

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

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Public Hearing in the matter of the application of Mary Sennett 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 open area; and Percentage of structure width/lot width; to install 8 by 8.5 foot concrete slab, add 68 SF to existing paver patio and install 8 foot long by 6 foot high vinyl fence at the property addressed as 19 Goodspeed Place in the Village of Skaneateles.

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

                  Riccardo Galbato, Attorney for the ZBA  
                  Dennis Dundon, Clerk to the Boards

                  Robert Leiss, on behalf of the applicant

                  James Messenger, Esq., Syracuse  
                  Courtney Ehrich, Syracuse  
                  Guy Donahoe, 4503 NW Townline Rd.  
                  Robert Eggleston, 1391 E. Genesee St.  
                  David Lee, 1741 Pork St.

**Absent:**        David Badami, Member

Chairman Phinney called the meeting to order at 7:30 pm. He explained that with the absence of one member, a minimum of 3 votes in favor would be required for the Board to approve a particular matter. He then called the matter of Mary Sennett for 19 Goodspeed Lane at 7:31 pm. Chairman Phinney asked, "From what I understand there is more to the application than what I just read; a hot tub?" Mr. Leiss introduced himself and presented, "It's really just a hot tub and we are extending some existing pavers around to the edge of the house. That's really the only modification. It's pretty straightforward; pavers around the tub once it has been installed. There is no extra lighting. The plan for draining these things; we have an easy hose connection from the tub directly down past the house to the end of the driveway."

Member Balestra, "The hot tub is 25 feet from the lot line, right?" Mr. Leiss, "It meets the 25 foot requirement." Chairman Phinney opened the public comment portion of the hearing. There was no one desiring to be heard either in favor of or in opposition to the application. Chairman Phinney moved to close the public hearing. The motion was seconded by Member Pardee. Upon the unanimous vote of the members present, the public hearing was closed. **Member**

**Coville, “I move that we accept the application of Mary Sennett 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 open area; and Percentage of structure width/lot width; to install 8 by 8.5 foot concrete slab, add 68 SF to existing paver patio and install 8 foot long by 6 foot high vinyl fence at the property addressed as 19 Goodspeed Place in the Village of Skaneateles. This approval is based on plans dated 8/19/2015 and a survey to be redated to today; this is a Type 2 action under SEQRA and the applicant will have one month to complete.” The motion was seconded by Chairman Phinney. Upon the unanimous vote of the members present, the motion was approved. This matter was concluded at 7:36 pm.**

Respectfully submitted,  
Dennis Dundon, Clerk to the Boards

# Village of Skaneateles Zoning Board of Appeals Meeting October 27, 2015

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Public Hearing in the matter of the Amendment to approvals granted on March 24, 2015 to Toby & Jessica Millman to change two aspects of the project – Side yard set-back, right from 2.4 to 2.0 feet to accommodate air conditioning compressor and Section 225-69D Nonconforming Buildings, Structures and Uses, Extension or Expansion to add a 3<sup>rd</sup> floor dormer at the property addressed as 6 West Lake Street in the Village of Skaneateles.

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

Riccardo Galbato, Attorney for the ZBA  
Dennis Dundon, Clerk to the Boards

Guy Donahoe, Architect, on behalf of the applicant

James Messenger, Esq., Syracuse  
Courtney Ehrich, Syracuse  
Robert Leiss, 19 Goodspeed Pl.  
Robert Eggleston, 1391 E. Genesee St.  
David Lee, 1741 Pork St.  
Rick Parcells, 61 West Lake St.

Absent: David Badami, Member

Chairman Phinney called the matter of Toby & Jessica Millman for 6 West Lake Street at 7:37 pm. Mr. Donahoe introduced himself and presented, "This application was before the Board earlier this year and the Board had granted variances for us to extend the covered front porch in the front, as well as to add a dormer and to rebuild the rear of the house as a two floor addition. Through the discussion with the builder and developing some more details, one item had been omitted from the design which is a second air conditioner condenser. We would propose to locate it next to the existing one on the north side of the house, as we indicated on the site plan. That will be roughly a 3 by 3 pad. Another modification that we would like to make; where the dormers are located on the south side, there was a dormer at the rear of the home. We would like to locate a dormer also on the east side, more toward the front of the house; as we developed the third floor a little bit further as to what that space is concerned. We also changed, resulting in a net reduction in the volume, the rear space that we were going to expand slightly over the existing deck and go two stories – that will remain unchanged. So that will remain a one story structure."

Chairman Phinney, "And the architecture will remain the same?" Mr. Donahoe, "Yes, it will." Chairman Phinney opened the public comment portion of the hearing. There was no one desiring to be heard either in favor of or in opposition to the application. Chairman Phinney moved to close the public hearing. The motion was seconded by Member Pardee. Upon the unanimous vote of the members present, the public hearing was closed. **Member Balestra, "I move that we accept the application of Toby & Jessica Millman to change two aspects of the project previously approved on March 24, 2015, for Side yard set-back, right from 2.4 to 2.0 feet to accommodate air conditioning compressor and Section 225-69D Nonconforming Buildings, Structures and Uses, Extension or Expansion to add a 3<sup>rd</sup> floor dormer at the property addressed as 6 West Lake Street in the Village of Skaneateles; per plans dated September 9, 2015. This is a Type 2 action under SEQRA. The applicant will have one year from today to complete all work in connection with tonight's and prior variances."** Member Pardee seconded the motion. Upon the unanimous vote of the members present, the motion was approved. This matter was concluded at 7:44 pm. Mr. Donahoe thanked the Board.

Respectfully submitted,  
Dennis Dundon, Clerk to the Boards

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

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Public Hearing in the matter of the application of Kirsten Ehrich to vary the strict application of Section 225-A5 Density Control Schedule for Front yard set-back; Side yard set-back, left; and Percentage of open area; and Section 225-69D Nonconforming Buildings, Structures and Uses, Extension or Expansion; and Section 225-14C(5)(a/b) Accessory Buildings, distance to lot lines or structures to construct an addition to the house, new garage with living space above and lake side accessory structures at the property addressed as 63 West Lake Street in the Village of Skaneateles.

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

                  Riccardo Galbato, Attorney for the ZBA  
                  Dennis Dundon, Clerk to the Boards

                  Robert Eggleston, Architect, on behalf of the applicant  
                  Courtney Ehrich, on behalf of the applicant  
                  David Lee, on behalf of the applicant

                  James Messenger, Esq., Syracuse  
                  Rick Parcells, 61 West Lake St.

**Absent:**        David Badami, Member

Chairman Phinney called the matter of Kristen Ehrich for 63 West Lake Street at 7:44 pm. Mr. Eggleston introduced himself and presented, "We also have David Lee who is the contractor and Courtney Ehrich who is Peter's sister. The Ehrichs have owned the property for a number of years; they do use it as a summer home, their main home is in Utah. They do have family in the area; that's what's brought them back to Skaneateles. One of the attractions of the house – it is a cute little farmhouse; it probably was a small service house for one of the main properties along the lake at one point. It had been cut off onto this small nonconforming lot. They will be going through a process of bringing back the house; upgrading the exterior and what not. We have worked with them on different approaches to the property. They have looked at tearing it down, but they really like the property, they like the character it gives to the Village. There are 3 projects that they are contemplating doing over the next 2 years. The first is an addition onto the house; a sunroom addition and a first floor deck. It will have space underneath it for storage and exercise. The second is a detached 22 by 30 foot garage that will have some living space above it. The third is they'd like a shoreline structure; there's no buildings down here. There's a patio that extends over onto the neighbor's property. They'd like to build this into the ground for

storage and also for a deck above it. This retaining wall has been faced with concrete and is in poor condition with erosion on the back side; they'd like to have that rebuilt. These are all the projects they want to do starting with the garage this fall."

Mr. Eggleston continued, "On the house itself, again this is a simple farmhouse character that they'd like to maintain, the west elevation which there will be no changes to. On the east elevation facing the lake what they'd like to do is build a sunroom off the back of the existing family room that will have glass. There will be a basement underneath that; then they'd like a 16 feet deep deck and change the windows along the back side so they have the ability to view the lake. As you can see from the photographs there's just one picture window in the center. It's a very plain-jane house that's had a lot of the character taken away. In the basement, they will put a room underneath that deck that will be partially in the ground that will be an exercise room. All the work on the main house will be in the back and not seen from the street. You'd have a 12 by 16 sunroom that would be off the family room – changing the fenestration for more glass windows, doors – and then a deck that would be about 30 by 16 on the back. In the basement, storage underneath the sunroom and then a rec room underneath the deck. This has a side yard variance; right now the existing side yard is 8.2 feet at the west corner of the house. We will actually be further away because the property line goes away from the house as it goes further east – so it will 9.7 and 24.4. Those are the specific variances for that part of the application. The next item is the garage. What they wanted to do is have a traditional Skaneateles two-car garage/carriage house-type structure. There's a number of structures in the Village that are these 1 ¾, 2 story structures. They would like to go with some traditional materials – board & batten siding a little arts & crafts feel with shingle and siding above. It will have 2 doors that will face towards the road, but it will set back half-way behind the back wing. Because the lot slopes down, they are going to put storage underneath for lawn furniture or boats. The main floor will have room for 2 cars – they actually keep their cars here during the winter so they will be used all year long for storing cars. And then rather than put another bulky addition on the house, they want to put 2 bedrooms and a bathroom on the second floor of this carriage house. This has 5 foot eaves, so it is 1 ¾ stories and then it has the dormers in the bathroom and in the stairwell area. This is absolutely for their personal friends, guests, Courtney when she comes over. They have quite a few guests when they are here during the summer. This will have a 5 foot side yard set-back. A 2 car garage is allowed to be 3 feet off the side yard. We chose 5 feet because then we don't have to fire-rate the side wall toward the neighbor's property line. Because this is more than just a 2 car garage, we elected to not question whether we were allowed a 3 foot side yard set-back but just anticipated that we would need a 25 foot side yard set-back like any other building larger than a 2 car garage. So that's why we are asking for the 5 foot set-back instead of 25 feet."

Mr. Eggleston continued, "If I were to go back to the site plan, the question is where else could we put this garage on the property. This really lines up about with the existing tarvia driveway that comes across; it's pushed over slightly. There will be 18 or 19 feet between the house and the garage. We have pushed it back, because normally these carriage barn garages are set back behind; we didn't want to get it too far behind. We actually will have 67 feet from the Dunn's, the neighbor to the south. There is quite a bank here; there's about a 7 or 8 foot high bank here. We will be building this up so we dip down to this natural grade here and then we start building this up about a foot, foot and a half, ok. The first floor, not the basement, but the first floor will

be about a foot below the driveway over here. There's this natural bank that occurs here. So basically there will be a stone foundation wall that will be exposed for the basement portion of this. Then the peak of the roof is only about 20, 21 feet above the first floor of the garage, ok. While it may in elevation appear to be a tall building, it actually is sunken down compared to the neighbors whose property is much higher on the other end. The other option for a garage would be getting it closer to the house, again you see too many of these neat village houses that have a garage tacked on the front. They wanted to maintain the character of the Village by having a detached two-story barn-like structure that looked natural. The specific variance for this is the 5 foot side yard set-back and 19.7 feet between the garage and the house, where the height of the building of 24 feet requires us to be 24 feet away from the house. There is a patio that is there now; that patio will be made smaller in that transition space."

Mr. Eggleston continued, "The last part of the project is down at the waterfront. The only structure existing at the waterfront is this very large patio that actually extends over onto the neighbor's property. We are going to be doing a 12 foot by 18 foot lake accessory structure that will be sunk down in. There is about 7 feet of drop in this area and we are tucking this back into the hill. This will have some sliding doors on it facing the lake, it will have actually some double doors so we can bring canoes, kayaks and patio furniture and store it in here. There will be a retaining wall; we have done a grading plan to ease access down here so they can easily use golf carts to come down to the lake. There will be a series of stepped retaining walls with stairs coming up. This will be about 3 or 4 feet above the grade for a deck that will be on top of the storage building. You can see how the building sets into the grade; there will be retaining walls here there will be steps coming up to this upper layer; there will be several steps coming up to the deck on top. This structure is actually 10.2 feet from average grade to the top of the railing here. There is a stone seawall there that is in poor repair. There had been concrete put on the front of it but water is getting in underneath. What we want to do is disassemble the stone and reuse the stones to see if we can put it back the way it was – getting proper drainage behind it. We put the bottom step a minimum of 12 inches below the lake. We put filter fabric to prevent any granular material from being eroded into the lake and then they'll put sod on top for stabilizing it. This is a project that will have to occur next fall when DEC allows work in the lake. The work down here has received its site plan approval from the Planning Board. So, other than the general coverage of the project, there are no specific variances required for this work. Now that we have walked through the entire project, the variances are we have an existing nonconforming structure with only 19.3 feet for the front yard; we are not touching that. We have 8.2 feet on the side yard; it will expand as we bring this out to 9.7 feet and 24.4 feet, where 25 feet is required for side yard. We have 19 feet between the house and garage we have the 5 foot side yard set-back. Then our coverage for the project – we were at conforming 90.1% coverage; we will be decreasing that by 2.5 to be at 87.65 coverage. The lakeshore set-back zone, within 50 feet of the lake, where 90% open space is required; the structures in that area are 6.7% coverage or 93.3% open area. We are well under the maximum build out that we are allowed in the lakeshore area. Are there any questions that you have relative to this application?"

Member Balestra, "What have the neighbors to the south said, if anything?" Mr. Eggleston, "We have talked with the neighbors to the south, that would be Mark Dunn. Mark has a couple of concerns and I know Jim Messenger is here representing Mark Dunn. They had some concerns

about the appropriateness of a detached two-story barn/garage/carriage house and the proximity. He told me just today that he didn't have any problem with the shoreline structure because it is sunken into the ground and we are cognizant that the houses kind of look over each others' properties here. There is some concern about tying in and integrating the seawall. Mark Dunn had made an application for redoing his shoreline a couple of years ago. He actually rebuilt all the seawalls down in this area. But you will see that the concrete seawall that is mostly on the Ehrich property does extend around the corner. We are hoping to have some further conversations with Mark relative to what's the appropriate thing to do. The most inappropriate thing to do is to cut our wall at the property line and fix our wall, because that is a pretty challenging joint. We have a couple options: 1. we work out an agreement with Mr. Dunn that we repair and do his wall in the same manner so it's a unified system, 2. if Mr. Dunn is unwilling to participate, we cut the wall back some distance, repair this wall with concrete, so that corner is in better shape than the balance of the Ehrich seawall. Ehrichs have to do something with the seawall. They could slap concrete on the whole thing; they were looking to return it to stone to make it more historic, more appropriate. That's something I'd like to have the Ehrichs and the Dunns work out to see what is an agreeable approach to it."

Chairman Phinney opened the public comment portion of the hearing. There was no one seeking to speak in favor of the application. To speak in opposition, Mr. Messenger introduced himself as the Trustee for the Dunn Holdings Trust which owns the adjacent property and attorney for Mark Dunn, and presented, "Let me start with the seawall issue. Our concern is that the seawall that ties into the Dunn property has a lot of life left in it. If they start cutting and doing other work, it would deteriorate or possibly erode that leading into the Dunn property. Right now it is a unified wall. So it would be tough to grant a variance and not have some kind of agreement in place that obligates somebody to make sure that it doesn't negatively affect the Dunn side of the seawall. The most important objection however is the garage 5 feet off the property line. Bob mentioned it was 65 or 67 feet away from the house but that's the bedroom side of the house and having bedrooms and a living space above a garage that looks into the bedroom space of a house is disconcerting. Also, not knowing the owners of the property next door, it is difficult for me or others to understand 'build it and they will come.' To put a living space above a garage in a Village like Skaneateles is an invitation for abuse; maybe not by the current owners but that's not to say that someone down the road will not take advantage of having residential space above the garage in a desirable location. The third concern with the placement of the garage is the visibility from the street and coming into the Dunn property. I know it is set back further than the house, but that is an issue as well. I guess the closest analogy I can come up with is going out trick or treating with a one pound bag looking for 10 pounds of candy. It's not going to fit. And this is a one pound bag property and they are trying to put 10 pounds of candy on it. That's a difficult concept. I know Bob has mentioned that there are frequent placements of smaller houses next to larger houses in Skaneateles. But if you look at the houses on this street there's not that many small lake houses on West Lake Street in that area. If you work your way down, they are all large houses. So trying to fill every available square foot of frontage here with structures is probably inappropriate. Putting a detached garage with residential use upstairs 5 feet off the property line of a house this size is one of the major objections of this plan. Mark was pretty adamant that he would fight this tooth and nail because of the location."

Chairman Phinney, "Where would you suggest, if they were going to have a garage, might be a more desirable location for Mr. Dunn?" Mr. Messenger, "I think attached to their house if they like. But the other concern is this is a seasonal house; it's probably easier to store your cars someplace for the rest of the year as opposed to taking 9 months of the year and building a structure at this cost in this location to store two vehicles. It's not really that necessary if it is only a seasonal house." Chairman Phinney, "Its current usage is only as a seasonal house, but not necessarily the end-all or potential usage down the road?" Mr. Messenger, "That's again the concern with expanding the house with a bedroom use above a garage. It's just an invitation for greater use. I am not accusing anybody with saying it would be used as an apartment down the road, but the natural inclination is down the road and I know it is a problem in the Village now – for Airbnb or other uses where people rent spaces for weekends. The types of homes that are in this neighborhood are not conducive to having fluctuating guests and visitors from all over the place stay."

Mr. Parcels, "That has been the case with the Lynch property for 30 years. Weekly rentals." Chairman Phinney, "My question to the Board is that on the other side of the street there are at least two garages with living quarters above them that within the last 5 years have certainly been approved by this Board, if not 3. So the neighborhood already exists with homes that have garages with living quarters above them within 100 yards of the home now as we speak." Mr. Parcels, "Are they not set back behind the houses?" Chairman Phinney, "Some are on the side, some are set back. It is not a unique thing on that end of West Lake Street. On the other end, closer to the Village I'd say it is unusual for that to occur. But I know that since I have been here we have approved at least two, if not 3, specific things, scenarios on West Lake Street for exactly this type of thing. Again everyone is unique; this is 5 feet from the property wherever it may happen to be, but it is not a unique thing now, other than it is now a hot-button issue." Member Balestra, "For the purpose of narrowing the issues for discussion, I would say that you could make the argument that building any house or structure in the Village is ripe for abuse to use as a short term rental. They have said that they are not going to use this as a short term rental, if they do we have a code that is in place that hopefully will be enforced stringently one day."

Mr. Messenger, "I am more concerned about having 5 feet off a residential..." Member Balestra, "So let's focus; I want to focus the discussion a little bit and get away from the short term rental thing if we can." Mr. Eggleston, "I have brought some additional photographs to help focus -- looking across the Dunn property to the Ehrich property, also a series of Skaneateles barns. The property line is well treed; in a month or two you will be able to see through the trees. This is the Ehrich house right here; this is that side where they are suggesting let's slap that garage up against the side of the house. This is the area where the garage will be; this is lake; this is the area of the two story section of the Dunn house that's 67 feet from the corner of the garage." Member Coville, "Have you had any discussion with Mr. Dunn about vegetation?" Mr. Eggleston, "Yeah, and we'd be more than glad to..." Mr. Messenger, "The answer is no." Mr. Eggleston, "We have not had that conversation at this point. We would be glad to enter into that conversation. Right now there is a lot of vegetation on the Dunn property. The property line is on the grass. I put stakes up; they don't show up well in the photographs. I put some black marks to show where those are. As you see in the photographs it shows up much better, we are entirely on the grass area, in fact there's some grass beyond. And then you

get the steep bank of the Dunn property with vegetation. We would be more than open to conversation. The vegetation is currently on the Dunn property. We will be far enough away from it that we will not be affecting it at all. I think there is already good screening in place for that. We had done some advance drawings since we submitted in September, so I have a grading plan of the house here. This shows the topography of what we are anticipating, and again it shows the garage level as 888 which swings around and 889 is actually the Dunn driveway – a foot above it. The south elevation facing the Dunn property. What I have shown in here is; I put the approximate level of the Dunn driveway which is just above the floor level that we are proposing. We are proposing to do this in stone; he intends to do this first-class to make it look architecturally appropriate. Basically there will be a swale that comes down here directing water down around the building and there's a bank that has vegetation on it. So really when Mr. Dunn is standing in his driveway, he's at this level. From the first floor to the peak is about 20 feet high. This has a 9 foot first floor, a foot of structure, 5 feet here; it's 8 feet ceilings inside up above. We have tried to design something that we thought is architecturally appropriate for West Lake Street."

Member Balestra, "There was some concern expressed about bathroom windows looking into bedroom windows. We don't have a true south elevation but could you just use what you have and show us where; I'm sorry on the east elevation?" Mr. Eggleston, "This is the south elevation so there is a bathroom window that looks into the Dunn property; this is the bedroom here. This is the east elevation. There is the overhead door for storage in the basement. This is the garage windows. There is this tiny little balcony and there is a french door looking at the lake. When you look at this they are not looking at the Dunn house. They are looking at the lake. Out here you are looking towards the lake. There's vegetation here. The Dunn house is over here. You have to be looking over here, 67 feet away, to see the Dunn's house. In fact they are going to be able to look onto the Lynch property easier." Member Balestra, "That was the concern that you expressed, right?" Mr. Messenger, "Yes, bathroom window looking at a teenage daughter's..." Member Balestra, "I wouldn't say that the; I don't even think that you can look from the bathroom window and really see the house. I think it is something that adequate screening would alleviate." Mr. Messenger, "Will he put the screening in?" Member Balestra, "We can impose any reasonable conditions that we want and I think that's one way to take care of it. I understand that you have another concern about the proximity. I'm just trying to find some common ground or middle ground if possible." Mr. Messenger, "In looking at these pictures, I don't think there are any of these that are lakefront, first and foremost. Second of all I see only two that are either adjacent to or in front of a house. All this Village style is rear, away from other houses, with back yards that go into treed lots behind or treed lots to the side. They do not affect adjacent property owners." Member Balestra, "To that point, it's one of the things that I'd like to see it further back too. But if you push it further back, now you really do have a bathroom window looking into a bedroom." Mr. Messenger, "Or if you push it further in towards the house. If there is going to be imposition of obstruction it shouldn't be on the next door neighbor, it should be on the person that wants the garage."

Mr. Eggleston, "One of the elements that I'd like to point out, this is the Dunn property survey from when we had done work for the seawalls. Mr. Dunn appreciates the luxury of his predecessor having received a variance of 86.3%. So to say that we have overdeveloped is like to pot calling the kettle something other than Revere. It is not uncommon to have 85% open

space on these properties, even these large properties as large as Mr. Dunn's is. He has only about 11 feet on one side and I can't quite read the other side. Mr. Dunn also has a full-blown apartment with kitchen and everything over his garage. We have to keep in mind the character of the Village and I don't think that what the Ehrichs are looking to do is anything out of character. They have tried to put in a structure that will be much more Village-appropriate. The Dunn house was done in the early 1920s or 30s and remodeled in the 50s or 60s. It is not as traditional as what; this is an actual authentic farmhouse that's been around for 150 years and we are trying to preserve the small nature of it, put in an appropriate village-like garage on the site."

Chairman Phinney, "I'm not, we're not going to vote on this this evening. I am not comfortable making a decision until I look at more of this information again." Member Coville, "Is the basement a necessity?" Mr. Eggleston, "It serves two purposes. If we didn't create it then we have a lot of fill, because we are not going to drive down a steep hill for a lower garage. The garage is roughly at the road level. We dip down and then up so we don't get water off the road in. So it would be built up regardless. He does have; the existing lake. So looking at house is very small, there is not a lot of storage; he's adding a little bit of storage underneath the sunroom, but where do you put the deck furniture, the patio furniture. Where do you put the things from the; all 3 projects he is trying to take into account the kinds of things that they would have and want to be able to store on site. Again he will be keeping his cars here year round and he has to store them offsite somewhere else now. Right now they shut the house down just because they aren't going to come back in winter. But they want a house that if they do want to come back; any variances go with the property and you would expect a year round house to have a garage."

Chairman Phinney, "Something I'd request you look at – right now that patio exists to the side of the house; and if the concern has been because of the distance to the property line, is there any speculation or way that the patio bops back or to get a visual as we wait for a month – if you could maybe just show a visual it may prove; it may help us in looking at it differently, not necessarily saying that's the way it needs to be done." Mr. Eggleston, "I think the patio is kind of an element that was more important when they didn't have the deck. What we were thinking, it's just a transitional space, it's not the only space. We could even eliminate the patio." Chairman Phinney, "And I'm also not suggesting that it becomes an attached garage to the house. But I'm looking toward a form of compromise or what may be a compromise, if you could come up with some form of plan to show what it may look like that way, it may be helpful." Member Balestra, "I don't know to what extent the contours suggested to put the garage exactly where it is but in the spirit of compromise purely for discussion purposes – I'm sure this is something you thought about – swinging the garage a little bit off the property line and a little bit back. Quite frankly I'm not sure that will make the Dunns any happier; it kind of makes it more of a direct shot at their house out of the window, but it does get it off of the property line a little bit and pushes it back away from the road a little bit." Chairman Phinney, "That would be more intrusive versus over." Member Balestra, "I tend to think that you are right." Member Pardee, "What about moving the whole driveway over?" Mr. Eggleston, "We are going to lose this tree here, but we would like not to lose this tree; we are trying to use the existing tarvia. One of the nice things about the placement here especially with this angle, this house is very challenged because it looks right at a side property line. It doesn't get any worse than that. This deck is very important because that's where they actually recapture their control over the property. One of the pleasant things is as you walk from the driveway to the front door

you have this nice little glimpse that you are looking right down at the lake. That's obviously one of the reasons not to attach it, not to mention it is hard to attach a garage and make it look good." [Multiple conversations] Mr. Eggleston, "And we will continue discussions with the Dunns as well." Member Pardee, "Including the seawall issue too." Mr. Eggleston, "The seawall is less critical; the garage we were hoping to have ready for next summer."

Chairman Phinney, "I guess what I'd like to do then is I'd like to continue the public hearing until the next meeting and keep everything open for discussion. As we speak now we are planning on meeting the Tuesday before Thanksgiving. **I would like to make a motion that we adjourn/continue the public hearing on this matter until the next meeting.**" **Member Pardee seconded the motion.** Member Balestra requested that Mr. Messenger grant permission for the Board members to enter the Dunn property for review of the application. Permission was granted. Upon the unanimous vote of the members present, the motion was approved. This matter was concluded at 8:31 pm.

Respectfully submitted,  
Dennis Dundon, Clerk to the Boards

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

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Public Hearing in the matter of the application of Ryan Sidebottom & Natasha Ginzburg to vary the strict application of Section 225-A5 Density Control Schedule for Percentage of open area; and Section 225-14C(5) Accessory Buildings, distance to lot lines or structures to construct a carport at the property addressed as 60 Jordan Street in the Village of Skaneateles.

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

                  Riccardo Galbato, Attorney for the ZBA  
                  Dennis Dundon, Clerk to the Boards

                  Robert Eggleston, Architect, on behalf of the applicant

Absent:         David Badami, Member

Chairman Phinney called the matter of Ryan Sidebottom & Natasha Ginsburg for 60 Jordan Street at 8:32 pm. Mr. Eggleston introduced himself and presented, "They have purchased the property at 60 Jordan Street. This is a flag lot that was an original house before a turn-of-the-century house was built on its front lawn. It is rather nonconforming. Everyone is glad to know that it is owner occupied by two doctors who are looking to get married and start a family. Two previous owners had received approval for a one-car garage that was set 3 feet off the back property line and 4 to 5 feet off the side property line. Those variances did not have an expiration so theoretically they could build that garage. Instead what they would like to do is build a carport that is 18 feet by 20 feet over the existing driveway area. There is a retaining wall here they would like to push back so we can keep this 3 feet off the property line. 3 feet is the minimum distance required. This structure actually requires no variances except for open space that will be decreased to 74.4%. We are actually at 74.4%; that's because we are shifting the coverage from the two 9 by 20 foot required parking to the carport."

Mr. Eggleston continued, "We took our design cues off the house. The front porch has this slight arch with the round columns. So we put this slight arch here with the round columns; we put it on a stone base. We also are proposing a 6 foot privacy fence; that will be a 4 foot high solid fence with lattice above it. Even though cars have been parked here; the Lombardi's house is next door and does look directly into this driveway. They thought the privacy fence there; you're not seeing the comings and goings – it makes it a little more discreet. They do have a tree in this location. We will be putting 6 posts in, not a full foundation. We are hoping to maintain that existing tree. We appreciate the vegetation that is back there. They have talked to their

neighbor, and you should have in the file a no objection letter from Caroline Lombardi who lives directly to the south. If this is granted, we will give up the one-car garage. Are there any questions relative to this application?" The Board members confirmed that the variance for the garage would be rescinded if the carport is approved. Attorney Galbato suggested that condition be part of the motion, when made.

Member Pardee suggested that a detached garage might be more practical. Mr. Eggleston mentioned that "one of the things they like about the house are these large windows that all the light comes in. The carport will be low enough that they are still getting light from the space between." Chairman Phinney opened the public comment portion of the hearing. There was no one present desiring to be heard either in support of or in opposition to the application. Member Pardee, "I move that we close the Public Hearing." Chairman Phinney seconded the motion. Upon the unanimous vote of the members present, the hearing was closed.

**Member Pardee, "I move that we accept the area variance recommendations in the matter of the application of Ryan Sidebottom & Natasha Ginzburg to vary the strict application of Section 225-A5 Density Control Schedule for Percentage of open area; and Section 225-14C(5) Accessory Buildings, distance to lot lines or structures to construct a carport at the property addressed as 60 Jordan Street in the Village of Skaneateles. The approval is based on drawings dated 9/15/15. This is a type 2 action under SEQRA and the applicant shall have one year to complete the work. Also the formerly approved variance for a detached garage is now null and void with the approval of this application." The motion was seconded by Member Balestra. Upon the unanimous vote of the members present, the motion was approved. This matter was concluded at 8:41 pm.**

Respectfully submitted,  
Dennis Dundon, Clerk to the Boards

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

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Public Hearing in the matter of Application of Robert Hood for Special Use Permit to allow multi-family use, and to vary the strict application of Section 225-A5 Density Control Schedule for Percentage of structure width/lot width; and Section 225-69D Nonconforming Buildings, Structures and Uses, Extension or Expansion; to add multifamily dwelling to the approved uses and to construct four (4) 1-bedroom dwelling units in the rear at the property addressed as 11 Fennell Street in the Village of Skaneateles.

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

                  Riccardo Galbato, Attorney for the ZBA  
                  Dennis Dundon, Clerk to the Boards

                  Robert Eggleston, Architect, on behalf of the applicant

Absent:         David Badami, Member

Chairman Phinney called the matter of Robert Hood for 11 Fennell Street at 8:42 pm. Mr. Eggleston introduced himself and presented, “This building at 11 Fennell Street used to be Bobbett Implement and McLaughlin’s. Then it was Monster Sport and then it was Salt Fit. Salt Fit left; he was looking to redevelop the building. He went to the Planning Board for site plan review and to the Trustees for critical impact. Being a large building, because critical impact adds two months to the process and tenants want to get in, we got preapproved for 5 uses: Office, Professional Office, Retail, Physical Fitness and something else. As part of that he agreed to redevelop the front with a traditional façade with 3 fronts. Fennell Street tends to be a poor retail location but a good office location. The Planning Board approved the site plan and the Downtown D design standards for the front; in doing that we dedicated a 20 foot fire lane that ties in with the 20 foot fire lane that was redeveloped by Messrs. Hood, Kinder and Eberhardt. There are 7 parking spaces on the front, 3 on the side, 2 in the back and then there were 6 parking spaces on this property that were allocated to this building because they had more parking than they needed. What we are here for is he has had a very difficult time attracting any of the 5 approved uses for this two-story portion. This was an old carriage barn which had a metal building put on the front.”

Mr. Eggleston continued, “Because it is in the back and because of the success of the Teasel Barn with 10 dwelling units – there will be 4 one-bedroom apartments. They would be accessed

from the back. We have gotten a building permit for doing the exterior adjustments that comply with the Downtown D standards using double-hung windows, percentage of glass, etc. and helping to delineate the original carriage barn building. We put this entrance on the front so you have protection coming in. So basically, we reorganized the back for a common entrance that's 4.5 foot wide by 13 feet under covered porch. There will be entrance to unit 1 and 2 on the ground level, one of these will be handicapped. There will be a common stair that comes up to serve the other two units on the second floor. They are large living, open kitchen, bedroom bathroom area. This needs an area variance – you need 3000 SF for commercial and 3000 SF per dwelling unit, so the lot size is required to be 15,000 SF, we only have 13,648 SF. So we are asking for a variance of 1,352 SF of lot area. This is not an uncommon variance for multiple family And expansion of a nonconforming structure in that the maximum width of the structure is greater than 2.5 times the height. 50 feet is allowed but we have 69.9 feet.”

Mr. Eggleston continued, “The second thing that we are here for is the Special Use Permit. Multiple families do have more criteria to be considered and the Trustees must do Critical Impact. Are there any questions that you have relative to this application?” Member Coville, “Yes. What about garbage and snow?” Mr. Eggleston, “Yes snow falls and then it gets plowed. Snow will be removed as it has in the past. The snow gets pushed toward the bank, toward the outlet. They have a common person that takes care of the snow in this area. There's an area along the back of the property line to push snow. No question that when you get 48 inches of accumulated snow, you have to truck it out like anything else in the Village area. We are required to have 4 parking spaces for the dwelling units; we obviously have more than 4. We do have a handicapped space adjacent to the entrance for the handicapped unit. There are 4 additional spaces that are convenient.” Member Balestra, “Those will be designated spaces?” Mr. Eggleston, “They will probably designate specific parking for the dwellings. In reality, we have enough parking to satisfy the office needs and the residential need.”

Chairman Phinney, “And a Special Use Permit is needed to change it from Commercial to residential?” Mr. Eggleston, “No. Multiple family is a special use permit use.” Member Pardee, “You mentioned trash. Where does the trash go?” Mr. Eggleston, “There is a dumpster which was provided for the other building here. The likelihood is that because you have common ownership, that they'd use the same dumpster.” Member Balestra, “What has been going on in that building, historically? Not the front building, the old barn.” Mr. Eggleston, “Most recently it was Salt Fit and before that Monster Sports. Salt Fit didn't really use the entire building it was kind of bigger than what their needs were. There were actually two shower rooms down here for when it was Monster Sports, so we are taking out two shower rooms, and putting in four bathrooms. I have gone through the water usage – that's what all this narrative stuff is about -- the last history had an average of 78 Gallons per day. The four dwelling units, four bedrooms require a total of 444 GPD of water usage. The existing building has been underutilized for the past 19 months before construction began. In 2011, as Monster Sport, it was using over 310 GPD. The 3,570 SF office space may have as many as 10 employees or 150 GPD. So the 590 GPD projected with the office and the 4 dwelling units is less than 400 days over the 2011 full utilization of the building. So basically it will be; that's a critical impact criteria that the Trustees are interested in.” Member Pardee, “Is this in an identified flood plain?” Mr. Eggleston, “I believe the answer is no. I think the flood plain is back off the paved area here; as you go down it gets lower. I know the Ianno building is in a flood plain; the parking lot is in a flood plain.”

Member Coville, "The only thing I would ask as a concern for safety's sake is that the spots in the back are only utilized by the residential being that it is one-way traffic flowing." Mr. Eggleston, "What I see happening is the dwelling units will be assigned spaces most likely close to the building. The employees of this area will be assigned spaces along here and then the office, customers and whatever would be using the front. This actually does have two-way traffic coming in and out of here; it's only at this point that it becomes one way."

Member Balestra, "Are these going to be luxury one bedroom condos or are you going to try to make them reasonably affordable?" Mr. Eggleston, "No they are reasonable. And that's been probably the success of the Teasel Barn." Chairman Phinney, "I move we close the public hearing." Member Pardee seconded the motion. Upon the unanimous vote of the members present in favor of the motion, the hearing was closed.

Attorney Galbato, "First I would recommend that since the applicant has submitted Part 1 of the short EAF. So as part of the SEQR review since this is a Special Permit, we should go through questions 1 to 11 and indicate the impacts for each one.

Discussion led by Attorney Galbato:

1. *Will the proposed action create a material conflict with an adopted land use plan or zoning regulation?*

RE – It is a permitted use subject to Special Use Permit. Mixed use occupancy is encouraged in the Downtown D design standards 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 – Minimal addition made to the back to accommodate a vestibule and porch. We are well over the 20% minimum open space required.

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?*

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 – There is no CEA in Skaneateles.

ZBA – No or small impact. No CEA.

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 – A multiple family in this area is ideal because the Downtown area does have pedestrian and public transportation close by. The amount of traffic is likely less than if it were a commercial use.

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 – Will meet the New York state energy building 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?*  
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?*  
ZBA – No or small impact. Have noticed improvements being made.
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?*  
ZBA – No or small impact.
10. *Will the proposed project result in an increase of the potential for erosion, flooding or drainage problems?*  
ZBA – No or small impact. Minimal exterior changes.
11. *Will the proposed action create a hazard to environmental resources or human health?*  
ZBA – No or small impact.

Attorney Galbato, “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 so move.” Member Pardee seconded the motion.**

Upon the unanimous vote of the members present, the motion was approved.

**Member Balestra, “I move that we accept the application of Robert Hood for Special Use Permit to allow multi-family use, and to vary the strict application of Section 225-A5 Density Control Schedule for Percentage of structure width/lot width; and Section 225-69D Nonconforming Buildings, Structures and Uses, Extension or Expansion; to add multifamily dwelling to the approved uses and to construct four (4) 1-bedroom dwelling units in the rear at the property addressed as 11 Fennell Street in the Village of Skaneateles. This approval is based on drawings dated September 15, 2015. Applicant shall have one year to complete.” Chairman Phinney seconded the motion.** Upon the unanimous vote of the members present, the motion was approved.

This matter was concluded at 9:03 pm.

Respectfully submitted,  
Dennis Dundon, Clerk to the Boards



Village of Skaneateles  
Zoning Board of Appeals Meeting  
October 27, 2015

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Public Hearing in the matter of Application of Robert Hood for Special Use Permit to allow multi-family use, and to vary the strict application of Section 225-A5 Density Control Schedule for Percentage of structure width/lot width; and Section 225-69D Nonconforming Buildings, Structures and Uses, Extension or Expansion; to add multifamily dwelling to the approved uses and to construct four (4) 1-bedroom dwelling units in the rear at the property addressed as 11 Fennell Street in the Village of Skaneateles.

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                  Curt Coville, Member  
                  Larry Pardee, Member

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                  Dennis Dundon, Clerk to the Boards

                  Robert Eggleston, Architect, on behalf of the applicant

Absent:        David Badami, Member

Chairman Phinney called the matter of Robert Hood for 11 Fennell Street at 8:42 pm. Mr. Eggleston introduced himself and presented, "This building at 11 Fennell Street used to be Bobbett Implement and McLaughlin's. Then it was Monster Sport and then it was Salt Fit. Salt Fit left; he was looking to redevelop the building. He went to the Planning Board for site plan review and to the Trustees for critical impact. Being a large building, because critical impact adds two months to the process and tenants want to get in, we got preapproved for 5 uses: Office, Professional Office, Retail, Physical Fitness and something else. As part of that he agreed to redevelop the front with a traditional façade with 3 fronts. Fennell Street tends to be a poor retail location but a good office location. The Planning Board approved the site plan and the Downtown D design standards for the front; in doing that we dedicated a 20 foot fire lane that ties in with the 20 foot fire lane that was redeveloped by Messrs. Hood, Kinder and Eberhardt. There are 7 parking spaces on the front, 3 on the side, 2 in the back and then there were 6 parking spaces on this property that were allocated to this building because they had more parking than they needed. What we are here for is he has had a very difficult time attracting any of the 5 approved uses for this two-story portion. This was an old carriage barn which had a metal building put on the front."

