

**Village of Skaneateles  
Zoning Board of Appeals Special Meeting  
January 26, 2016**

---

Public Hearing in the matter of the area variance application of Andrew & Kristi Peterson to vary the strict application of Section 225-A5 Density Control Schedule for Percentage of open area; to construct a 16 by 36 foot inground swimming pool with concrete surround, additional fencing and retaining wall at the property addressed as 17 Academy 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 Boards

                  Robert Eggleston, Architect, on behalf of the applicant  
                  Andy Peterson, applicant  
                  Kristi Peterson, applicant

                  Brandi Baildon, 1422 E Lake Rd, student  
                  Michelle Wiers, 1416 E Lake Rd, student  
                  Beth Caraccio, 89 W Genesee St  
                  Mike Caraccio, 89 W Genesee St  
                  Gerald Carroll, 7 E Elizabeth St  
                  Pat Carroll, 7 E Elizabeth St  
                  Joel Levine, 30 State St  
                  Courtney Jones, 24 Leitch Ave

Chairman Phinney called the matter of Andrew & Kristi Peterson for 17 Academy Street at 7:30 pm.

Eggleston – The Petersons are here if you have any questions. They own the house on Academy Street. The property is an 18,000 SF. So actually it is a moderate size lot for a Village lot. What they would like to do is construct a pool in the back yard. It is 16 by 36 and it will have a 3 foot concrete surround on 3 sides plus 8 feet at the end where they can actually put some chairs. The requirement for pools in the Village is that there be a 25 foot side yard set-back. That is more than a normal structure. We actually will have a 25 foot rear yard set-back and we will have 30.3 foot side yard set-backs. It will be 19.7 feet away from the house. There is a slight incline

to the back yard; we are putting in a 2 foot retaining wall, just to pull back and provide for a level area. There is already a small retaining wall between the garage and the back yard. So there will be minimal disruption. There is a tree in the back that would come down. There already is a fence around most of the yard that meets the fencing requirements; there will be a small piece just to close off this corner right here, and we'll be adding a fence here with a code-compliant gate that swings outward. It will be an enclosed pool meeting all the New York State building code requirements. We actually meet all the requirements for a swimming pool; the only variance we are asking for is the open area variance. We know the Village zoning law has an 85% open area which is typically not met by most properties. We currently have 82%; we will decrease that 76%. Again, this open area is primarily water with some concrete, so it's not like you are building a massive structure. In addition to the fence there is a thick hedgerow along the north property line. There are two garages in the back corner which are right up against the property line, there is a little bit of open space and then there is another garage attached to this house on the side. There is a 6 foot fence that comes down along the side. So again the only variance we are asking for is the 76.4% which is not a totally unusual variance and most of it is taken up by water not structures. When we started the project, I asked the Petersons to talk to the two neighbors adjacent who would be most affected and they did have a mutual conversation with them. Do you have any questions on the proposed application?

Badami – The concrete surround; is that indicated, the square footage that will be surrounding? Can you give me just approximate dimensions?

Eggleston – The pool is 576 SF, the concrete is 458 SF. It's 3 feet on each side and then it's 8 feet down there. Inground pools require the concrete around it to stabilize it. We could have 3 feet of concrete and 5 feet of paver bricks or something like that.

Badami – What material; will it be a vinyl liner or is it going to be the gunnite?

Peterson – We haven't decided 100% yet but what we budgeted right now is the vinyl liner, with a steel shell on top.

Badami – I'd like to know what that's going to be.

Eggleston – A gunnite pool is the other option; that's a much more substantial investment than putting in the vinyl liner. The other option is a pre-formed fiberglass pool.

Badami – Concerns, having been a pool owner, is that vinyl is subject to leaks. I understand the cost versus benefit analysis as well.

Eggleston – What do they anticipate the life of a vinyl liner?

Peterson – 20 years. The challenge is with the variance requirement is carrying the project the whole way without knowing if it is a realistic option or not. So we are 75-80% of the way there. We have budgeted, we have gone through the details and done the due diligence on planning to prepare to this stage. If it's approved, the next steps are final specing of materials, surrounds all those types of things. We haven't gotten there yet. For the record, I'm a contractor myself and I

am very familiar with construction in the northeastern states and the issue with ground movement. I have dealt with all those things and certainly would build an appropriate structure for the area.

Badami – Thank you. I think that's assumed. But thanks for saying that.

Phinney – On that northwest end where the fence goes down to kind of an open area, are you planning on bringing that back up to the same height as the rest of the fence on both sides?

Eggleston – Actually you are referring over on that side? I believe that's 6 foot high and then it drops to 4 foot high?

Phinney – Actually I think it's vice versa. On one side of the house it is down the whole way. Here it stops 2/3 of the way down. Is there a thought, to insure more privacy, to continue the same design?

Peterson – We are not opposed to it if it were important to our neighbor. The reason we kept it low was to maintain the nice park-like feel in the back yards there, so you could see through it and not be staring at a fence.

Phinney – The difficulty is that in the Village's no matter who you are, where you are, what you're up to, pools are always controversial because they are noise magnets and other types of things for neighbors regardless of space and zoning. Any kind of thing that can help insure more privacy for the neighbors as well as yourself; whether it involves shrubbery or whether it involves having a fence come up to a certain height, certainly I think needs to be taken into consideration at that point. It is one thing owning the pool, it's another thing being next-door to someone that has a pool. It's a whole different ball game.

Eggleston – So you're open to that if it makes a difference?

Peterson – Yes.

Phinney – Thank you. That also precludes you from having to put a fence around the pool itself, is that correct?

Eggleston – That way we do not need to put a fence around the pool, correct. And I will note that as seen in the photographs there is currently a trampoline there. So whether it is activity in the pool or activity on the trampoline...

Phinney – Isn't there a large tree there also? Is that going to go away?

Eggleston – That will go away as I mentioned.

Peterson – Note that it is a box elder that is falling apart.

Phinney – Then I will open up for anyone who wants to speak in favor of this particular proposal, or application.

Eggleston – They did talk to the adjacent neighbors and the neighbor to the east has signed a letter. The neighbor to the west they did have a conversation

Peterson – We had a great conversation with the Kowalskis who live to the west of our house. They are not only not opposed, they are in favor of us investing in the property and building the pool for our family enjoyment.

Phinney – I will read this into the record “re: Andy & Kristie Peterson variance application. We the undersigned are aware that Andrew & Kristie Peterson are proposing to construct a 16 by 36 foot inground swimming pool with concrete surround, additional fence and retaining wall. We are aware this requires an area variance. We have received the drawings of Robert O Eggleston, architect, dated December 17, 2015 and have no objection to this application.” This is signed by the residents at 19 Academy Street. Anyone else to speak in favor? Anyone to speak against. I can introduce that in that I have 2 statements.

Levine – I have a statement that I gave to you. Would you like me to read it?

Phinney – I’d be glad to read it and enter it into the record. This is “To the Skaneateles Village Board. This statement in no way reflects on the character or intentions of the present applicants for a variance in the strict application of Section 225-A5 Density Control Schedule. I am against approval of the variance because I believe the standards applied for approval of the construction of an inground swimming pool in the Village of Skaneateles are insufficient. In thinking about the building of an inground swimming pool in the village and the reason for the hearing this evening, I am a bit incredulous that the only standard the needs to be applied when approving the installation of an inground swimming pool is the same standard that would be required for a driveway. That standard concerns the percentage of open space. There are a number of other issues that should be considered in deciding whether a private inground swimming pool is in the best interests of the village. The most obvious concern is the potential for noise, not only during normal waking hours, but also in the evening when the village is quiet and noise carries much more effectively since there is less ambient noise to drown it out. However, there are more pressing concerns. In evaluating the proposition of private pools in the densely populated area that is the Village of Skaneateles, with its interlocking back yards and close proximity properties, one has to consider the situation not of an isolated pool but the scenario of an abundance of pools. Each approval creates a precedence which makes it harder to disapprove a future application. An inground swimming pool is also a large container of chlorinated water existing in the watershed of Skaneateles Lake with the potential for seepage and leaking. There is also the issue of long-term care. An inground swimming pool is a permanent structure which if not maintained can become a breeding ground for mosquitoes as well as a danger to the welfare of children and pets. There could also be effects on underground water which is flowing through the village; the pool is essentially an underground dam. What I am saying is simply this – there need to be more appropriate tests applied when people are considering the installation of a private inground swimming pool that currently exist. I propose that the board be asked to look into standards to protect the character of village, the quality of life in the village, and the rights of

other homeowners when an individual homeowner desires to significantly alter the landscape with such a permanent structure.” This is from Mr. Joel Levine of 35 State Street which abuts to the side of the property.

Dundon – I will forward that to the Clerk.

Phinney – I have one more also and then I will allow you to speak. This is from Edward Audi. “To whom it may concern. I am writing in strong opposition to the variance that’s being requested for a pool at the back of 17 Academy Street in an otherwise very quiet residential area. Current zoning laws do not permit this given the coverage. My back yard at 37 State Street abuts the entire northern property line and I am very concerned about the potential for noise and light to interfere with our enjoyment of an otherwise serene back yard. As you can see from the attached map, it would be within earshot and potentially be disruptive to a number of adjacent back yards in the area. It is unfortunate that these back yards are all very clustered together and the potential for disturbance is great. To my knowledge there are no other pools in the entire block, and I feel that relaxing the variance for a pool would set a precedent and potentially interfere with the quiet enjoyment of the area that is enjoyable by so many in the neighborhood now. Thank you very much for your time and consideration.” OK now go for it.

Levine – I wanted to say what I wrote and you read it.

Phinney – did you have any other thoughts or anything to add to it?

Levine – Not in particular. I just feel bad that I have to be against it, because I want them to enjoy their property. But in thinking about it these concerns came up. I just felt it was mandatory to bring them to your attention.

Phinney – Do you have a thing on lighting; I didn’t hear any comments on lighting.

Eggleston – They will not be adding any more lights to the back yard than what they already have. They don’t have any intention of making this a huge overlit backyard playground. Mainly afternoon type use, they don’t plan on parties at night, late. I understood that there were some concerns of the neighbors. I did go on pictometry. This is a real nice shot that shows the adjacent properties. And also I do have some tax maps that show how these properties intermingle. The Peterson property is in yellow here. A couple of comments – this property is not in the Skaneateles Lake watershed. Any storm water drains into the creek. That should not be a concern. They don’t plan on adding lights. Whether the kids are making noise on the trampoline or whether they are making noise in the pool, the kids are going to be kids. I have been in this neighborhood and listened; that’s what you hear, kids having fun. We should be happy to have that problem, where we have active families living in the Village and part of the community. The active use of the pool is maybe 4 months. They don’t plan on heating this.

Badami – Is there any plan for a diving board or slide going into the pool.

Peterson – No. No diving board.

Eggleston – I also appreciate that the pool is that one neighborhood issue that we seem to get a lot of interest in. I have not seen the ZBA approve a variance where we are asking for a set-back variance. I have seen coverage variances because the 15% open space is not really what the nature of the village is just to begin with. So I think that this is a lot that does not require any set-back variance for the pool itself. It is only the percent coverage of the entire property that we are asking for – which is not unreasonable or out of line. I will note that to the Audi's and Levine's properties, if you look at the proximity and location here. This is the Joel Levine property. The house is located here, driveway comes in, comes around and then this is the large garage that you saw in the aerial photograph. This is the Audi property they have a garage back here also; this is an open yard that is detached by the garage.

Phinney – So the houses are actually a full lot away as contrasted with next door.

Eggleston – The pool's 30 feet off the property line; that's a 77 foot property, so you have 107 feet before you get to his property and then you've got another 16 or 20 feet before you get to the house. so we actually are quite a ways away from the pool. The comment was made that putting in a pool is as simple as putting in a driveway. A driveway can be 3 feet off the property line.

Levine – That wasn't my intention with that remark. It was the criteria of open space. In other words you are applying the same criteria on open space to a pool as you do a driveway, but there are a lot of other things to be considered in a pool. So I'm trying to bring the attention of the Board that we really need to make the standards a little firmer than they are presently. Also I want to respond to your remark about the distance of my property from the Peterson's property. The back; my bedroom window overlooks that entire area. I have a very clear shot into the Peterson's yard and there is absolutely nothing to stop; if there were noise I would hear it all. As long as there's not a problem with late night noise, then I don't have a problem. But that's something the board can't consider because it hasn't happened yet.

Covill – How often do you hear the Petersons in the back yard? Do you hear them quite regularly?

Levine – In the summertime, quite often. The kids are out there playing; that's fine unless it is late at night. If I'm interpreting Ed Audi's letter right he's also concerned about late night disturbances. Pools become a magnet for activities that can occur late at night. That's his concern. In spite of the fact that the Petersons are great people and they can control that, there's the potential of somebody else moving in there over time. And also you've got one pool; what's to stop this person, and that person and another person. Before you know it you've got pools all over the place and is that what we want in our village? That's something that the board really needs to grapple with.

Peterson – It is America.

Phinney – that's also not necessarily in our bailiwick regarding making those types of changes. All we can do is go with what's existing as we speak now. So those comments are valid, but they are not valid to what we are discussing at this particular point.

Levine – I understand that and that’s why it is addressed the way it is.

Eggleston – And back to the standard of driveways and pools, driveways are actually not covered by percent coverage, driveways have 3 foot setbacks. The Petersons and I have discussed this and we would be more than glad to add some mitigating vegetation. We have a very dense screen here, we have solid buildings here. There is an open area here and obviously that’s where his view from his bedroom is. We would have no objection to putting a dense arborvitae screen from this structure to that structure to fill that in, that would help to add additional screening [multiple conversations] Again this is a village and we wish families to be here and the families will make noise in their back yard – whether it’s on the trampoline, whether it’s playing tag, whether it’s having a barbeque or whether it’s in a swimming pool.

Phinney – That seems to be a fairly reasonable suggestion to me.

Coville – Would there be any objection to continuing the height of this fence for those last 6 panels?

Eggleston – It would not produce a lot since it’s against a garage. You get a much better fence with the garage. We’ll plant the entire line with arborvitae to help absorb; it helps to screen.

Badami – I’d like to ask Mr. Levine, you mentioned that you liked that view out your back window but the noise is a concern. I’m doubtful that arborvitae is going to abate the noise of a splash or a pool but certainly the view would be abated.

Levine – I don’t need a view of the Petersons in their back yard, so I would not object to the arborvitae at all. But I do want to address this constant remark about driveways. The statute here that refers to density, that often is brought up when it comes to macadam driveways which are not porous. There is a case over on Elizabeth where the gentleman was forced to put in a driveway that cost 10 times more than an average driveway because of the permeability requirement. So that’s what I’m referring to; it’s not setbacks, it’s permeability and that’s the purpose of this statute is to make sure that there’s enough permeable land, open land available.

Phinney – Oddly enough, I hate to correct you, in the village that is not part of what we take into consideration when we make our decisions on open area. Permeable is in the town. There is a requirement for open area, but not for permeable surface. We prefer whenever possible to have as much permeable surface when someone is doing a project, but there is no zoning in the village that deals with permeable surface.

Eggleston – And again as I mentioned earlier, driveway is not part of the lot coverage calculation.

**Chairman Phinney, “Anyone else to speak against the application? Then I would move that we close the Public Hearing.” The motion was seconded by Member Pardee.** Chairman Phinney and Members Badami, Coville and Pardee voted ‘Aye’ and the motion was carried 4-0.

**Member Coville, “I move that we accept the application of Andrew & Kristi Peterson to vary the strict application of Section 225-A5 Density Control Schedule for Percentage of open area; to construct a 16 by 36 foot inground swimming pool with concrete surround, additional fencing and retaining wall at the property addressed as 17 Academy Street in the Village of Skaneateles. This is a Type 2 action under SEQRA, and approval is based on one page of drawings dated 17 December 2015. Screening plantings the entire length of the fenced yard on the east side will be made using arborvitae with a height of 6 foot at the time of planting. Applicant will have one year to complete. Chairman Phinney seconded the motion.**

Badami – Would you indicate the planting area on the drawing, Bob?

Eggleston – Do you have any problem with doing it along the entire fenced yard?

Peterson – That would be the best.

Phinney – You might be more pleased with that long-term even though it’s an extra expense.

Levine – May I bring up a concern? I have windows on my garage.

Badami – The time for comments is done.

Levine – But you just brought up a new point about putting arborvitae in front of the back of my garage and there are windows which let light into my garage which I would not appreciate having covered.

Badami – I’m not persuaded by that at all, to be honest with you.

Levine – Natural light coming into my garage is not a concern?

Badami – There is still a degree of light that will come in. Do you have lights inside the garage?

Levine – I have one light bulb.

Peterson – There is certainly no restriction against planting a 6 foot arborvitae on the property line so there should not be a difference now whether there’s a pool or no pool.

Phinney – That is correct.

The Board then reviewed the criteria and commented as follows:

*[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;*

Phinney – No.

Coville – I can’t see any undesirable change occurring for the neighborhood.

***[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;***

Coville – I can't see that.

Phinney – I can't either

***[3] Whether the requested area variance is substantial;***

Coville – I don't believe that it is substantial.

Phinney – I would agree.

***[4] Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and***

Coville – I can't think of any.

Phinney – No.

***[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.***

Badami – I would say it is but it doesn't preclude the granting of the variance.

Coville – I would agree with that statement.

Chairman Phinney and Members Badami, Coville and Pardee voted 'Aye' and the motion was carried 4-0.

This matter was concluded at 8:05 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards

Village of Skaneateles  
Zoning Board of Appeals Special Meeting  
January 26, 2016

---

Request by Pat Carroll to extend the variances granted by the Board on April 28, 2015 as follows: to vary the strict application of Section 225-A5 Density Control Schedule for Side yard set-back, right; Percentage of open area; Percentage of structure width/lot width; and minimum lot area; to construct an addition on the south side of the existing residence and a set of stairs on the east side of the lot at the property addressed as 7 East Elizabeth 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 Cromp, Code Enforcement Officer  
                  Dennis Dundon, Clerk to the Boards

                  Pat Carroll, Applicant  
                  Gerald Carroll, on behalf of the applicant

                  Brandi Baidon, 1422 E Lake Rd, student  
                  Michelle Wiers, 1416 E Lake Rd, student  
                  Beth Caraccio, 89 W Genesee St  
                  Mike Caraccio, 89 W Genesee St  
                  Courtney Jones, 24 Leitch Ave

Chairman Phinney called the matter of Pat Carroll for 7 East Elizabeth Street at 8:06 pm.

Phinney – Is this a time extension Mr. Cromp?

Cromp – It is.

Carroll – We had a contractor scheduled for last August. Turns out we lost that contractor; his mother died and some things happened. That put us up against it because as we interviewed new contractors for the job, everybody was available this spring. So our variance runs out in April, so we have Lloyd Bennett under contract to begin then.

Phinney – Would you like an extra 6 months?

Carroll – Does the 6 months run from April or now?

Phinney – It would run from April as I understand. Is that right counsel?

Carroll – That would be fine.

Phinney – So that would extend it to roughly the middle of October.

**Member Badami, “I move that we grant the request by Pat Carroll to extend the variances previously granted by this Board on April 28, 2015 as follows: to vary the strict application of Section 225-A5 Density Control Schedule for Side yard set-back, right; Percentage of open area; Percentage of structure width/lot width; and minimum lot area; to construct an addition on the south side of the existing residence and a set of stairs on the east side of the lot at the property addressed as 7 East Elizabeth Street in the Village of Skaneateles. The extension being granted tonight will be 6 months from the expiration of the original variance; to wit April 2016 to October 28, 2016. Chairman Phinney seconded the motion.**

Chairman Phinney and Members Badami, Coville and Pardee voted ‘Aye’ and the motion was carried 4-0.

This matter was concluded at 8:09 pm.

Respectfully submitted,  
Dennis Dundon, Clerk to the Boards

**Village of Skaneateles  
Zoning Board of Appeals Special Meeting  
January 26, 2016**

---

Request by Courtney Jones to extend the variances granted by the Board on February 25, 2014 as follows: to vary the strict application of Section 225-A5 Density Control Schedule for Side yard set-back, left; Both side yards combined; Percentage of open area; and section 225-69D Nonconforming Buildings, Structures and Uses, Extension or Expansion; to construct a two-story addition to a two-family dwelling and convert the dwelling to single-family use at the property addressed as 24 Leitch Avenue 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 Boards

                  Courtney Jones, Applicant

                  Brandi Baildon, 1422 E Lake Rd, student  
                  Michelle Wiers, 1416 E Lake Rd, student  
                  Beth Caraccio, 89 W Genesee St  
                  Mike Caraccio, 89 W Genesee St

Chairman Phinney called the matter of Courtney Jones for 24 Leitch Avenue at 8:10 pm.

Jones – I'm looking for an extension; we still have quite a bit of work to do before the house is habitable. We are having some issues because it was a two-family home. Mr. Crompton helped us work through some issues as far as financing for new construction loans. We are now working with our local lender; we are under high hopes that we should only need a few months after that, maybe 3 to 6 months after that.

Phinney – So a 6 month extension from the original expiration date would be something that would be workable?

Jones – I think 6 months would be fine.

Phinney – March to April to May to June to July, that's only August. 9 months maybe?

Pardee – Yes, do 9 months.

Phinney – How about 9 months?

Pardee – Or the end of this year. Would that be better?

Phinney – Why don't we just extend it a year. It's almost February. Why don't we do that?

**Member Balestra, “I move that we approve the request by Courtney Jones to extend the variances granted by the Board on February 25, 2014 as follows: to vary the strict application of Section 225-A5 Density Control Schedule for Side yard set-back, left; Both side yards combined; Percentage of open area; and section 225-69D Nonconforming Buildings, Structures and Uses, Extension or Expansion; to construct a two-story addition to a two-family dwelling and convert the dwelling to single-family use at the property addressed as 24 Leitch Avenue in the Village of Skaneateles. The period of the extension will be one year from the original expiration date, so the extension will expire on February 25, 2017. Member Pardee seconded the motion.**

Upon the unanimous vote of the members in favor of the motion, the motion was carried.

This matter was concluded at 8:13 pm.

Respectfully submitted,  
Dennis Dundon, Clerk to the Boards

**Village of Skaneateles  
Zoning Board of Appeals Special Meeting  
January 26, 2016**

---

Public Hearing in the matter of the area variance application of Mike & Beth Caraccio to vary the strict application of Section 225-A5 Density Control Schedule for Front yard set-back; and Section 225-69D Nonconforming Buildings, Structures and Uses, Extension or Expansion; to construct garage, mudroom, bedroom and bath at the property addressed as 89 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 Crompt, Code Enforcement Officer  
                  Dennis Dundon, Clerk to the Boards

                  Beth Caraccio, Applicant  
                  Mike Caraccio, Applicant  
                  William Brown, on behalf of the applicant

                  Brandi Baildon, 1422 E Lake Rd, student  
                  Michelle Wiers, 1416 E Lake Rd, student

Chairman Phinney called the matter of Mike & Beth Caraccio for 89 West Elizabeth Street at 8:14 pm.

M Caraccio – I appreciate you guys reviewing our application for variance. We are looking to build a garage that will be attached to the home. In the site plan you will see where we have actually been using an existing garage, it will come down. We would actually be attaching the garage which would be further away from the side yard. When we applied for a permit, it became apparent that the only piece that we are needing the variance for is the front yard. This is currently how it is and actually we are doing nothing we are doing to the property in that particular spot. Outside of that we meet all of the other criteria as far as set-backs. With respect to the new structure that we will be attaching to the house, once again it comes further away from the side yard. The construction of it will match the existing structure in terms of the clapboard siding and whatnot. If I may, I put some pictures together to give you a better idea.

[Mr. Caraccio then showed the Board a number of photos that illustrated the existing conditions of the house, yard and neighborhood.]

M. Caraccio -- The garage is actually at a 45 degree angle. You can see from an aerial view this would actually go away. We'd build a garage at a 45 closer to the house, so it's further away from this neighbor here.

Pardee -- This is gone now, by the way.

M Caraccio -- This is gone. It was really not very -- the roof was great but the actual structure was kind of like a hen coop. So we already improved the appearance of the lot. We took some pictures so you could get an idea of the neighbors and the natural barriers that exist. That front set-back there is about 9 feet and it's already there.

Phinney -- That is not being changed.

M Caraccio -- No. we are not touching that and that was already there. My wife is from the area and wanted to move back here and we plan to raise our 3 kids here. So we are inside all the set-back pieces and as I said it will match the existing home in terms of the Hardie board siding. We are just under 2 feet higher than the existing peak of the home. So we are really not changing the elevation of the home.

Chairman Phinney opened the public comment portion of the hearing for those in favor of the application.

B Caraccio -- I'm in favor of it.

Brown -- I'd just like to say that Mike's and Beth's concern from day one was to keep it in; the village in mind how it was designed. That's why the bedroom is in the roof, instead of just building a box. They took the village into consideration. They are spending more money to make it conform with the village.

There was no one seeking to speak in opposition. 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, it was carried.

Balestra -- I wanted to make one comment on the record, specifically in case it ever comes up. I want to note that generally in the Village we have a preference for detached garages; it's pushed back behind the house and are secondary to the home, not right up there as part of the main structure. I spoke to the applicants the other day when I was on the property and I noted that you really lucked out coming before the Zoning Board on two cases. You are barely in the village and the only reason you are here is because on the opposite end of the property you are within feet of the lot line. Otherwise you could do whatever the heck you want. The purpose of this Board is not to govern esthetics and preference on what we want things to look like. But I do want to note that in case anybody ever looks at these minutes and says 'you approved this one and we want to put an attached garage in'.

Phinney -- It makes it less obtrusive.

Badami – I'm going to note for the record as well that the Parkside development is by and large attached.

Balestra – The other thing was this addition goes off at a 45. In the Parkside development you see the houses go deeper back and the garage doors are perpendicular to the street.

Badami – The intent with those garages was specifically so it does not face the street. And I think that this, even though it's at an angle, it does not face the street. So I don't have any problem with it.

Balestra – It does face the street but you can barely see it from the road. Frankly I think it looks very nice. I just wanted to note on the record that we are approving an attached garage, and these are the reasons why we are doing it in this case. If they are facing the street, that's why you want to see it pushed back and detached.

Coville – Also to note along that regard is that this is a unique property in relationship to its neighbors.

Balestra – Absolutely right – this is a case study as to why every application is unique, and we treat them individually.

**Member Balestra, "I'll make a motion that we approve the application of Mike and Beth Caraccio to vary the strict application of Section 225-A5 Density Control Schedule for Front yard set-back; and Section 225-69D Nonconforming Buildings, Structures and Uses, Extension or Expansion; to construct garage, mudroom, bedroom and bath at the property addressed as 89 West Elizabeth Street in the Village of Skaneateles, per 6 pages of plans dated October 15, 2015. This is a Type 2 action under SEQRA and the applicant will have one year to complete." Member Coville seconded the motion.**

Upon the unanimous vote of the members in favor of the motion, the motion was carried.

This matter was concluded at 8:25 pm.

Respectfully submitted,  
Dennis Dundon, Clerk to the Boards

**Village of Skaneateles  
Zoning Board of Appeals Special Meeting  
January 26, 2016**

---

Discussion with Code Enforcement Officer on the subject of sandwich board signs.

---

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

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

Chairman Phinney introduced CEO Cromp at 8:28 pm. Mr. Cromp described that Skaneateles Artisans, in the last several months, has had a sign sitting in the sidewalk just west of Gilda's. The owner believes that she has found a loophole in the ordinance (225-63A) dealing with events. Every 15 days she is changing the sign to highlight a different 'event', notwithstanding that the sign continues to advertise her business. The 'events' consist of 10% to the food kitchen, 10% to the local artist, etc. After reviewing the code in detail with Attorney Galbato, CEO Cromp concluded that there is no basis for any business nor homeowner gaining permission to put signs on public property such as village sidewalks.

Member Balestra asked how this even fell within the definition of an event sign. He observed that any event that a private business has is not within the scope of a "community, civic, commemorative, political, charitable, social, educational, religious, or athletic function." Member Badami concurred, "I do not agree that it's an event at all."

CEO Cromp said that he had taken pictures of every event sign that Artisans put up. CEO Cromp reiterated that the code does not permit a sign on the village sidewalk, even in front of your property.

