

Village of Skaneateles
Zoning Board of Appeals Meeting
July 28, 2015

Public Hearing in the matter of the application of Steve Boulet to vary the strict application of Section 225-A5 Density Control Schedule for Side yard set-back, left; Both side yards combined; and Percentage of open area; to construct a 12 by 14 foot deck adjoining existing deck in rear at the property addressed as 70 West Elizabeth Street in the Village of Skaneateles.

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

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

Steve Boulet, Applicant
Chris Boulet, Applicant

James Lanning, Village Trustee
Ronald Beavers, 50 West Lake Street
Karen , 50 West Lake Street
Paul Dunham, 50 West Lake Street
Angela Morosini, 22 Onondaga Street
Guy Donahoe, 4503 NW Townline Road
Katie Severance, 34 State St.
Jack Severance, 34 State St.
Robin Rulli, 1675 New Seneca Tpk.
Tom Blair, 3895 Fennell Street
Diane Burkhart, 217 Montgomery St., Syracuse
Deb Darden, Delaware County
Paul Mogren, 17 West Elizabeth St.
Bob Eggleston, 1391 E. Genesee St.

Chairman Phinney called the meeting to order at 7:34 pm. Mr. Boulet introduced himself and presented, "Fellows, thank you for giving your time; I know the pay is not very much. The way I left the Planning Board, Bill [Member Eberhardt] asked me to get together with John [CEO Crompton] because our figures were not in agreement. I would like to point out the discrepancy and I'm going to ask you to help me, because I think I am right."

There was a substantial amount of discussion and debate among the Board, CEO Crompt, and Mr. Boulet regarding the appropriate calculation of the lot size. All agreed that the lot area is calculated from the street right of way to the rear lot lines, rather than measuring from the street centerline. There appeared to be dimensions on the survey that were not clear as to the actual measurement being represented. Mr. Boulet's calculation resulted in a lot area of 11,633.6 SF, resulting in proposed open area of 81.2%. CEO Crompt calculated the lot area as 9,600 SF, resulting in proposed open area of 79.2%. Mr. Boulet acknowledged that, in any case, "I'm still asking for a variance." Subsequent to the meeting, CEO Crompt verified that his calculation is correct and informed me of such. Existing open space is 84.6%.

Member Pardee, "When I was there the other day, the plan looks like you are going to have one continuous deck; one level?" Mr. Boulet, "My wife and I have a difference of opinion as to whether we are going to have all one deck or a high-low deck." Member Balestra, "What's her opinion?" Mr. Boulet, "That's why I'm going to do the high-low deck." Member Pardee, "And you are going to have stairs coming off that low deck into the yard?" Ms. Boulet, "Probably between the two decks; that would make the most sense." Member Pardee, "But you won't go beyond the deck with your stairs, you'll make it in the same outline?" Ms. Boulet, "I don't see why we would have to go past it."

Chairman Phinney opened the public comment portion of the hearing. There was no one desiring to speak in favor of or in opposition to the application. **Chairman Phinney said, "I move we close the Public Hearing." The motion was seconded by Member Pardee.** Upon the unanimous vote of the members in favor of the motion, the Public Hearing was closed.

Member Balestra asked, "If approved, how long will you need to complete construction? 6 months?" Mr. Boulet, "Certainly by the winter." **Member Balestra said, "I move that we approve the application of Steve Boulet to vary the strict application of Section 225-A5 Density Control Schedule for Side yard set-back, left; Both side yards combined; and Percentage of open area; to construct a 12 by 14 foot deck adjoining existing deck in rear at the property addressed as 70 West Elizabeth Street in the Village of Skaneateles. This approval is based on plans dated 6/17/13, it is a type 2 transaction under SEQRA and applicant will have 6 months to complete construction." Member Badami seconded the motion.** Upon the unanimous vote of the members in favor of the motion, the variances were granted. Mr. Boulet thanked the Board. This matter was concluded at 7:45 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards

Village of Skaneateles

Zoning Board of Appeals Meeting

July 28, 2015

Review of the Proposed Joint Comprehensive Plan referred to the Zoning Board of Appeals for review and recommendation by the Board of Trustees on June 11, 2015.

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

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

James Lanning, Village Trustee

Chairman Phinney called the matter of the Joint Comprehensive Plan at 8:50 pm. Mr. Dundon explained that the Trustees had referred this matter to both the Planning Board and ZBA for review. The Planning Board has issued a number of comments that the ZBA members were copied on. The purpose of tonight is to gather and concerns or comments by the ZBA, prior to the Trustees taking action on the Plan.

Member Balestra noted that the Plan referred to Form Based Zoning as being worthy of consideration. Member Balestra stated, "I don't think it applies to the Village; I don't think it is appropriate in the Village; I don't think it should ever be implemented in the Village. The Town might be a different story. The Village is already 99.9% developed; I don't think that concept really fits." Chairman Phinney completely agreed saying, "there is no room for Form Based Zoning in the Village."

Member Coville noted that the School District is "hardly mentioned at all" in the Comprehensive Plan, which leads him to conclude that it "wasn't considered, in terms of how it fits into the Comprehensive Plan." It feels like it has been left out of where the Plan wants to take the Village and the Town. The District campus itself could play a bigger role in the community. Member Coville said, "I would be more comfortable if it were not acted upon until a draft were prepared of what zoning changes might be needed." Chairman Phinney said that it did not appear that anything in the plan would require such changes.

Trustee Lanning said that one of the things that concerned him about the Public Hearing is that the "possibility of a moratorium was put out there. If the Town declares a moratorium, does that

apply to the Village as well?” Chairman Phinney said, “No. Separate entities and separate zoning.” The members discussed the areas for new development in the Village.

Trustee Lanning noted that in 1996 both the Plan and revised zoning were adopted at the same time. Currently the plan is to adopt the Comprehensive and then spend money having experts lead the overhaul of the Town Zoning Code. Attorney Galbato said that when a municipality adopts a Comprehensive Plan, any future changes are supposed to be consistent with that Plan.

Trustee Lanning noted that the Plan talks about more sidewalks and a more walkable community to solve the problems, so the ZBA should encourage applicants to fix up their sidewalks or put sidewalks where there are not any now. The members discussed the historical Village sidewalk program, and the desirability of increased speed patrols in the Village.

The Board decided that these minutes would adequately convey the ZBA’s comments on the Comprehensive Plan. This matter was concluded at 9:03 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards

**Village of Skaneateles
Zoning Board of Appeals Meeting
July 28, 2015**

Public Hearing in the matter of the application of Ron Beavers to vary the strict application of Section 225-A5 Density Control Schedule for Side yard set-back, left; Both side yards combined; and Percentage of open area; to restore an existing front porch to original historic conditions at the property addressed as 50 West Lake Street in the Village of Skaneateles.

Present: Craig Phinney, Chairman
 David Badami, Member
 Michael 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

 Ronald Beavers, Applicant
 Karen Lewis, Applicant
 Paul Dunham, on behalf of the Applicant

 James Lanning, Village Trustee
 Angela Morosini, 22 Onondaga Street
 Guy Donahoe, 4503 NW Townline Road
 Katie Severance, 34 State St.
 Jack Severance, 34 State St.
 Robin Rulli, 1675 New Seneca Tpk.
 Tom Blair, 3895 Fennell Street
 Diane Burkhart, 217 Montgomery St., Syracuse
 Deb Darden, Delaware County
 Paul Mogren, 17 West Elizabeth St.
 Bob Eggleston, 1391 E. Genesee St.

Chairman Phinney called the matter of Ron Beavers for 50 West Lake Street at 7:46 pm. Mr. Beavers introduced himself and presented, "The first photo there is a picture of the house taken roughly circa 1865. The brick part was built in 1833, the back part was built in probably about 1855 – 1865 by the Thornes who were then the owners. I can date it because of the lady wearing hoop skirts and the house to the left of it will be sold by the Thornes to the Bennetts in 1868 and they will build a house there by 1872. There is the porch as it stood in its original. One difference that we are going to do – you see in this front there are steps on the side; we will not include steps on the side, just the front steps. The next copy – these are all drawings from HKK

architects – shows you the front as how it’s going to look at the time period. We are actually coming back 7 feet from the existing porch, closer to where the house was. This is how it will look once completed. We are using the existing pillars that were there in the house. If you go to copy #3, you will see the side porch. What it doesn’t really show you is that room to the left is the dining room and there’s a door there. Currently you have to go down the steps. So this will line up the entire porch the way it was back in 1865. Then the next one will give you a North elevation and you will see how much of a set-back we have done from what we have currently.”

Mr. beavers continued, “The next drawing you will see that the existing front porch is 460 SF. We are taking off roughly 195 SF, so the front porch once completed will be 265 SF. The side porch, which we are going to be adding is 274 SF. So the total increase is 79 SF for the wrap-around porch. We are roughly 14 feet plus from the property line in the front and the last one shows you where the house sits in relationship to the property plat. Any questions?”

Member Balestra, “When do you think you’ll be able to complete construction on the porch?” Mr. Beavers, “We are thinking that within 6 months it should be done.” Chairman Phinney opened the public comment portion of the hearing. There was no one desiring to speak in favor of the application or opposed to it. **Chairman Phinney, “I move that we close the Public Hearing.” Member Balestra seconded the motion.** Upon the unanimous vote of the members in favor of the motion, the Public Hearing was closed.

Member Coville said, “I move that we approve the application of Ron Beavers to vary the strict application of Section 225-A5 Density Control Schedule for Side yard set-back, left; Both side yards combined; and Percentage of open area; to restore an existing front porch to original historic conditions at the property addressed as 50 West Lake Street in the Village of Skaneateles. This approval is based on 3 pages of plans dated 6/26/2015, it is a type 2 transaction under SEQRA and applicant will have 6 months to complete construction.” Member Pardee seconded the motion. Upon the unanimous vote of the members in favor of the motion, the variances were granted. Mr. Beavers thanked the Board. This matter was concluded at 7:51 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards

**Village of Skaneateles
Zoning Board of Appeals Meeting
July 28, 2015**

Discussion on the status of vacation rental enforcement. This matter was not scheduled on the agenda.

Present: Craig Phinney, Chairman
 David Badami, Member
 Michael 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

 James Lanning, Village Trustee

Member Coville posed the question as to whether the Board should schedule special meetings to deal with any influx of new applications seeking Special use Permits or Use Variances in connection with the CEO's enforcement actions regarding renting of dwellings for fewer than 30 days. The Board thought that the actual numbers of applications should determine the need for scheduling a special meeting.

In response to a question, CEO Crompt discussed the formal complaints that he has received to date. The members had questions about timing and process.

Members also asked questions about specific use categories; applicants may choose the use category that they feel is most appropriate for their specific property. The Board will consider the requested use in its review of the application. The importance of consistent handling of complaints and applications was stressed.

This matter was concluded and the meeting was adjourned on motion of Chairman Phinney, seconded by Member Coville at 9:31 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards

**Village of Skaneateles
Zoning Board of Appeals Meeting
July 28, 2015**

Public Hearing in the matter of the application of Howard & Cindy Brokenshire to vary the strict application of Section 225-A5 Density Control Schedule for Front yard set-back; Side yard set-back, left; Both side yards combined; Percentage of open area; and section 225-14A(2) minimum lot area and Section 225-69D Nonconforming Buildings, Structures and Uses, Extension or Expansion; to construct a 14 foot by 12 foot deck at the rear of the building at the property addressed as 22 Onondaga Street in the Village of Skaneateles.

Present: Craig Phinney, Chairman
 David Badami, Member
 Michael 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

 Angela Morosini, Architect, on behalf of the Applicant
 Guy Donahoe, Architect, on behalf of the Applicant

 James Lanning, Village Trustee
 Katie Severance, 34 State St.
 Jack Severance, 34 State St.
 Robin Rulli, 1675 New Seneca Tpk.
 Tom Blair, 3895 Fennell Street
 Diane Burkhart, 217 Montgomery St., Syracuse
 Deb Darden, Delaware County
 Paul Mogren, 17 West Elizabeth St.
 Bob Eggleston, 1391 E. Genesee St.

Chairman Phinney called the matter of Howard & Cindy Brokenshire for 22 Onondaga Street at 7:52 pm. Ms. Morosini introduced herself and presented, "We are actually currently doing some work at the house right now to open up an existing kitchen. It's a nineteenth century home so it was really closed off and kind of in the center of the home. What we are looking to do is open it up to the back of the home and provide some outdoor living space at the rear of that home. It will be a 12 by 14 deck over an existing parking area that is asphalt right now and once the deck is built it will leave a turn-around area in front of the deck. So we are also proposing to add an additional parking space in addition to the current parking space in front of the barn area. There

are no current decks or patios in this house right now, so this is our first opportunity to give them that outdoor living space that everyone likes to have. The existing lot is nonconforming. It is only 11,538 SF where 30,000 is required. The existing width is only 66 feet as opposed to the 100 feet required. The existing side yard is only 1.75 feet; our deck is not going any closer. The open space is currently 77.8%, adding this deck will bring it down to 76%. The Planning Board requested that we submit some pictures and also that we specify what railing we were going to choose to illustrate how it was going to fit in with the existing house. Additionally they asked that we send letters to the neighbors; we drafted for Cindy and she delivered to the neighbors. As the deck is extending off the back it is not going to have any impact on the view or the look of the home from the front or from the public way.”

Member Pardee, “What’s this dimension from the...” Ms. Morosini, “It’s about 5 feet; it will be level with where the first floor is.” Member Pardee, “That’s asphalt right there currently? And you are talking about putting a parking space alongside the barn?” Ms. Morosini, “Yes. If you look at the site plan; right now there is an existing garage barn right here, and there is a one-car opening into there. And they have a parking space here. What they want to do is be able to provide a parking space so you can actually use the garage and someone can park by it.”

Member Pardee, “So over this way?” Ms. Morosini, “Exactly. So we want to move what was a parking space here over to this area.” Member Pardee, “What’s that going to do to runoff to the neighbor?” Ms. Morosini, “Actually it shouldn’t be bad because we are providing this retaining wall here. The retaining wall is Ready Rock and it has a little bit of a lip on it that’s actually going to have a planter in it. So the runoff shouldn’t even go over into their yard at all.”

Member Pardee, “It will run down to the back.”

Member Badami, “What’s the timeframe if this were approved?” Ms. Morosini, “Probably by next week; as soon as they can.” Chairman Phinney opened the public comment portion of the hearing. There was no one desiring to speak in favor of the application or opposed to it.

