

**Village of Skaneateles  
Planning Board Special Meeting  
December 9, 2015**

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Variance recommendation in the matter of the application of Roy & Ann McDonald to vary the strict application of Section 225-A5 Density Control Schedule for Front yard set-back; Side yard set-back, left; Side yard set-back, right; Both side yards combined; Rear yard; Percentage of open area; Percentage of structure width/lot width and Minimum lot area; Section 225-69D Nonconforming Buildings, Structures and Uses, Extension or Expansion; and Section 225-14C(5)(a) Accessory Buildings, distance to lot lines or structures to construct an addition to the house at the property addressed as 5 West Austin Street in the Village of Skaneateles.

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**Present:** Bruce Kenan, Chairman  
Brian Carvalho, Member  
William Eberhardt, Member  
Douglas Sutherland, Member

Riccardo Galbato, Attorney for the Planning Board  
Dennis Dundon, Clerk to the Boards

William Murphy, Architect, on behalf of the applicant  
Roy McDonald, Applicant  
Ann McDonald, Applicant

Michael Fogel, Esq., Syracuse  
Rick Moscarito, Chittenango  
Debbie Moscarito, Chittenango  
Tim Lambrecht, Esq., East Syracuse  
Chris Newcomber, Pittsford

**Absent:** Stephen Hartnett, Member

At 7:00 pm Chairman Kenan called the Special Meeting to order, and called the McDonald application.

Murphy – I'm Bill Murphy, Architect, Space Architectural Studio representing Roy and Ann McDonald, 5 West Austin Street. Essentially, McDonalds have lived in the home a very long time. They have raised their 5 children there and just had their 11<sup>th</sup> grandchild the other day. They love their village home and don't have a first floor bathroom today; a lot of niceties that are nice to have. They are looking to propose a small addition to the rear of the existing home. The connector portion is able to give them a enclosed breezeway to the garage given our climate, and also, given the proximity of that structure, it's almost easier to attach to it than try to rate the two structures that close together due to NYS building code reasons. There are a great number of

variances required with the proposal. These fall under 225-69D. When I first looked at the parcel, I read the ordinance and perceived it to be in 225-70. But those variances, I guess, are only applicable if it's an unbuilt lot. That being said, I'm not sure the same thing doesn't apply here. This is a small 6800 SF lot in the village that is being proposed to be developed to what I would say is in-kind with many lots of its type throughout the village. I'll turn it over for any questions or if anyone has anything specific. We are looking to match the existing materials as much as we can. Given the historic nature of the home we don't want to try to match the clapboard. We do think we can do an effective job matching the shingle gable which is the main portion of the room, but then we are introducing a board & batten detail to help us combine the new and old materials. It will be painted in a similar color scheme.

Kenan – To just understand the plan, there are two existing garages?

Murphy – Nope, just one.

Kenan – I see it twice on the plan; that's what's confusing. In the basement plan you've got...

Murphy – I don't know why that's labeled garage in the basement.

Kenan – OK, so that's a typo.

Murphy – I believe that's a typo, yes. I believe that this is the existing garage; I know this is the existing garage and there is just one of them. There is an addition off of the back of the house that is on stilts. It currently is this portion right here on the survey. That little bump shows up here in the demolition in the dots.

Kenan – You show the garage as part of the basement. Is there a grade change?

Murphy – There is a pretty significant grade change.

Kenan – So it drops down to the lower level.

Murphy – I would call this portion more of a split-level condition, and the garage is on that low level. There's probably 6, 7 steps from the first floor down to the garage. That exists today; right here you come out the door and you go down a set of steps this way.

Kenan – So this will all be up at the first floor level?

Murphy – Basically from here back and here's the stairs.

Kenan – And the issues are that the lot itself is undersized and therefore nonconforming on the one hand and in addition to that lot coverage is exceeded today and will be exceeded more?

Murphy – We're asking for a little bit more.

Kenan – And the side yards and combined side yards...

Murphy – Those are virtually unchanged. What you are seeing show up there is when you combine that garage structure to the main structure that kind of comes into play a little bit. The variance needs to be bigger due to the fact that it's a single structure and not 2 separate structures. So that's what's playing out in the side yard increase. The lot itself is only 47.5 feet wide so when you take your side yard setbacks off of that without the lot reductions from 225-70.

Kenan – The Zoning requirement is for 15 feet on each side yard, 35 feet combined. I don't think the existing meets any of those, correct?

Murphy – But we are not increasing the nonconformity. What we are proposing to construct oddly enough, most of it is within the actual envelope...

Carvalho – On the right side...

Kenan – The right side today is 11 foot 8, and it's going to be 9 foot 6.

Eberhardt – What are the proposed patios?

Murphy – There's a patio further, kind of right on top of here there's a patio today, and we're just looking to move that patio out a little further into the rear yard.

Kenan – the left side is not further encroached by the addition, the right side is from 11 something to 9 something. And as a result the combined yard is further encroached; and of course the lot coverage. Those are the issues; the variance issues?

Murphy – Yes that's correct.

Sutherland – Has there been any conversation with the neighbor next door?

Murphy, "I believe the McDonalds have had some conversation with the neighbors and the neighbors to the east just recently added on and enclosed a porch. East is further toward the intersection of Jordan.

Kenan – So working from Jordan Street over, counting the corner house as being the first, is this the 4<sup>th</sup> house?

Carvalho – Third.

Murphy – I believe it's the third.

Carvalho – Have you had conversations with your neighbor to the west?

McDonalds – Yes. We have never had trouble with them. No they're fine; she's fine.

Kenen – it’s always helpful when you go to the Zoning Board meeting if you have something in writing from the neighbors that are affected. The Zoning Board has the say, not the neighbors, but it’s always helpful to have their concurrence.

Ann McDonald – The neighbors to the east just added on to their house, so they said we’ll pass you if you pass us.

Eberhardt – That’s not all bad.

Sutherland – It’ll look worse when you read the minutes than it sounds now.

Murphy – Just to go a little bit on the 225-70 versus 69 – and I don’t know that it necessarily matters – but the side yard that we are proposing would comply with the reductions that are allowable with 225-70, with the 15% of lot width and things of that nature. But I just don’t understand how they don’t apply – only to an unbuilt lot.

Kenan – Any questions from the Board?

**Member Sutherland, “I move that we recommend that the ZBA review and approve the plans as submitted and dated 11/18/2015.” Member Eberhardt seconded the motion. Upon the unanimous vote of the members present in favor of the motion, the motion was carried 4-0. This matter was concluded at 7:10 pm.**

Respectfully submitted,  
Dennis Dundon, Clerk to the Boards

Village of Skaneateles  
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December 9, 2015

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Consider revisions and amendments to the recommendation made to the Board of Trustees by the Planning Board as a result of the September 2015 moratorium on use conversions in the C and D Districts and in the resulting draft Local Law #4 of 2015.

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Present:        Bruce Kenan, Chairman  
                  Brian Carvalho, Member  
                  William Eberhardt, Member (recused)  
                  Douglas Sutherland, Member

Riccardo Galbato, Attorney for the Planning Board  
Dennis Dundon, Clerk to the Boards

Michael Fogel, Esq., Syracuse  
Rick Moscarito, Chittenango  
Debbie Moscarito, Chittenango  
Tim Lambrecht, Esq., East Syracuse  
Chris Newcomber, Pittsford  
William Murphy, Skaneateles

Absent:        Stephen Hartnett, Member

At 7:10 pm Chairman Kenan moved to other business.

Kenan – We have one or two other items we could discuss this evening since we are all together. One is, and Bill will excuse himself from the discussion I expect, at our meeting on December 3<sup>rd</sup>, we had a discussion with the Trustees on the proposed Local Law which would amend provisions regarding transient housing in the village. We directed our able counsel, both of them, to take the comments that were approved by the Board and turn them into an English document which they have done. We don't need to do this, I think we have already made our recommendation, but I think it might be nice and neat if the Board could determine whether or not the amendments as written by the attorneys, meet with the intention of our motion on December 3<sup>rd</sup>. In the process of that, I'll reference a letter that was received today, I guess, from Tim Lambrecht of the Wladis law firm [all members acknowledged receipt of the letter] suggesting that a revision in the parking requirement would be helpful if we allow off-site parking within 1,500 feet of a given use rather than 500 feet. So that's a suggestion that's related to but a separate question than the transient housing amendments themselves.

Galbato – Mr. Chairman when I saw that and when I reviewed it, I thought that it raised some good points. I just feel that it probably would be considered a substantial change to really get into the parking aspect in light of the topics that are included under the Local Law and specifically the proposed local law has not done anything to parking except actually liberalize it by decreasing from 1.25 spaces per room to 1 space per room for hotel, lodging and bed& breakfast. We have actually decreased their requirement. But this is something that could be looked at as a separate local law if the Trustees felt it was appropriate to look into it.

Kenan – I guess that's similar to what I was thinking. We should take it under advisement but it is a separate issue. Rather than confuse the issue at hand, I'd suggest we take it up at the earliest opportunity, presumably our next meeting or sometime near that. But that's subject to the Board's wishes. Any thoughts or comments on the redraft?

Sutherland – No, I thought what was done made a lot of sense.

Carvalho – So we gave them a vacation.

Galbato – That was one of the discussion items with the Trustees was some type of short-term exception for bed & breakfast; somebody mentioned a death in the family. So that was the rationale of adding that additional sentence to the end of the bed & breakfast homestay definition. Once we did that, then we had to tweak on-site supervisory management to kind of reference the B&B exception, and add as appropriate. We had talked about adding a definition of overnight stay, but don't know that one is required now because we tweaked the definition of transient occupancy. We also thought it would be better to take licensing out of the Zoning Code and put it in the Village Code. Many other municipalities' licensing provisions, whether it's dog licenses or other licenses, they do have it as a code provision but not in the Zoning Code. Then of course the Business Owners Policy was put in, I think twice. And then cleaning up the parking provisions as Lambrecht pointed out in 225-58B(1)(c) and (d) to make those consistent with the definitions. We also talked about separability and interpretation at the end.

Carvalho – OK, looks great.

Kenan – If the Board agrees, why don't we entertain a motion that we update our recommendation of December 3<sup>rd</sup> with a recommendation that the draft as submitted represents what the Board's intentions are and we recommend to the Trustees the adoption of the ordinances as drafted.

**Member Carvalho, "I will make that motion that the Board updates its recommendation of December 3<sup>rd</sup> with a recommendation that the draft as submitted and dated December 9, 2015 represents what the Board's intentions are and the Board recommends to the Trustees the adoption of the Local Law #4 as submitted herewith, with the words Overnight Stay shown at the top of page 3 to be removed as a typo." Member Sutherland seconded the motion. Chairman Kenan and Members Carvalho and Sutherland voted 'Aye' and the motion was carried on a vote of 3-0 in favor with Member Eberhardt recused. This matter was concluded at 7:20 pm.**

Respectfully submitted,

Dennis Dundon, Clerk to the Boards.



**Village of Skaneateles  
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Preliminary discussion regarding a potential request for subdivision of the Project Bookends property at 130 East Genesee Street in the Village of Skaneateles.

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**Present:** Bruce Kenan, Chairman  
Brian Carvalho, Member  
William Eberhardt, Member  
Douglas Sutherland, Member

Riccardo Galbato, Attorney for the Planning Board  
Dennis Dundon, Clerk to the Boards

Michael Fogel, Esq., Syracuse  
Rick Moscarito, Chittenango  
Debbie Moscarito, Chittenango  
Tim Lambrecht, Esq., East Syracuse  
Chris Newcomer, Pittsford  
William Murphy, Skaneateles

**Absent:** Stephen Hartnett, Member

At 7:21 pm Chairman Kenan moved to other business.

Chairman Kenan, "One other thing I suggest we talk about while we are together tonight is that we received correspondence from the Project Bookends proposed subdivision which is a new name for the Stella Maris property. This was received in mid-November. It is not a formal submission but Dan Schulman who is attorney for Project Bookends asked if we would informally look at it and communicate any comments or questions back to him." Chairman Kenan suggested that if the members had not had an opportunity to look at it, the Board could always not deal with it tonight, but deal with it as soon as possible. Peter Soderberg is listed as the signatory when formally submitted by Project Bookends LLC.

This will be proposed to be a four-lot subdivision. This will create a lot across the front which includes the existing main house of Stella Maris and a little bit of land behind it, pretty much from property to property, with the exception of a narrow piece along the Soderberg property line, which is a tree line. Soderbergs would be acquiring the tree line as a buffer. The remaining area would be divided with one lot facing the street that the existing main structure sits within and then two lots divided down the middle facing the lake to be sold off as residential lots.

Member Eberhardt, "This is so significant that I think we should go up there and walk the site together." Chairman Kenan suggested that the Board take the matter under advisement, walk the site and communicate back to the applicant at some future date. The members agreed to meet at the site on Sunday December 13 at 11:00 am.

Upon motion of Member Sutherland, seconded by Member Eberhardt the special meeting was unanimously adjourned at 7:24 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards.