first. They purchased the house a month and a half ago, they are in a rental right now and they are waiting to get the project done. So I do need to talk about...” Chairman Phinney, “Fine.” [Pause]

Mr. Eggleston, “I have talked with Jodell. I think waiting a month won’t take us any place different than we are now. It gives me an opportunity to go into Curt’s dining room to look for myself where the picture was taken. I don’t want to make that an issue. They have agreed that they will put a 4 foot hip on each end; they will make both match. So they will get a cottage hip. I say 4 feet because I don’t know if it is 2 foot or 16 inch on center. What we will do is take the existing roof, we will go up into the attic and we will cut back to put that hip on. That is a cottage hip and it will give us a cottage colonial look.” Chairman Phinney, “Will you be able to handle the drainage in some manner or form?” Mr. Eggleston, “As agreed on the site plan we will run the gutters to the street if it is reasonable, otherwise we will run the drainage to the east side on both front and back, so that the water is away from...” Member Pardee, “Will you use a dry well?” Mr. Eggleston, “If it is adequate to spread it on the yard because we do have about 25 feet to the neighbor’s area. There is one that runs back here already. By the time you get to this point you are below everyone’s basement and it is just coming out into the back yard.”

Chairman Phinney, “I move that we close the Public Hearing.” The motion was seconded by Member Pardee. Upon the unanimous vote of the members present and voting, the motion was carried.

Attorney Galbato, “The proposal is modified from the plans submitted in writing. Let’s make sure the motion is accurate so that Mr. Cromp can review it appropriately if the motion passes unanimously. What you have in front of you has been modified verbally by the applicant. At last month’s meeting, you unanimously passed a resolution for those members present and voting to rehear the application. The application has been reheard and now you are voting on the application as modified. You may want to include in your motion that you are either reversing or modifying the motion made on 12/23/14.”

Chairman Phinney, “I would like to make a motion to reverse the negative ruling made at our previous Hearing, and propose that we accept the modifications in the matter of the application of 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 is a Type 2 action under SEQRA. This approval is based on plans presented 15th of January 2015, with a modification that the west peak of the addition and the east peak of the existing house are to be modified to have a cottage hip, which will be 4 feet horizontal across the ridge. As indicated in the drawings, the drainage will run to the storm sewers or to the east of the house. Applicant shall have two years to complete. Applicant shall provide revised drawings to the Code Enforcement Officer.” Member Balestra seconded the motion. Upon the unanimous vote of the members present and voting, the motion to reverse the previous decision in this matter was approved.

On motion of Chairman Phinney, seconded by Member Pardee the meeting was adjourned at 8:21 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards