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 Badami said, “I move that we approve the application of Howard & Cindy Brokenshire to vary the strict application of Section 225-A5 Density Control Schedule for Front yard set-back; Side yard set-back, left; Both side yards combined; Percentage of open area; and Section 225-14A(2) minimum lot area and Section 225-69D Nonconforming Buildings, Structures and Uses, Extension or Expansion; to construct a 14 foot by 12 foot deck at the rear of the building at the property addressed as 22 Onondaga Street in the Village of Skaneateles. This is a Type 2 transaction based on 2 pages of drawings dated 6/18/15. Applicant will have 6 months to complete construction.” Member Pardee seconded the motion. Upon the unanimous vote of the members in favor of the motion, the variances were granted. Ms. Morosini thanked the Board. This matter was concluded at 7:59 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards

**Village of Skaneateles
Zoning Board of Appeals Meeting
July 28, 2015**

Public Hearing in the matter of the application of Jo Anne Gagliano 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; and Percentage of open area; to construct additional parking area, patio, decorative fence and stairs to false door at the Weichert property addressed as 81 East Genesee Street in the Village of Skaneateles.

Present: Craig Phinney, Chairman
 David Badami, Member
 Michael 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

 Diane Burkhart, Architect, on behalf of the Applicant

 James Lanning, Village Trustee
 Katie Severance, 34 State St.
 Jack Severance, 34 State St.
 Robin Rulli, 1675 New Seneca Tpk.
 Tom Blair, 3895 Fennell Street
 Deb Darden, Delaware County
 Paul Mogren, 17 West Elizabeth St.
 Bob Eggleston, 1391 E. Genesee St.

Chairman Phinney called the matter of Jo Anne Gagliano for 81 East Genesee Street at 8:00 pm. Ms. Burkhart introduced herself and presented, "Their property is in the Historic District, A2 District. It is a very narrow property 60 feet wide and just over 400 feet long. Because of the narrowness of the site, they would like to add additional parking beyond the garage. Right now they are utilizing the space between the garage and the house for parking, especially when they have guests over. So they would like to add additional parking behind the garage and also add the patio space between the house and the garage. The front yard set-back is unchanged. The side yard east; there will be a seat wall/retaining wall that would line up with the back of the existing garage, so we are not changing anything there as far as set-backs go. We would be adding a decorative fence that would be two feet off of the property line to screen the existing fence on the neighboring property. That would just be 3 sections, about 20 feet, of fence. The only other structural addition would be this 18 inch retaining wall at the very end of the turn-

around addition to the parking area. I do have a dimension of 7 feet on here; it would be 4 feet. There is an existing building that has a dimension of 11 feet existing. That would be the one change, actually, on the west side of the property. Open space, because we are adding the patio and a little more paved area at the bottom of the stairway here, around the existing historic structure of the property, would bring the open space to 79.42, where 85% is required.”

Chairman Phinney “Where did you come up with 79.42? I think what happened is she included the parking as part of the open area calculation.” Ms. Burkhard, “Originally I did. Then I was advised not to include the parking. So there were revisions made, so the new open area is 79.42%.” Member Balestra, “Can you speak to the issue of run-off, since we are adding a lot of impermeable surface to this very narrow property which I think runs toward the lake?” Ms. Burkhard, “There is; the road is curbed as I know you are aware of and all the run-off from the neighboring properties heads in this direction. There is a bit of a swale right here on the property line, right in here.” Chairman Phinney, “Enough of a swale to handle 1,300 SF of impermeable surface?” Member Balestra, “Additional square footage. Actually it is more. It is the 1,300 plus this patio.”

Chairman Phinney, “I have a huge problem with the parking. Huge, huge.” Member Balestra, “It’s a lot of pavement.” Chairman Phinney, “Huge problem with the parking. I have a house with a turn-around in the back and I have a two car garage. In your existing asphalt drive I had two kids, 3 cars, 4 cars; was more than adequate to handle people coming in, turning around, and backing in and out of the garage – in contrast to adding two parking spaces and more than 1,300 SF of more macadam into a yard. So I have a huge problem with that. I don’t know about anyone else on the Board?” Member Badami, “I am with you on that.” Member Pardee, “Yes.” Member Balestra, “I was there tonight. I thought the proposed driveway addition was a bit much, especially since they are also adding the patio, which quite frankly didn’t bother me. The patio, I thought, made a lot of sense.” Chairman Phinney, “Right.” Member Balestra, “The driveway is a lot. Quite frankly I thought what they had looked OK to me.” Chairman Phinney, “More than adequate.”

Ms. Burkhard, “What would you advise as far as...” Chairman Phinney, “I would say it’s a huge problem. Do we all have a problem with that? [Murmurs of assent.] I would say you have a huge problem with that. All five of us feel that’s not necessary.” Member Balestra, “That’s the issue. I really feel it is not necessary. I worry about the run-off.” Ms. Burkhard, “Any additional parking?” Chairman Phinney, “Any additional parking such as you laid out there, correct. The rest I have no problem at all with. Patio I have no problem with. The other things that are laid out in here, they all make perfect sense. Again I live in a Village property that’s 75 by 450. I understand narrow.”

Ms. Burkhard, “What if it were semi-permeable pavement. Is it the open space or the coverage that you are concerned about?” Chairman Phinney, “It is the necessity. I don’t see where, unless you are going to have 22 cars in there – are you planning on renting out the house or doing something else – I’m not sure how many cars you need to accommodate on a parking space in that aspect.” Ms. Burkhard, “They have a number of children who are of driving age.” Chairman Phinney, “I understand that. I did also. And I have less than this amount of space to be able come in and turn-around, and I had room for a basketball court and all the rest. To me, I

can't be in favor of something that's going to be on this scenario." Member Balestra, "I agree. It's a lot." Member Pardee, "It's a lot; it's an awful lot of coverage." Chairman Phinney, "Everything else, I personally have no problem with. I would have a problem approving the application with this addition here of the parking." Member Balestra, "It's more than; frankly, you could probably fit 6 cars in this proposed space." Ms. Burkhard, "If we were to look at minimizing that space to perhaps get another vehicle to perhaps get some more additional parking; would you review that?" Member Balestra, "We'll review anything. I would consider a reduction." The Board members and the architect discussed possible hypothetical alternatives to the parking shown in the application, including making sketches on a copy of the site plan. One version of the sketches was estimated to add approximately 800 SF. Mr. Badami, "It's still a lot but it's a lot better than what's here."

Member Pardee, "Is there any drainage in the driveway; storm drain at all?" Ms. Burkhard, "No." Member Coville, "I'm much more agreeable with drawing the line there." Chairman Phinney, "I could live with that." The Board discussed the merits of having additional parking not directly visible from the road. Ms. Burkhard, "OK; well I'll review that scenario with the client then, and we'll come back next month."

Chairman Phinney opened the public comment portion of the Hearing. There was no one desiring to speak in favor of the project. In opposition, Mr. Mogren introduced himself, "I live at 17 West Elizabeth Street. My siblings and I own the property at 83 East Genesee. I showed up tonight because I have the same concerns that Mike mentioned about drainage. We have more water than we can handle in our basement right now." Ms. Burkhard, "Which property are you." Mr. Mogren, "Right next to Cy's house on the east side." Ms. Burkhard, "To the east; so you're up higher than the Weicherts?" Mr. Mogren, "Equal elevation. I think that if you go into our back yard, everything slopes down. My only concern was the parking lot; 1,300 SF and parking spaces. It just seems like a lot of pavement and we have issues with water now. I saw that you have a retaining wall on the other side. On the map I see the retaining wall on the opposite side and then I see all these lines heading this way. Is that like water drainage?" Ms. Burkhard, "Is this your property over here? So water's going the opposite direction of your property. The water would be moving the opposite direction of your property." Mr. Mogren, "Towards the Village?"

Member Balestra, "In addition to asking your client about reducing the coverage, could you also explore some drainage options, instead of; to catch some of the water?" Ms. Burkhard, "Sure." Mr. Balestra, "That's obviously the thrust of everybody's concern." Ms. Burkhard, "OK. In regards to this additional parking?" Member Balestra, "In general; impermeable surface coverage." Ms. Burkhard, "What about the patio area?" Member Balestra, "Same thing. I don't know what the typography is here. I would appreciate it next time when you come back, just be prepared to address those issues, because I'd like to know where the water is going. If you can come up with a solution that works for your client to catch some of that additional water, it would be fantastic. I think we would all appreciate that." [Multiple simultaneous discussions]

Attorney Galbato, "I would recommend keeping the Public Hearing open given that there are going to be receiving revised drawings, and there may be other information." Chairman Phinney, "Then what we will do is then is we will adjourn the public meeting for now, and

continue the Public Hearing and take it up again on August 25, 2015. Is that workable for you?"
Ms. Burkhard, "Yes. Thank you." This matter was concluded at 8:16 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards

Village of Skaneateles
Zoning Board of Appeals Meeting
July 28, 2015

In the matter of the application of Jack & Katie Severance for a Special Use Permit to operate a bed & breakfast homestay and to vary the strict application of Section 225-A5 Density Control Schedule for Percentage of open area; to change the use to a single-family dwelling with a 2 bedroom bed & breakfast at the property addressed as 34 State Street in the Village of Skaneateles.

Present: Craig Phinney, Chairman
 David Badami, Member
 Michael Balestra, Member -- Recused
 Curt Coville, Member
 Larry Pardee, Member

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

 Bob Eggleston, Architect, on behalf of the Applicant
 Katie Severance, Applicant
 Jack Severance, Applicant

 James Lanning, Village Trustee
 Robin Rulli, 1675 New Seneca Tpk.
 Tom Blair, 3895 Fennell Street
 Deb Darden, Delaware County

Chairman Phinney, "Is Ms. Brennan or Mr. Brennan here this evening? Well I'm going to introduce some things into the record here to address a missive that Mr. & Mrs. Brennan submitted to this Board. I want to say that I am personally and professionally affronted by the audacity and slanderous comments that are made by those two individuals on this particular missive regarding accusing me and this Board of having a predetermined vote before the Public Hearing has begun. She could not have been more inaccurate. I have been doing this for 14 years; I have never walked into this building ever with any predetermined vote within my head. I would have to disagree paragraph by paragraph in the missive; I am not going to through it at this particular point, but Mr. & Mrs. Brennan and I may have some personal conversations later regarding the inaccuracy and slanderous comments that she has made regarding myself and this Board. Thank you. And that is public record that you are welcome to look at any time that you so choose."

Chairman Phinney called the matter of Jack & Katie Severance for 34 State Street at 8:17 pm. Attorney Galbato, "Mr. Chairman, I think the first consideration for the Board would be the SEQR review for this application. If it were just solely an area variance for the patio it would be a Type 2 action under SEQRA, which is no environmental review. However, this application includes a request for a Special Permit to operate a Bed & Breakfast Homestay ("B&B"). Mr. Eggleston, on behalf of the applicant has submitted and is part of the record a Short Environmental Assessment Form. The applicant completed Part 1; it was signed by Mr. Eggleston on behalf of the owners, the applicants, so if it pleases the Board I would like to go through Part 2 and talk about what impacts if any there are for the 11 questions. At the conclusion of that the Board would consider a motion on SEQR based on your answers:

[The Board invited Mr. Eggleston to comment on each question]

1. *Will the proposed action create a material conflict with an adopted land use plan or zoning regulation?*
RE – Is permitted use subject to special use permit. It follows zoning and is consistent with Comprehensive Plan.
ZBA – No or small impact. The requested use is a permitted use subject to a special permit.
2. *Would the proposed action result in a change in the use or intensity of use in the land?*
RE – Change of use from 5BR SFD to 4 BR B&B will have minimal impact since the B&B impact is probably less than a large family.
ZBA – No or small impact. There is a change of use, but the proposed use will not necessarily increase intensity of use. It will be comparable or even less.
3. *Would the proposed use impair the character or quality of the existing community?*
RE – House was on market 5 years -- large and expensive – looking for a family to buy it. The B&B will allow it to continue to be maintained and help it continue as a large home.
ZBA – No or small impact.
4. *Would the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area?*
RE – Not aware of any.
ZBA – No or small impact. Not aware of any.
5. *Would the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?*
RE – As a large 5 BR house and has had a large family with multiple cars, the actual traffic will be the same or less as a B&B. Guests can walk to the Village center, eliminating traffic and parking congestion.
ZBA – No or small impact. It will be comparable or less.
6. *Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?*

RE – Use of energy will probably be the same as a large family. Structure has been brought up to code. Improvements comply with energy requirements.
ZBA – No or small impact.

7. *Will the proposed action impact existing (a) public/private water supplies and (b) public/private wastewater treatment utilities?*

RE – House goes from 5 BR to 4 BR decreases design load.

ZBA – No or small impact. Public water and sewer are available.

8. *Will the proposed action impair the character or quality of important historic archeological, architectural or esthetic resources?*

RE – The exterior of the house will be better maintained as a B&B.

ZBA – No or small impact. Have noticed improvements as hearings have been going on. No planned structural changes.

9. *Will the proposed action result in an adverse change to natural resources, for example wetlands, water bodies ground water, air quality, flora and fauna?*

RE – There is minimal exterior changes and a decrease in impermeable coverage by removing the tarvia from the patio area.

ZBA – No or small impact.

10. *Will the proposed project result in an increase of the potential for erosion, flooding or drainage problems?*

RE – Previous answer covered that as well.

ZBA – No or small impact. Minimal exterior changes.

11. *Will the proposed action create a hazard to environmental resources or human health?*

RE – It will be maintained as a single family house with residential use.

ZBA – No or small impact.

Given those answers, it would be my recommendation that the Board entertain the following motion – to declare themselves lead agency under SEQRA. No coordinated review and has already received input from the Planning Board. It is an unlisted action under SEQRA. That the ZBA issues a negative declaration in that the proposed action as proposed will not result in any significant adverse environmental impacts, makes a negative declaration, and authorizes the Chairman to sign the SEAF as completed by the applicant and now Part 2 by the Zoning Board of Appeals.” **Chairman Phinney, “I will make that motion.” Member Pardee, “I’ll second the motion.” Upon the unanimous vote of the members present and voting the negative declaration was adopted by the ZBA.**

Attorney Galbato, “Mr. Chairman, as the Board is aware, at the last meeting the Public Hearing was closed but we did allow for written comments to be submitted by the public and by the applicant as well. Part of the reason was that we were going to accept the information from the County Planning Board. We did receive two different decisions from the Onondaga County Planning Board under the GML 239 referral; one was on the area variance and one was on the Special Permit. The Board has both those letters, and also a letter from Mr. and Mrs. Brennan.

All those written communications before tonight are part of the record and are incorporated by reference. I did prepare a written resolution for the Board's consideration. The Board can take that up, and if you do, I would recommend that it be read into the record before it is moved, if it pleases the Board. The Board should feel free to expand on any findings that are made under the area variance or under the elements of the Special Permit, if they choose to add some additional findings that are not otherwise stated in the prepared resolution."

Chairman Phinney, "What I am going to do is; we have about 6 pages to go through." Chairman Phinney read the resolution into the record, to wit:

**VILLAGE OF SKANEATELES ZONING BOARD OF APPEALS
JULY 28, 2015**

In the matter of the application of Jack & Katie Severance for a Special Use Permit to operate a bed & breakfast homestay and to vary the strict application of Section 225-A5 Density Control Schedule for Percentage of open area; to change the use to a single-family dwelling with a 2 bedroom bed & breakfast and to add a patio at the property addressed as 34 State Street in the Village of Skaneateles (Tax Map No. 007.-03-01).

WHEREAS, on or about May 22, 2015 Jack and Katie Severance applied for an area variance to install a patio and for a Special Permit to operate a Bed and Breakfast Homestay with Narrative dated May 22, 2015 drawings dated May 19, 2015; and

WHEREAS, on or about June 18, 2015 the applicant submitted a revised Narrative and Site Plan Drawing dated June 18, 2015; and

WHEREAS, the applicant has submitted the Short Environmental Assessment Form and completed Part 1 dated June 4, 2015; and

WHEREAS, on June 4, 2015 the Village of Skaneateles Planning Board passed the following Resolution: "Let me suggest that we pass this on to the ZBA without a recommendation, other than if they were to approve the B&B, that there would be adequate screening of the parking area from 321, so the presence of the cars wouldn't be quite as pronounced."; and

WHEREAS, a Notice of Public Hearing was duly published in the The Skaneateles Journal on June 10, 2015; and

WHEREAS, a Public Hearing was held by the Village of Skaneateles Zoning Board of Appeals (ZBA) on June 23, 2015 and closed at that time, but the ZBA agreed to continue to accept written comments from the public, the Onondaga County Planning Board and the applicants until our the next meeting on July 28, 2015; and

WHEREAS, the Zoning Board of Appeals have received numerous written correspondence regarding this application which are part of the record; and

WHEREAS, the Zoning Board of Appeals referred this application to the Onondaga County Planning Board pursuant to General Municipal Law 239; and

WHEREAS, the Onondaga County Planning Board by Resolutions on July 8, 2015 for both the Variance and Special Permit stated that “the Onondaga County Planning Board has determined that said referral will have no significant adverse inter-community or county-wide implications and may consequently be acted on solely by the referring board.”; and

WHEREAS, on this date, July 28, 2015 the Zoning Board of Appeals completed Part 2 of the Short Environmental Assessment Form and issued a Negative Declaration under SEQRA; and

WHEREAS, the property is located in Zoning District A-2 and the applicant requires the following:

1. An Area Variance from 225-A5 Density Control Schedule for Percentage of Open Area from: Code 85% to 82.6% for a Variance of 2.4%; and
2. Pursuant to the Permitted Use Chart a Special Permit B(2) a Bed-and-Breakfast homestay (in compliance with Section 225-40 and the definition of “bed-and-breakfast homestay in section 225-4) requires a Special Permit.

NOW, THEREFORE, BE IT RESOLVED,

AREA VARIANCE

Under section 225-75B5(b), the Board must balance the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community. In making such determination this Board shall consider and determine:

- (1) Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;

Finding: All of the members of the Board have personally visited the property. The proposed project is converting black top driveway into a permeable patio. There will be no other exterior changes to the existing structure.

- (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;

Finding: In the opinion of the Board the benefit sought by the applicant cannot be achieved by some method, feasible for the applicant to pursue, other than using an area variance.

- (3) Whether the requested area variance is substantial;

Finding: The patio is not any closer to the side yard than the existing black top driveway, in fact it is smaller and now permeable.

- (4) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and

Finding: This Board, after review of the Short Environmental Assessment Form submitted by the applicant, is issuing a negative declaration under SEQR.

- (5) Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Zoning Board of Appeals but shall not necessarily preclude the granting of the area variance.

Finding: Self created but not sufficient reason to deny variance.

SPECIAL USE PERMIT

§ 225-4 BED-AND-BREAKFAST HOMESTAYS

Provision for not more than two sleeping rooms without cooking facilities and only breakfast prepared and served by the homeowner(s) for compensation for transient guests whose occupancy shall not exceed three nights. Such use shall be subordinate and incidental to the occupancy by the owner(s) of a single-family dwelling which existed on the effective date of this chapter.

Finding: The applicant has represented in the application that “This is the primary residence of the applicant/owner’s of which the Bed & Breakfast Homestay will have only 2 guest rooms that will not have cooking facilities within them.”

§ 225-39 I. BASIS FOR DETERMINATION

Before issuing a special use permit, the Zoning Board of Appeals shall consider the public health, safety, morals and welfare and shall make the following findings:

(1) There shall not be any unreasonable detrimental effect by the establishment of such conditional use on any other building, structure or use, actual or permitted, within the district.

Finding: This Bed and Breakfast Homestay use is an owner occupied single family dwelling in a residential district. With the exception of the new patio no exterior changes are taking place to the structure.

(2) Such conditional use and site development plan are in harmony with and will not impede the orderly development of the district, and the location, nature and height of buildings, structures, walls, fences and parking areas will not discourage the appropriate development and use of the adjacent lands.

Finding: The single family dwelling will maintain its exterior appearance and interior layout as a single family dwelling with no additional parking surfaces added to the site. Fences and

landscape will be consistent with a single family dwelling. No changes will be made to the exterior of the home.

(3) The water supply, sewage disposal and surface drainage systems shall be adequate to serve the conditional use.

Finding: No impermeable surface area will be added so storm drainage remains the same. The house will be reduced to 4 bedrooms potentially reducing water and sewer usage.

(4) The flow, control and safety of traffic in the district will not be adversely affected to an unreasonable degree by such conditional use.

Finding: Two existing driveways on this corner will remain and cars will not need to back out onto the street. The two guest rooms will generate no more traffic than an active family with multiple cars or transporting kids to events might.

(5) The plans for such conditional use provide that all structures, equipment and materials shall be reasonably accessible for police and fire protection.

Finding: The property is located on a corner lot with 41.8 FT on the south side of the house, 49.4 FT for the rear yard and 6.2 FT between the garage and property line.

(6) The plans for such conditional use contain reasonable provision for open spaces and recreational areas appropriate to such conditional use.

Finding: This lot will have 82.6% open area, which excludes 3 parking spaces and the patio. This is substantially more open space than most of the neighbors. The house has open porches for both the guests and residents with ample rear, side and front yards.

(7) The plans for such conditional use meet the prescribed requirements of this chapter, inclusive of the requirements for the district in which located and the following prescribed standards, and are not otherwise prohibited by law, ordinance, rule or regulation.

Finding: The only area variance is for open area because of the additional guest parking and patio. The 82.6% is greater than most neighbors properties. All the special requirements of Section 225-40 are met.

§ 225-40. Bed-and-breakfast homestays.

In addition to the above general provisions, a bed-and-breakfast homestay shall comply with the following prescribed standards:

A. Preparation of food. The only meal to be provided to guests shall be breakfast, and it shall only be served to guests taking lodging in the home.

Finding: Only breakfast will be served to guests, no other meals.

B. Interior design standards. The architectural integrity and arrangement of the existing interior spaces must be maintained; the number of guest rooms shall not be increased.

Finding: The house has only two guest suites, the master bedroom suite and a bedroom for family or personal guests. The interior layout can always be used as just a single family dwelling in the future.

C. Exterior design standards. The exterior appearance of the structure shall not be altered from its single-family character.

Finding: The exterior will not be altered from its single family dwelling appearance. Only normal repairs will be made to the exterior.

D. Inspections. Each bed-and-breakfast homestay operation shall be subject to an annual inspection by the Village Code Enforcement Officer.

Finding: See below. The applicant in the application stated "The owners understand that annual inspections of the property will be required."

BE IT FURTHER RESOLVED, that the applicant be **GRANTED**

- (1) An area variance of 2.4% from the strict application of 225-A5 Density Control Schedule for Percentage of Open Area;
- (2) A Special Permit to operate a Bed-and Breakfast Homestay as defined by the Village of Skaneateles Zoning Code, consistent with the application as revised on June 18, 2015 and Site Plan Map dated June 18, 2015 **SUBJECT TO:** No more than two (2) sleeping/guest rooms are allowed to be used and said rooms are located only on the second floor of the premises. The applicant/property owner is not permitted to Rent or otherwise use for a Bed-and-Breakfast Homestay any of the first floor bedrooms. Failure to comply with this condition, as determined by the Village Code Enforcement Officer, will result in the immediate revocation by the Code Enforcement Officer of this Special Permit;
- (3) The applicant is not required to install and maintain the 4' height dense shrub screening as shown on the Site Plan Map of June 18, 2015 but has the option to do so;
- (4) The applicant be required to cooperate at a mutually agreed time for the Village Code Enforcement Officer annual inspection of the premises, including inside the home and bed and breakfast homestay; and
- (5) The Village Code Enforcement Officer is requested at the time of issuance of a Certificate of Occupancy to incorporate and attach this Resolution to said Certificate.

Now on motion by Member Phinney seconded by Member Pardee

Craig Phinney, Chairman aye
Larry Pardee, Member aye
Curt Coville, Member aye
David Badami, Member aye
Michael Balestra, Member abstain (and has done so from the beginning.)

By a vote of 4 to 0, with Member Balestra abstaining, this Resolution was approved.

Chairman Phinney, "Any questions with anyone here? Any questions at all? And you understand the codicils, right? They are very specifically laid out and as we all well know, it's a new world out there regarding rentals and weekends and all those other types of things as we move on to the future." Mr. Eggleston, "Thank you. Nice job." Chairman Phinney, "Thank you very much for your patience in all of this; we appreciate it, and away we go. Thank you."

This matter was concluded at 8:49 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards