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Member Balestra, "Are these going to be luxury one bedroom condos or are you going to try to make them reasonably affordable?" Mr. Eggleston, "No they are reasonable. And that's been probably the success of the Teasel Barn." Chairman Phinney, "I move we close the public hearing." Member Pardee seconded the motion. Upon the unanimous vote of the members present in favor of the motion, the hearing was closed.

Attorney Galbato, "First I would recommend that since the applicant has submitted Part 1 of the short EAF. So as part of the SEQR review since this is a Special Permit, we should go through questions 1 to 11 and indicate the impacts for each one.

Discussion led by Attorney Galbato:

1. *Will the proposed action create a material conflict with an adopted land use plan or zoning regulation?*

RE – It is a permitted use subject to Special Use Permit. Mixed use occupancy is encouraged in the Downtown D design standards and is consistent with Comprehensive Plan.

ZBA – No or small impact. The requested use is a permitted use subject to a special permit.

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RE – Minimal addition made to the back to accommodate a vestibule and porch. We are well over the 20% minimum open space required.

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?*

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 – There is no CEA in Skaneateles.

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 RE – Will meet the New York state energy building code. Improvements comply with energy requirements.  
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 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?*  
 ZBA – No or small impact. Have noticed improvements being made.
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?*  
 ZBA – No or small impact.
10. *Will the proposed project result in an increase of the potential for erosion, flooding or drainage problems?*  
 ZBA – No or small impact. Minimal exterior changes.
11. *Will the proposed action create a hazard to environmental resources or human health?*  
 ZBA – No or small impact.

Attorney Galbato, “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 so move.” Member Pardee seconded the motion.**

Upon the unanimous vote of the members present, the motion was approved.

**Member Balestra, “I move that we accept the application of Robert Hood for Special Use Permit to allow multi-family use, and to vary the strict application of Section 225-A5 Density Control Schedule for Percentage of structure width/lot width; and Section 225-69D Nonconforming Buildings, Structures and Uses, Extension or Expansion; to add multifamily dwelling to the approved uses and to construct four (4) 1-bedroom dwelling units in the rear at the property addressed as 11 Fennell Street in the Village of Skaneateles. This approval is based on drawings dated September 15, 2015. Applicant shall have one year to complete.” Chairman Phinney seconded the motion. Upon the unanimous vote of the members present, the motion was approved.**

This matter was concluded at 9:03 pm.

Respectfully submitted,  
Dennis Dundon, Clerk to the Boards



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

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Request for amendment to the variances granted to **Dan Ford** on September 29, 2015 for **26 State Street** in the Village of Skaneateles.

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

                  Riccardo Galbato, Attorney for the ZBA  
                  Dennis Dundon, Clerk to the Boards

                  Robert Eggleston, Architect, on behalf of the applicant

Absent:         David Badami, Member

Chairman Phinney called the matter of Dan Ford for 26 State Street at 9:04 pm. Mr. Eggleston introduced himself and presented, "When we came before you, Dan Ford was a contract purchaser of the building at whatever State Street. It was after he purchased the building that he was given this 1941 photograph. This has been enclosed or partially enclosed and he is proceeding with making that a sunroom and taking off the steps. We had proposed a small, little stoop, similar to that next door, but when he saw the porch, that was about 8 by whatever it is, across 2/3 of the building, he decided it would be nice to put that back. We are asking for an amendment to the approved variance. What was existing is a small open stoop, what you approved was a little larger -- 5 by whatever porch -- and this will be the new porch that's 18.9 feet which is actually the street average as you go up and down. So it is conforming in that regard. It does push the nonconforming side yard out slightly, but again we are dealing with a 1.8 foot side yard set-back, and this is something like 3 or whatever. So it has minimal impact. It does decrease the open area to 71.1%, a 0.9% difference because it is a little bit larger. That is not uncommon for this area. So what we have put together is a replica of that porch. It will have the round tapered columns and 13.5 foot wide coming between the two windows and replicating it exact. I sent an email to Katie Severance who had no objection before and I sent this to the historical society. Jorge Batlle, village historian, wrote back saying he hopes the ZBA approves this."

Member Balestra, "When was this house built?" Mr. Eggleston, "The house was probably built in the mid 1800s. It is Greek revival, it is post and beam construction, you've got your eave returns here. I'm going to guess it's probably 1840, pre-Civil War." Member Balestra, "Do we know if the porch was original?" Mr. Eggleston, "The porch was not original because it is more

Greek revival. I had an Italianate home, well an Italianate front on more of a Federal style house. It is not uncommon that as they improved things they did the current style. It's possible that it could have been original. Hard to say."

**Chairman Phinney, "I move that we grant to requested amendments to the variances granted by this Board on September 29, 2015 for 26 State Street. We find that this is not a significant change and has been reviewed with and is acceptable to the next door neighbor. This approval is based on revised plans dated October 19, 2015 and to be completed with one year. Member Pardee seconded the motion. Upon the unanimous vote of the members present, the motion was approved.**

Upon motion of Chairman Phinney, seconded by Member Pardee the meeting was adjourned at 9:15 pm.

Respectfully submitted,  
Dennis Dundon, Clerk to the Boards