Member Pardee asked about the annual sidewalk sale. That event is approved annually by the Trustees. CEO Cromp said, "there are no signs [on the sidewalk]. You can have a sign on your private property." Member Pardee asked if the stores own any part of the sidewalk. CEO Cromp said there are some stores that own outdoor space adjacent to the sidewalk in some cases (Fleur de Lis), "but if it's village property, signs are going to be prohibited."

Member Balestra noted that the code even regulates the kinds of signs that a business may have, including in its window, and that's private property. "I don't think it is that expansive; I don't think that Fleur de Lis can put it out on its steps. Portable signs are prohibited by 225-61B2."

Attorney Galbato said the code relates to private property. Member Balestra agreed. Attorney Galbato, "I didn't see any inherent right to put any obstruction on a government owned sidewalk." Member Balestra, "I agree with that but I'm giving it a more expansive view than you guys are." CEO Crompt said that he will inform any complainants that they can appeal his decision to the ZBA. He wants the Board to be aware that this will be happening. He believes that the Village Board wants to be sure the ZBA has a consistent position.

Member Balestra asked for more detail on the nature of the Artisans' 'event'. CEO Crompt said local artists present doing paintings in there and offer 10% of proceeds to the Ecumenical Food Pantry was one example. Another was someone singing and a different benefit offer. Member Balestra said that the code requires that an event has to be approved by municipal authorities. "So she's just inventing her own event.[Section 225-63A] So not only do I not believe that 225-63A applies to commercial activity, that's not a community event, civic, commemorative, political, charitable, social, educational, religious or athletic, I also don't think it applies to any activity that a municipal authority hasn't authorized, because that's what it says."

Member Balestra continued, "I'm not anti-sign or anti-business. But it's a slippery slope. You let one of them do it and then all of a sudden every single business has a sandwich board." Member Badami, "And then they are trying to outdo each other." [Multiple Conversations]

CEO Crompt noted that flags are headed in the same direction; "flags are not supposed to have anything written on them. They are supposed to be pictures; up here on Jordan Street the pretzel shop got a flag that said 'Open'. As soon as they got one, Moro's Table got one that said 'Open'. Now the business in the red building, they've got one that says 'Open'. Doug's has got one that says 'Good eats' on it. Now I have to tell all of them that the flag has got to come down."

Chairman Phinney, "We are slowly attempting to regain the village for the village residents, away from the carpetbaggers that are basically running the businesses in town who don't live here."

Attorney Galbato, "If it pleases the Board, if the Board wants to make a recommendation to the Trustees, it should be a village-wide position." Chairman Phinney, "Wouldn't it just be that we want to enforce the law as written? Just as we do any other law." Member Balestra, "I recommend that they enforce the laws as written; if they are looking for any type of interpretation, the signs that we all have been talking about, including the Artisans' sign is prohibited by 225-61B2, and I don't see any exception for it anywhere else in the Zoning."

Attorney Galbato, "Do you agree that there is no inherent right to put it on a public sidewalk?" Member Balestra, "You mean littering? Yes, I agree. I think it's actually illegal. If people start throwing things on the sidewalk, like sandwich boards, you could start fining them for it – no different than a gum wrapper."

**Member Balestra, “I make a motion that we recommend to the Village Board that in considering this matter they do so consistent with the discussion that we have just had. The Zoning Board’s feelings on this are that:**

- 1. The signs are prohibited by the Zoning Code for these commercial entities, and there is no exception permitting them;**
- 2. There is certainly nothing in the Zoning Code which permits the businesses downtown, or anyone else, to place something – including a sandwich board or any other kind of sign – on the Village sidewalk. In fact it is probably specifically prohibited somewhere else in the Village Code or penal law as a form of littering.**
- 3. If the business owners are going to be very upset about this, then they should probably try to get the law changed, because this is what the law says and of course it should be enforced. And it should be enforced against everyone.” Chairman Phinney seconded the motion.**

Upon the unanimous vote of the members in favor of the motion, the motion was carried.

This matter was concluded and on motion of Chairman Phinney seconded by Member Balestra the meeting was adjourned at 8:46 pm.

Respectfully submitted,  
Dennis Dundon, Clerk to the Boards