

Village of Skaneateles
Zoning Board of Appeals Meeting
August 23, 2016

Revisit conditions of approval in the matter of the Application of William Lynn to vary the strict application of Section 225-A5 Density Control Schedule for Percentage of structure width/lot width; and Section 225-14C(5)(a/b) Accessory Buildings, distance to lot lines or structures; to construct a 73.3 SF concrete planter and wood pergola for outdoor seating and to install a 48.6 SF storage shed with relocated parking stalls at the property addressed as 22 Jordan Street in the Village of Skaneateles. The requested Variances were granted by the Zoning Board of Appeals at its meeting of April 26, 2016.

Present: Michael Balestra, Acting Chairman
David Badami, Member
Maureen Wopperer, Member
Kathleen Zapata, Member (*recused*)

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

Michael Fogel, Esq., on behalf of the applicant

Gregg Eriksen, Village Trustee
Patricia Ratcliff, 58 Leitch Avenue
Mark & Kate Aberi, 1 Clift Lane
DeForest & Myrna Barron, 49 Leitch Avenue
Suzanne Rapalski, 3115 West Lake Road
Beth O'Sullivan, 10 Leitch Avenue
Joyce Barnett, 12 East Lake Street
Bob Eggleston, 1391 East Genesee Street
Jerry Morrissey, 42 East Street
Ryan Coon, 1451 New Seneca Turnpike
Bill Murphy, 5 Fennell Street
Lisa & Dan Riordan, 101 East Genesee Street

Absent: Craig Phinney, Chairman

Chairman Balestra called for the matter of William Lynn for 22 Jordan Street at 7:34 pm. Mr. Fogel recalled that the April approval by the Board included two conditions. The first had to do with the lease that's currently in place with the Village for parking behind 22 Jordan Street. The lease also currently includes the alleyway; as part of the condition at the time it was to carve out the outdoor seating area. Since that time, the applicant's intent is also to take back that alleyway and to carve that also out of the lease. So applicant is looking for an administrative change to

adjust that condition to state that the lease will be revised to carve out the outdoor seating area and the alleyway. Applicant was in front of the Planning Board in July with a similar request to conform the conditions to Mr. Lynn's current intent with respect to the lease and the Planning Board approved that, "further note that Condition 1 be modified to read that the lease between the property owner and the Village be redrawn so the area to be leased by the Village matches the cross-hatched area that appears on the drawing titled Attachment A, dated July 14, 2016." Mr. Fogel handed the Board copies of that drawing. The revised lease – actual terms and conditions – remains to be negotiated with the Village, but this figure will be what is attached to the lease. Mr. Fogel said that the Trustees want Board approvals in place before they will allow actual negotiations to begin.

Chairman Balestra asked if the condition with the bollards remains the same. Mr. Fogel said it also requires a slight adjustment. The condition stated that the Village would place the bollards; Mr. Lynn has placed the equivalent to bollards in the alleyway already. Mr. Fogel said the Planning Board said, "The owner will place and maintain bollards or the functional equivalent at each end of the alleyway to prevent its use by vehicles." Applicant asks that the ZBA adopt similar language. Member Badami noted that the applicant consents to that. Chairman Balestra asked why the applicant wants the alleyway carved out? Mr. Fogel said he just wants to take it back out of the lease. Chairman Balestra asked if he has plans to add seating or parking spaces there? Mr. Fogel, "No. He just wants it just to have control over it. He doesn't have any plans for it. He just felt that it was time to take it back out of the lease." Member Wopperer questioned that he has no intended use for the space? Mr. Fogel, "Not at the current time, no." Member Wopperer questioned if there was someone who had been using a portion of it for parking. Mr. Fogel, "I'm not sure about that, but he doesn't have any plans for the alley, just wanted to take it back out of the lease." Member Wopperer asked if "the Board had any stipulations as to how we see this space being utilized, if he chooses to put tables there?" Member Badami, "I don't think we could approve that, because the fire department has indicated that they still need access to this alleyway in the event of emergency." Chairman Balestra, "I think it would be reasonable to impose a condition that no seating be placed in there, certainly no parking in there. This all goes back to the shed. This is a condition for the shed variance; if you violate it, then I guess no more shed. He can always come back again and change things, if he has plans to do something else. But I don't see why we couldn't just modify the condition to carve out the alleyway, provide that Mr. Lynn maintain the bollards or their functional equivalent, and that no seating of any kind or parking – that the alleyway not be used for seating or parking; that it be used for ingress and egress. So really our conditions are melded into one, with the carve-out and the bollards. This is really a motion for a rehearing, under Section 225-76. So I need a motion to have a rehearing on that issue." **Member Wopperer, "I'll make that motion for rehearing." Chairman Balestra seconded the motion. Upon the unanimous vote of the members present and voting in favor of the motion, it was carried 3 – 0.**

Chairman Balestra, "Mr. Fogel, do you have anything more to say?" Mr. Fogel, "I'm fine with adding some language regarding the use of the alley, but if for some reason in the future he wants to do something with the alleyway, he would be able to apply." Chairman Balestra, "Of course." Member Wopperer, "Absolutely." Chairman Balestra, "My understanding right now is that he just wants to take it back – it is now paved – and he has no plans for it. So let's take it one step at a time; if he decides that he has plans, he can make application."

Chairman Balestra asked if there was anyone to speak in opposition to the application? Mr. Barron asked about bollards; and will they be at each end of the drive, and are they moveable? Chairman Balestra said they are currently at each end and that they are movable for an emergency vehicle. Mr. Fogel added that they are on polyurethane skids and that two people can move them; while it is not a designated fire lane, if there were a need for emergency access two firemen could slide them over. Chairman Balestra asked if there was anyone wanting to speak in favor of the application? **Hearing no one, Chairman Balestra, "I move that we close the public hearing." Member Badami seconded the motion. Upon the unanimous vote of the members present and voting in favor of the motion, it was carried 3 – 0.**

Chairman Balestra, "I would suggest that we amend the conditions that were imposed during our April 26, 2016 meeting for the approval of Mr. Lynn's variance application. I would further suggest that the amended conditions be consistent with the motion by the Planning Board, in that the carve-out from the lease with the Village that previously included the seating space be modified to also carve out the alleyway that is adjacent to the property which is currently blocked off by bollards that were placed there by Mr. Lynn – and as shown on the drawing titled Attachment A marked 8/23/16 ZBA. The hatched area represents the area that will continue to be leased to the Village. As a condition to our approval, the lease between 22 Jordan Street and the Village will be modified to exclude everything that does not have the diagonal hatching/hash marks on Attachment A. The alleyway adjacent to 22 Jordan will be maintained by Mr. Lynn and the bollards thereon at either end will be maintained so as to prevent vehicular access. There will be no parking or seating for any purpose, even if related to ingress and egress, because of the concerns for unimpeded emergency vehicle access."

Attorney Galbato reminded the Board that this matter required a Critical Impact Permit from the Trustees and that Mr. Fogel would be working with the Village Attorney to draft an agreed-upon lease that will be presented to the Board of Trustees for their review.

Chairman Balestra suggested that a time limit on negotiations might be appropriate. Member Badami suggested six months. Chairman Balestra called for a motion. **Member Badami, saying "I so move.", entered the following motion: "I move that we amend the conditions that were imposed during our April 26, 2016 meeting for the approval of Mr. Lynn's variance application. I would further move that the amended conditions be consistent with the motion by the Planning Board, in that the carve-out from the lease with the Village that previously included the seating space be modified to also carve out the alleyway that is adjacent to the property which is currently blocked off by bollards that were placed there by Mr. Lynn – and as shown on the drawing titled Attachment A marked 8/23/16 ZBA. The hatched area represents the area that will continue to be leased to the Village. As a condition to our approval, the lease between 22 Jordan Street and the Village will be modified to exclude everything that does not have the diagonal hatching/hash marks on Attachment A. The alleyway adjacent to 22 Jordan will be maintained by Mr. Lynn and the bollards thereon at either end will be maintained so as to prevent vehicular access. There will be no parking or seating for any purpose, even if related to ingress and egress, because of the concerns for unimpeded emergency vehicle access. The applicant shall have six months to successfully complete lease modifications and Critical Impact Permit**

approval.” The motion was seconded by Chairman Balestra. Upon the unanimous vote of the members present and voting in favor of the motion, it was carried 3 – 0.

Mr. Fogel thanked the Board. This matter was concluded at 7:54 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards

**Village of Skaneateles
Zoning Board of Appeals Meeting
August 23, 2016**

Consideration of comments regarding Town of Skaneateles draft Open Space Plan referred to the Board on August 12, 2016

Present: Michael Balestra, Acting Chairman
David Badami, Member
Maureen Wopperer, Member
Kathleen Zapata, Member

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

Absent: Craig Phinney, Chairman

Mr. Dundon explained that there was one more item for the agenda. He requested that the Board note the link to the draft plan which was in the original email requesting the Board's comments. He further requested that the Board members review the plan to decide if they wish to make comments and to discuss the matter at the Board's September 27, 2016 meeting. He shared some thoughts as to the limited relevancy to the Village ZBA.

This matter was concluded and the meeting adjourned by acclamation at 9:35 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards

**Village of Skaneateles
Zoning Board of Appeals Meeting
August 23, 2016**

Public Hearing in the matter of the application of Cyrus Weichert to vary the strict application of section 225-A5 Density Control Schedule for front yard; Side Yard, left; and Minimum open area; and Section 225-69D Nonconforming Buildings, Structures and Uses, Extension or Expansion to construct a 28 by 10 foot deck addition and a 6 by 10 foot porch at the property addressed as 7 Leitch Avenue in the Village of Skaneateles.

Present: Michael Balestra, Acting Chairman
David Badami, Member
Maureen Wopperer, Member
Kathleen Zapata, Member

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

Bob Eggleston, Architect, on behalf of the applicant

Gregg Eriksen, Village Trustee
Patricia Ratcliff, 58 Leitch Avenue
Mark & Kate Aberi, 1 Clift Lane
DeForest & Myrna Barron, 49 Leitch Avenue
Suzanne Rapalski, 3115 West Lake Road
Beth O'Sullivan, 10 Leitch Avenue
Joyce Barnett, 12 East Lake Street
Jerry Morrissey, 42 East Street
Ryan Coon, 1451 New Seneca Turnpike
Bill Murphy, 5 Fennell Street
Lisa & Dan Riordan, 101 East Genesee Street

Absent: Craig Phinney, Chairman

Chairman Balestra called for the matter of Cyrus Weichert for 7 Leitch Avenue at 7:55 pm.

Eggleston – Cy was hoping to be here; his apologies for not being here. Cy Weichert or the Harold Weichert Trust, has purchased this property on Leitch Ave., a small little house, with the intention of Cy's mother living there. Being only about 700 F on the first floor it is big enough for her needs and it does give in the lower level some area for overnight guest accommodations. It will basically be a two-bedroom house. It is rather nonconforming in that it is only 1.9 feet off the front yard and 10 feet off the side yard. The open space is currently 78.2%. We would like to put a deck on the back that will be 10 by 28 foot off the back on the first floor level so that Mrs.

Weichert is able to have some outdoor living space in the back of the house. And there will be a 6 by 10 foot side porch that will be used for the entry. Also, they will enlarge the parking area on the north side so that two cars can fit there. Right now the grade falls off the back so they are going to do a series of 3 retaining walls using large limestone rocks, to be able to create the level pace for the parking. The variances that we are asking for are the expansion of a nonconforming structure and the front yard, left yard, and open area are nonconforming. We are going to reduce the patio on the basement level significantly; right now the patio extends right into the corner of the lot – we are going to pull it back so the patio is now conforming, when reduced to 14 by 20. The percent of open space is going to increase from 78.2% to 82.1%, because we are reducing the patio on the lower level. So those are the variances we are asking for. Originally we were going to do a porch but the roof on the deck makes it massive. While the property looks very small from the street, it actually is very tall from the back. As a result the deck is up in the air about 10 or 12 feet., and then a 3 foot railing. There have been some concerns and a letter that you have in the file from the Riordans. In doing so, Cy Weichert proposed planting 10 foot high hedge of arborvitae. These would be a dark American arborvitae, they tend to grow quicker and are fairly thick. By providing 10 feet on the property line, it will help screen from the Riordan property the deck itself. Someone standing in the driveway, with the 10 foot arborvitae, basically you would not see the railing on the proposed deck. Further back, from their kitchen window, I projected that sight line and you would actually see just the railing of the deck above the arborvitae at time of planting. Within several years there will be additional growth on the planting. It breaks up that 2.5 story exposure and it would help give a better sense of definition between the two properties.

Badami – Where’s the kitchen window on Riordans, here? And what’s the approximate distance between here and here? Is this to scale? So you are looking at something like 60 feet? 70 feet?

Eggleston – Sure.

Wopperer – What is the current view right now for the Weicherts?

Eggleston – This is the current view. I believe I was in Riordans’ driveway. So this is the current view that the Riordans have.

Badami – Right here in lower right. So presently there’s windows on; the southern exposure of the Weichert house has a view already towards the Riordan’s property?

Eggleston – In the main floor of the bedroom there’s two large windows that look down on the Riordans.

Badami – It’s not a deck, but there is a view over that way?

Wopperer – How many arborvitae are you looking to put here?

Eggleston – We’ll do a continuous row right here on the property line. I think they are planted about 5 foot on center. It’s an evergreen; they kind of grow together.

Balestra – Initially there was going to be a roof over this porch; why not just do all of this and have a nicer, bigger patio at ground level?

Eggleston – Because Mrs. Weichert's an elderly lady; she wants to have one-floor living.

Balestra – So she will only be living on the main floor?

Eggleston – No, but she will mainly be living on the main floor. She's not going to be getting any younger. Can she go up and down stairs? Currently yes. It is set up so that she can live on the main floor. Will she use both floors? As long as she can. But her bedroom, bathroom is accessible; she has a great room, living room, kitchen, a little guest powder room/laundry on the main floor. There's a guest room in the basement with a rec room, bathroom.

Badami – What is the dimension of the deck right here?

Eggleston – Ten feet; it is a 10 by 28 foot deck. Most people who come to visit will pull in the driveway, use the side entrance. You can go directly into the house through the kitchen or you can actually go out onto the deck.

Wopperer – Was there a new site plan or survey plan done before this was all done?

Eggleston -- We used a 2011 Paul Olszewski survey; it is quite accurate, it has the existing topography on it. We did a grading plan for the proposed topography. Right now you are lucky to fit one car in here; by putting in the retaining wall and controlling this we can now fit two cars over here.

Wopperer – What about this driveway over here?

Eggleston – We'll probably keep it, maintain it. He was going to replace that retaining wall that's in poor condition, just as an alternative space.

Wopperer – There is no garage?

Eggleston – There is no garage. She will be using this in the summer; she does have a winter home that she goes to.

Balestra – Then I will open it up to the public. Is anyone here to speak in opposition to the application?

D Riordan – I am here with my wife Lisa as owners of 101 East Genesee Street, next door to the proposed addition at 7 Leitch.

L Riordan – I was just going to hand out some more photos.

Wopperer – If I am correct, the little house that we are talking about is behind this green tree on the right-hand side?

L Riordan – It is. That’s from the Genesee Street sidewalk.

Wopperer – And this is currently what you see now?

L Riordan – Yes, I took those today. That is the carriage house to the house we live in.

Badami – Would you agree that it is 60 feet from your kitchen window? Is that an accurate statement? From your kitchen window to the southern edge of the proposed deck. 60 feet give or take?

D Riordan – Yeah, probably.

L Riordan – I don’t know.

Badami – I’m looking at a drawing that is claimed to scale, that shows that it is about 60 feet. Would you disagree with that statement?

L Riordan – If I decide a difference, then I could have an opinion.

Badami – Would you like to look at this? I’m going to accept that as being correct. If you want to disagree with that let me know. If we could be in agreement on that with a scaled drawing?

L Riordan – OK, probably.

Wopperer – So this was an existing carriage house on your property?

L Riordan – It is. It was built as a carriage house five years after our house was built. And so they are close.

Wopperer – So technically, this is on your property?

L Riordan – They divided the property many years ago.

D Riordan – You took all my information. We feel that the proposed addition is too large for the size of the house. The norm in the neighborhood seems to be a porch or deck, slightly elevated with a roof overhead. 12 feet high and 10 feet by 28 seems out of character with the rest of the house. We spend a lot of time on our side porch; because our house slopes considerably lower from 7 Leitch this makes the addition seem really high and out of place. The proposed addition is also very visible from the sidewalk on Genesee Street. The addition of arborvitae is a nice idea. Mrs. Weichert is in her 80s. If the house is sold in a couple of years and the new owners don’t like arborvitae, we are left with a large structure dominating our view.

Balestra – What we would impose as a condition, by the way, that they be planted at a height of 10 feet and be maintained, as a condition of granting this variance, forever.

D Riordan – We just feel that the proposed structure will reduce the value of our house due to reduced privacy. That’s why we are against the proposal.

Badami – Is it your position that the arborvitae as submitted at a height of 10 feet are not going to be sufficient to block your privacy?

D Riordan – Not even close.

Badami – How do you disagree with Mr. Eggleston’s drawing that shows line of sight?

D Riordan – What are proposed are actually right on our property. We have hemlock right there so they’d better be pulled in.

Eggleston – They are going to be on the Weichert property.

L Riordan – So they will be pulled in. I wish you had done a site visit.

Balestra – I think we have all visited the site.

Badami – My hesitation is that you are 60 feet away. I would have a better feel for this if you were 20 feet away, 30 feet away, and you can actually hear people chatting next to you. But 60 feet, to me, is a reasonable distance away. If you are saying that the arborvitae aren’t tall enough or thick enough, then I’d like to hear that and understand your argument for that. I’m just not getting the privacy thing being 60 feet away. I’m struggling with that.

L. Riordan – We look out the kitchen window, we get in and out of the car constantly all day long. The driveway and cars are 10 feet from the house. They butt right up; you can see in the photos that our properties are right near each other. The side porch looks directly up there.

Badami – Are you saying it disturbs you when you are getting in the car? Interesting argument.

L Riordan – It is going to be a large up in the air. We love the idea of a large patio; everyone in the neighborhood has a covered porch or patio. Nothing is up in the air. They have a nice open space; we are all for that.

Badami – You are questioning the need to elevate it; to throw it up there, up high in the air.

L Riordan – Arborvitae; they just tore down on that property within a year many trees, so arborvitae can come and go. Our view will be of the underneath of the deck.

Balestra – Were any of these taken from that?

L Riordan – One of those was taken maybe 10 feet from the side porch. This was taken from the sidewalk.

Balestra – That’s the porch that you are talking about, though?

L Riordan – I was standing on the far side of the house, so this is the furthest from our porch that you could possibly be.

Wopperer – That’s your porch, the white porch?

L Riordan – Yes. They don’t really have much lake view.

Wopperer – And this was taken from?

L Riordan – This was taken from ground. I was standing right there; it is kind of precarious. I was standing right there. You can see the side of the building, and looking down, that’s our side porch and our driveway. But this is where we hang out. It’s the sheltered side of the house. It is warmer in the winter and cooler in the summer. I am standing in our driveway taking the picture; it shows how close the properties are. This is their driveway; it goes to about here. This is their property; this is our property.

Wopperer – And where those logs are right now is maybe where the arborvitae would be?

L Riordan – Well, possibly yes. That’s the closest that they could be planted. The stones are technically their property. This would be from our porch. This would be 8 feet closer; our porch would be 8 feet back from here. So we have good visibility.

Wopperer – Can you see the second floor at this point?

L Riordan – Yes.

Wopperer – And this is where the proposed porch is going.

L Riordan -- And it’s summer. This is their back yard; they have a lovely back yard.

Balestra – You have not had the benefit of visiting yet?

Wopperer – I have not had a chance to visit it yet. Bob, do you have other trees that will be coming down in that area?

Eggleston – No. The previous owner took down a lot of trees. It did expose and open this up. There are a couple large oaks or maples that remain. The intent here was to provide the arborvitae for an instant shielding. I think Bruce Kenan and the Planning Board reviewed this – said it really cuts this stark tall mass. You have this two-and-a-half story building on the back side and you kind of cut it in half by giving it a base and shielding it. The Weicherts, if they are on the patio, won’t see the Riordan’s cars which often are parked out here, and you know it provides, you know, for privacy of the Weichert property and also gives privacy to the Riordans of seeing the tall posts.

Zapata – But for somebody standing up, this doesn't account for somebody standing up on the deck.

Eggleston – Correct; today with those planted they will see, you know, over it, in 5 years they probably won't see it because arborvitae do grow rather quickly. I can see them getting 15, 20 feet tall within a five year period which will provide even better. He could have gone with six; no he went with 10. 10 is a reasonable size to be able to successfully plant and he wanted to make a commitment to providing some privacy – he understands the issues that the Riordans have. How do you make this small little house reasonable to enjoy? One experience as people talk about noise and neighbors, is when you stand in anyone's back yard, that's what you hear. You hear neighbors, you hear kids playing, that's what you hear.

Badami – We'd be talking about the same thing with a porch on the lower level anyway. You just wouldn't be able to see up. It's not the noise so much, it's the visual.

Balestra – We wouldn't be talking about this if it wasn't elevated.

Eggleston—I'd also remind you that there are two variances we are asking for; (1) the expansion of a nonconforming structure, there is nothing we can do except tear down the house and build it conforming on the property, which has been done before in other cases. Cy lives in an historic house you know in the Village; he cares about the Village and the Village image and he thought that even though it would be cheaper to tear it down, he's going to remodel this and make it a good reasonable place for his mother to live. Cy has 6 kids; he sees in the future that he's going to have kids starting out and looking for a place and this would be a good place when his mother no longer needs it – that the kids could be living or whatever. So he doesn't see this as a one-and-done; this is mom's house and sell it to someone else. The second variance is open space; we are required to have 85%, very few properties conform to 85%. We are going from 78% and increasing it to 82%. The Riordans did seek relief from this very Board several years ago when they put a patio in – when they decreased their open space down to 80%. So they actually got a larger variance than what we are asking for. They have a lovely patio, very tastefully done on that side, which I hope they enjoy and use. I appreciate that this is you know the main way that they usually come and go; I appreciate that they are going to see this as they are coming and going, as they are standing in the kitchen or if they are sitting on their side porch. I think Cy has gone out of the way to propose putting in some arborvitae that will initially do a significant amount to shield this view of the property, clean it up and will only get better with time.

Balestra – Kathleen did you have a question? In full disclosure, I am going to recommend that we put this over to the next meeting. I would like to, if the Riordans would allow me to go on their property and review it; I think Maureen would like to see this property...

Eggleston – I would actually like to schedule a time when we can all go. I think it's better if we are all there at the same time.

Balestra – We can do that. I do want to get through the public comment portion tonight.

Badami – I have a question for the Riordans. If you couldn't see this deck at all; if it disappeared by magic vegetation and you literally couldn't see it at all, would you still object to it? You can think about that question and get back to me the next time, but I'd like your honest answer to that question.

L Riordan – We'll ponder that.

Badami – Because if we are not talking about noise, which you have agreed that we are not because there could be a porch on the lower level; if we are just talking about the visual and in a magic world you couldn't see it...

D Riordan – We are so sloped down that it makes it seem so much higher.

Badami – I understand. But I'd like you to think about that question and get back to me the next time we are here.

Zapata – My question is the size of the deck; why that size? The top deck; it's 28 feet. Does it need to go all the way here?

Eggleston – It's 10 feet deep and 28 feet wide. I think the intent; the intent was that it would be in front of this dining room/living space but not in front of the bathroom. That is what kind of drove this. Also, how do you make a 700 SF house live big? So that's why we have got an open living/dining area, the kitchen is tucked where the stairs and powder room are and then the bedroom is on the further side where it always has been. When you are in the dining room you are looking out onto the deck area. Physically we have to get to it; we also wanted to connect it to land, so people don't have to go through the house to get to the deck. So if the grandkids come over that can just come out onto the deck.

Zapata – This is a door, correct? And these are windows?

Eggleston – Correct.

Zapata – Would it help if it stopped there?

Eggleston – Could it possibly? That's something I could approach to him to ask is that a possibility? I will say what it helps to do is break up this...

Zapata – I can definitely see that.

Eggleston – You cut it back now you've got this two story; so I think that was some of the consideration.

Balestra – Anyone else to speak in opposition?

O'Sullivan – I just have a question. On either side, the previous owners had torn down a forest. I have pictures before and after and it's now a mess. It was all filled and it was really beautiful.

And this is after. You can see the Presbyterian Church and it's all just weedy. I'm just wondering what they might be doing on that side of the property? And they paved this gravel thing; it's kind of like a driveway.

Balestra – So the question is what if anything is being done on the north side here.

Wopperer – We should look at that when we come out.

Eggleston – It was the previous owner that cut down the trees; they had anticipated building a garage and more living space additions on the side. It didn't come to fruition.

D Barron – I just have a question; not seeing the drawings, is the deck the full length of the back of the house?

Eggleston – No, it's about 2/3 of the house.

M Barron – And it's going to be a summer home?

Eggleston – Mrs. Weichert has a home in Florida and then she will have a home here. This will be her summer home. If the kids in the future should be starting out and looking for a place, it might tend to be [Multiple conversations].

Balestra – Anyone else in opposition or in favor?

Eggleston – We have a letter from the neighbor to the north, saying they had no objection.

Chairman Balestra, “If there are no other comments I am going to suggest that we continue the public hearing to our next meeting and schedule a site visit. If the Riordans would be so willing, I'd appreciate the opportunity to view it from their property as well.”

Member Wopperer, “I make a motion to table this matter and to continue the Public Hearing to the next meeting, September 27, 2016, at 7:30 pm.” Chairman Balestra seconded the motion. Upon the unanimous vote of the members present in favor of the motion, it was carried 4 – 0.

This matter was concluded at 8:32 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards

**Village of Skaneateles
Zoning Board of Appeals Meeting
August 23, 2016**

Public Hearing in the matter of the application of Harmony Homes to vary the strict application of section 225-A5 Density Control Schedule for Side Yard, left; Side yard, right; Both side yards combined; and Minimum open area; and Section 225-69D Nonconforming Buildings, Structures and Uses, Extension or Expansion to remove an existing garage and to construct an 18 by 35 foot addition and an 8 by 23 foot porch, add a dormer and construct a new 2 car garage at the property addressed as 56 Leitch Avenue in the Village of Skaneateles.

Present: Michael Balestra, Acting Chairman
David Badami, Member
Maureen Wopperer, Member
Kathleen Zapata, Member

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

Bob Eggleston, Architect, on behalf of the applicant
Mark & Kate Aberi, applicants

Gregg Eriksen, Village Trustee
Patricia Ratcliff, 58 Leitch Avenue

Mr. & Mrs. Barron, 49 Leitch Avenue
Suzanne Rapalski, 3115 West Lake Road
Joyce Barnett, 12 East Lake Street
Jerry Morrissey, 42 East Street
Ryan Coon, 1451 New Seneca Turnpike
Bill Murphy, 5 Fennell Street

Absent: Craig Phinney, Chairman

Chairman Balestra called for the matter of Harmony Homes for 56 Leitch Avenue at 8:35 pm. He noted receipt of August 22, 2016 letter from Patricia Ratcliff of 58 Leitch Avenue that will be made a part of the record.

Eggleston – Mark Aberi is here with his daughter. Mark is actually looking at this house to relocate himself personally. He is a builder here in Skaneateles and has done a number of the homes in Parkside. He is looking to relocate now that his family is growing up and he'd like to downsize. The existing house is nonconforming in a number of elements, including open area which is 82.8%, left yard, right yard and both yards. What he would like to do is put an addition

on the back of the house that will be 16 foot deep and the width of the house; he'd like to put a front porch on and to improve the exterior esthetics – taking it from a 1950s cape into an appropriate Village house with a little more interest – dormers, reverse gables. He has done a number of homes in Parkside and has worked with the design standards, so he's very familiar with the types of things the Village is looking for. The house currently has a single one-car garage on the south side. The challenge of this existing garage is that the driveway on the south side, which only has a 10.5 foot side yard set-back getting around the chimney. The driveway actually encroaches 2.3 feet over onto the neighbor's property at 54 Leitch. There's a row of arborvitae there; if you notice, the arborvitae is actually kind of carved out from the cars brushing up against it all the time.

Badami – What property is the arborvitae on?

Eggleston -- The arborvitae is on the neighbor's property, 54 the Gottschalk property. In fact Mrs. Walsh who lived there, Kevin would actually back the car out for her because she had a challenge doing this little S curve. What he would like to do is relocate the garage on the north side. The garage itself will be conforming with a 15 foot rear yard, 3 foot side yard that is permitted. The house has 11.8 feet from the house to the north property line, so you've got an extra foot to deal with. What I have clarified in this new drawing dated August 22nd, is the proposed driveway will be 8.5 feet wide, so it's the minimum driveway necessary, and there will be 1.5 feet from the driveway to the property line, and 1.8 feet from the corner of the house to the driveway. It allows for a straight driveway which makes it much easier to back out. So the variances that we are requesting is that the open area for the lot will decrease to 75.4% from 82.8%; that the left side dimension will be 12.7 feet which is less nonconforming than the 11.8. The right side, which is the side that angles back – currently the house is 10.5, the proposed addition will be 8 feet even though it's set in. Both side yards will be 20.7 where 35 is required. The porch on the front is totally conforming; it is 32 feet back and it lines up with the adjacent houses. Remodeling this will take a 1950s house which is a little less Village traditional and we will be making it much more traditional style. Are there any questions that you have relative to the application?

Balestra – Bob, you said the driveway is going to be 1.5 feet from the lot line?

Eggleston – Correct.

Balestra – I know that it is raised in this letter and I have reviewed the code. I want to make a point of clarification – and I would invite the Board to look at the code as well. My reading of Section 225-58 sub 8a states that parking and driveways *may* be within 3 feet of the lot line as opposed to the set-back for like a garage. So there's a little confusion in this letter and I think there has been some other confusion about that, but my reading of that section suggests that this driveway as proposed actually conforms with the language of the code. One issue, and I was there tonight, there are some – you'll need to do a little landscaping to get a car down that proposed driveway and I think we are going to hear some opposition to that, and what is the owner's position on that?

Eggleston -- I think Mark is most intimate with the property at this point as to what trees will or will not be removed.

Balestra – I think it's going to be the neighbor's trees that are going to pose the problem.

Eggleston – Sure. Right. And one of the things which he has proposed is that he will put up a 6 foot high privacy fence, which is allowed by right, along the property to help screen the property. So the view from the north, while it doesn't show the landscaping that would be in front, really cuts the first 6 feet of the buildings off to help provide some privacy between the two properties.

Balestra – I don't have any question for you, it's more of a comment, and I don't want to take you by ambush. My one issue when I looked at this was that in comparing the elevations of the house – it looks like a wonderful improvement to the house and the garage looks very nice as well – but in comparing the elevation it looks like this garage is taller than the house, and not just because of the slope of the lot – it's actually taller. And I have concern with that because I am afraid the house is going to be sitting in this enormous garage's shadow behind it. I am of the opinion that garage should be taken down a few feet.

Aberi – We can certainly look at that. I want it more as an accent; I want the house to be more of the focal point. Just like when I drive through the Village and see the different carriage style houses in the back that would be an accent. I can take some elevation shots and the massing.

Balestra – I appreciate that; I just wanted to raise it.

Eggleston – One of the other things and I haven't had the topography to do this; is that when we put in the foundation for the garage we can actually keep the garage lower and make the back wall bring the block wall up so we can push the garage down to the level of the front of the yard instead of the back. That would help your concern about how tall is the garage. One of the reasons, while it is not the preferred method from the user's standpoint, we put the gable parallel to the street is so we are not shedding water to the property lines, we are shedding it to the back and front. He does plan to tie the gutters into the storm sewers.

Balestra – And if the driveway were approved there, you'll keep the water on your own property. Is that what you're referring to?

Eggleston – When I talked to Kevin, he said there is water that comes from the people on Elizabeth Street and that's just how it is when you build hard surfaces. Water runs downhill, this is a property that's had one owner [unintelligible].

Balestra – Anybody else have questions? Anybody want to speak in opposition?

Ratcliff – I live at 58 Leitch to the north; I submitted a letter of my concerns. Mr. Aberi has met with me several times to show me the plans and review my concerns. I appreciate that. I am very, very concerned about the driveway look from the street back it is a very narrow space and I have mature trees that are close to my property line and provide my privacy, shade for the house, noise and sound buffer. I have a large maple, a giant basswood and several arborvitae right

where the front yard of the houses are close together. I am very concerned about having the driveway in that space because I am worried about damage to the trees in terms of the root system, as well as cutting up the trees which will take away a lot of my buffer. The arborvitae is quite large and between our houses so I can't really envision putting any other living wall, green wall or fence there because the space is so narrow there. My house is situated so that to my north is the school property and the parking lot. So since 1986 when I purchased this property I have had to contend with all of the noise and commotion and giant sports lighting that's outside of my home. The only area where I have a degree of peace and privacy so this will be taken away with a driveway here, so that is my major concern. The other concern I have is was about the size of the addition and the two story garage. We are going down from 85% for our zone A-2 to 75.4 open space which is a considerable decrease. And I am thinking about permeability and water issues. Many of our neighbors on the street have serious problems with water since the high school made several changes in terms of the football field and the lower area used for parking. I am told by them that after 30 some years of dry basements, since that work was done they now have water problems in the basement and storms that surges right up out of the storm drains. So I am concerned about that as well. I wonder what will be the impact of water on my property with not only the parking and the addition, and the driveway being put in which I believe is going to be asphalt. So that won't be even semi-permeable. So I wonder what will happen in terms of water coursing down; will I have water problems now in my basement? And I am also concerned about snow removal and the impact of that. It is so narrow, what will be the situation there? Also snow melt with water difficulties. I am also concerned about resale value, that's my point 3 in the letter. With the driveway crammed into that narrow space and possible damage to my mature trees and the size of the addition and garage storage area and the potential for snow and water problems and in particular the loss of privacy and green space and additional noise, light and commotion from the proposed driveway, I believe that will be a considerable decrease in my property value. And finally I am concerned that we did not receive a letter for this meeting until Friday and so I think that is awfully short notice. If people did not see the notice in the paper and some neighbors might not even be aware of it, or might be out of town and could not attend the meeting, so I wanted to raise that concern as well. My major concern is the driveway; so Friday this past week is when we got the notice and that is only 2 business days [unintelligible].

Badami – Bob can I ask you a question to address this neighbor's concern. The elevations here. At 58 Leitch, what is the elevation vis-à-vis the proposed site? Isn't it higher to the north?

Eggleston – It is my understanding that the whole street is higher at the north and drains south.

Badami – That's my understanding as well. I have been up that street maybe 1000 times and it slopes away from your house not towards your house, would you agree with that?

Ratcliff – If you visit the property after a rain, that whole back part which would be adjacent to the driveway by the end by the garage – that whole area is very, very wet. So I don't know if it slopes down and then over...

Badami – So you are saying it is already wet. And you stated that you believe this will have a detrimental financial impact on your house. He proposal is; I have seen Mr. Aberi's work – he

is making significant improvements to a house that is very dated and outmoded, which I believe will enhance the value of not just this property but your property as well. Are you disputing that?

Ratcliff – I am, in that that's the only quiet side of the house, relatively speaking. It is a narrow green space.

Badami – But Mr. Aberi is removing an existing driveway on the other side, so your concern is that, just by reason of the fact that he is basically swapping driveways, better for the neighbor down below, but worse for you? Is that your argument?

Ratcliff – I guess you could say that. But mostly, that's the side of the house that I sleep on and work when there's so much commotion.

Badami -- We all live in the Village, I live in the Village, my neighbor's driveway is right on top of; that's the nature of the Village, we live close to each other. There's driveways in and out all the time. I sympathize with you being across from the school, that's a tough one, but all I can say is you knew when you bought the place that that was going on. I understand you'd rather have the driveway on the other side. I do get that. The traffic is now going to be coming in and out of that driveway on your side versus the other neighbor's. And again, I struggle with that. There's a driveway into almost every house in the Village; it has to be somewhere. And the fact that it happens to be proposed to be moved from one side to the other, I struggle with that one. We live in a Village where we are close together. It's not that I am unsympathetic and the other neighbor may be cheering, but there's got to be a driveway here somewhere. Feel free to disagree with me, but a driveway in and of itself as an objection to; that's a tough one for me.

Rapalski – There are two driveways; the driveways are right together. And you take away that one driveway; I mean the way it is now you've got green from those driveways all the way to Elizabeth Street.

Badami – And I presume there's going to be green going back in where the other driveway is coming out, no?

Rapalski – But this could be mitigated if maybe the addition wasn't so big; he could get the driveway, leave the driveway where it is.

Zapata – It does seem though that as of right now the other driveway is overlapping the neighbor's. I don't know how that would be mitigated.

Rapalski – But it's a driveway.

Zapata – Sure, but as it stands with the house as it is smaller right now the driveway overlaps into the neighbor's yard.

Rapalski – But that's probably grandfathered in.

Zapata – Great, but how could he possibly help the driveway situation on that side? Even if he kept the house the same, the driveway is already narrow.

Rapalski – He could put a turnaround area behind it. Bob's saying he's going to have to back out into the traffic – No. Move the garage closer to this house and then it would be a straight shot, turn around in the driveway and head out.

Eggleston – So now the garage is in the middle of his back yard.

Barnett – I have some information. I'm a horticulturist and I live at 12 East Lake Street and I've been a resident since 1983 and Patty's my sister-in-law. She has lived there for several decades and I have enjoyed her historic home with her for many years. She raised her daughter there. It's a lovely green space on that side of her house, which I especially appreciate as a horticulturist. I have some information I would like to share with you. As Patty mentioned, we didn't have a lot of notice about the meeting. There are formulas that are used regarding destruction to trees when construction takes place. One of the worst possible construction for a mature tree is to put in a driveway. And this handout that I have provided gives you two formulas as to how that is figured. Basically, the roots of a tree, especially mature trees are really only 10 – 12 inches under the soil, and they reach far out. When you cut in a driveway like that, what you are doing is cutting off all of that root system. There's two types of roots: feeder roots so you will interfere with the feeding and watering of these massive historic trees; and possibly even more of concern are the roots that anchor the tree are going to be severed. And if you look at the final page of that you'll see a photograph. Trees will actually fall over without that anchoring root. We don't see the roots of trees, we often don't think about what they are doing, but this information of what putting in a driveway, running that heavy equipment back and forth, and putting in that garage will do to the five trees on the property line. And those tree trunks are just 3 or 4 feet from the driveway.

Wopperer – I thank you for this; this is very interesting. I think that the water that seems to be in that area is something to consider as well. If you lose roots from a tree, the tree could actually hit a child on the street. We are taking it a little out here to be honest with you, but it is something to consider. I thank you for your info.

Barnett – And that's from the cooperative extension office so you can research that information, it's all a scientific formula. The other thing about the water – what do mature tree roots do? They absorb a lot of water. So you remove the trees; it might take 5 years for those trees to die, but they are likely to die.

Zapata – As it stands right now, what is the proposal for the trees that are; is it cutting back the branches that are hanging over the property?

Aberi – The trees we are talking about, they are very beautiful trees, they do sit on Patty's property. There are some; there's one maple tree that the branches go over my property line, those would have to be trimmed up. I have talked to Patty and I told her that putting a driveway on that side, I am going to disturb anywhere from; I normally would disturb 12 inches. I would actually scrape that top soil away to get to virgin, put stone down from there and then the binder

would be on top of that. I could certainly be more cautious and try to just scrape 6 to 8 inches and do that. Generally I am not disturbing less than 12 inches; it's virgin ground.

Zapata – I just want to be clear, and your concern is in addition to the roots, the trees; what he'd have to cut down above where the fence would be?

Balestra – You'd have to trim some limbs to get by there.

Zapata – But, correct me if I'm wrong, if they are on his property he can do that anyway, right?

Aberi – I am allowed air space – but here's the thing guys. I talked with Patty and all the neighbors and stuff. I want everybody to be happy. I do. Let me ask a question that will push it to the next meeting.

Balestra – I think we are going there anyway; I'd like Bob to redo the drawings a little bit for the garage...

Wopperer – I'd like to go out to review it.

Aberi – I guess my question might be to the Board, if I could come up with some way that I could make the driveway stay in its current location and I'm sliding the structure, is what I'm asking for from an esthetic standpoint and a coverage -- am I heading in the right direction from a board standpoint and also from a neighbor's standpoint. The driveway seems to be the big objection; I was trying to come up with solutions. I was driving through the Village and I see a lot of privacy fences along the borders, I had suggested I could plant some other trees or vegetation on Patty's property to help with privacy. I am open to brainstorming. The straight driveway was, made the most sense, but I am open to brainstorming to try to make everyone happy – and my wife.

Balestra – Your question that if you were to do that are you moving in the right direction. I can speak for myself. If you were to find a way to leave the driveway on the south side, I think you'd make your neighbors very happy. The open space issue is not as big of any issue with me; as Bob said with lots like this in the Village it's almost always necessary for some kind of area variance. The height of the garage was a little bit more of a concern to me; if you guys can put your heads together to figure out how to leave the driveway where it is, maybe tweak the addition on the house to accommodate the driveway coming through there and push the garage so that it's to a place that makes sense with the driveway location, you might be able to kind of make everybody happy. However, there is a very large tree toward the south east corner of your property; that thing is going to go if you are going to do this. If you could do all that, in my opinion you are probably making progress.

Eggleston – You saw the stakes with the tape, right?

Badami – If you are going to keep the driveway on the other side, you are going to have to modify that rear addition.

Eggleston – I invite you to drive in to the garage and then back out. It is not a good situation. The other thing the existing garage and location of the garage, we can't put it 3 feet off the property line without adding another variance of being within 10 feet of the Gadja garage. With the exception of open area, this garage is totally conforming.

Balestra – Sir, I think we have gotten to a point where, if you are willing to try to make some changes, I think it makes sense to stop this now.

Aberi – I'm here long-term and I want to be here long-term; I want a good relation all round, so certainly I'll talk to Patty some more, brainstorm, and from the Board's perspective I wanted to be sure I'm headed in the right direction and not spinning my wheels.

Balestra – Hopefully my comments to you were helpful. I think we have reached a point where, if this is going to change, it doesn't make sense to keep talking – particularly since it is getting a little late...

Eggleston – I am anticipating that you are going to ask if anyone wants to speak in favor of this?

Balestra – I'm going to leave it all open, we will continue the comment period once the drawings change...

Eggleston – I am going to submit the letter of 'no objection' from Kevin.

Balestra – So this is immediately to the south?

Eggleston – Correct.

D Barron – there was talk early in the conversation of a chimney obstructing something?

Eggleston – The chimney projects into the side yard set-back.

D Barron – Is that a fireplace chimney?

Eggleston – That is a fireplace chimney that will remain.

D Barron – OK. I just didn't know if there was a possibility...

Eggleston – I can tear down the house and build a conforming house and we can avoid the variances altogether.

D Barron – You are taking my time now.

Chairman Balestra, "I'll make a motion to leave the public comment period open but adjourn this matter for tonight and continue the public hearing to our next meeting, September 27, 2016 at 7:35 pm. Member Wopperer seconded the motion. Upon the unanimous vote of the members present in favor of the motion, it was carried 4 – 0.

This matter was concluded at 9:09 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards

Village of Skaneateles
Zoning Board of Appeals Meeting
August 23, 2016

Public Hearing in the matter of the application of Joseph & Eileen Vitale to vary the strict application of section 225-A5 Density Control Schedule for Side Yard, right; to add a 23 by 11 foot third garage stall to an existing house with an attached garage at the property addressed as 4 Ramblewood Drive in the Village of Skaneateles.

Present: Michael Balestra, Acting Chairman
David Badami, Member
Maureen Wopperer, Member
Kathleen Zapata, Member

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

Bob Eggleston, Architect, on behalf of the applicant

Gregg Eriksen, Village Trustee
Jerry Morrissey, 42 East Street
Bill Murphy, 5 Fennell Street

Absent: Craig Phinney, Chairman

Chairman Balestra called for the matter of Joseph & Eileen Vitale for 4 Ramblewood Drive at 9:10 pm

Eggleston – Joe Vitale has a conforming lot and a conforming house on a conforming lot. What he would like to do is put a garage over on this side of his garage, side of the house, to accommodate a third car. He actually owns a vintage car that he would like to be able to keep there. We have minimized the size of the garage by making it only 11 feet wide with an 8 foot high door and being 28 feet back. It sits back to break up the front façade, so you don't have 3 cars all the way across straight, straight across. It will tie in with the existing house. We are required to have a 15 foot side yard set-back; we are asking for 12.2 feet side yard set-back – otherwise it would only be an 8 foot wide garage that would not function for the car. There is a drainage easement which is half on each of the properties; 10 foot on Vitale's, 10 foot on the neighbor's property. There's also another drainage easement where there; there's a catch basin here in this corner and a drain that goes over to this catch basin and then down. So this is the reasonable place to put the addition and we're only asking for less than a 3 foot side yard set-back variance. He did talk to the two adjacent neighbors and we do have; the neighbor to the east – the most affected neighbor – has signed off saying that they have no objection. Any questions relative to the application?

Galbato – The garage addition will not be encroaching on the drainage easement?

Eggleston – Correct. We will be 2.2 feet off the drainage easement.

Badami – The existing garage doors, are they 10 footers?

Eggleston – No, they are 9 foot.

Badai – So why are we asking for 8?

Eggleston – To make it proportionally fit. This is an antique car that he has; it is a small car. Instead of jimmying it in the back in the winter...

Badami – I understand what you are saying, but if he matches exactly what's here – one, two, three – where do we wind up? Is the proposed bigger than that, smaller than that, same size?

Eggleston – We'd want to add more or there would be less space on the side. So what happens is we get less siding on the side; you'd only have 1 foot of siding on each side. Also realize this sits back which I think helps break it up to not make it as big. We are trying to minimize it as much as possible.

Wopperer – And he's going to add a screen porch on the side?

Eggleston – No. That exists. That's right there on the side.

Balestra – The doors are going to match?

Eggleston – It will match the existing house.

Balestra – Any other questions? Anyone to speak in opposition? Anyone in favor?

Chairman Balestra, "Then I move that we close the public hearing." The motion was seconded by Member Badami. Upon the unanimous vote of the members present in favor of the motion, it was carried 4 – 0.

Member Badami, "I move that we accept the application of Joseph & Eileen Vitale to vary the strict application of section 225-A5 Density Control Schedule for Side Yard, right; to add a 23 by 11 foot third garage stall to an existing house with an attached garage at the property addressed as 4 Ramblewood Drive in the Village of Skaneateles. Approval is based on two pages of drawings dated July 21, 2016. This is a Type 2 action under SEQRA; applicant shall have 1 year to complete." Chairman Balestra seconded the motion. Upon the unanimous vote of the members present in favor of the motion, it was carried 4–0.

This matter was concluded at 9:16 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards

Village of Skaneateles
Zoning Board of Appeals Meeting
August 23, 2016

Public Hearing in the matter of the application of John & Stephanie Devins to vary the strict application of section 225-A5 Density Control Schedule for Side Yard, left; Both side yards combined; and Minimum open area; and Section 225-69D Nonconforming Buildings, Structures and Uses, Extension or Expansion to remove an existing patio roof and construct a new patio with roof over at the property addressed as 26 State Street in the Village of Skaneateles.

Present: Michael Balestra, Acting Chairman
David Badami, Member
Maureen Wopperer, Member
Kathleen Zapata, Member

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

Bob Eggleston, Architect, on behalf of the applicant

Jerry Morrissey, 42 East Street
Bill Murphy, 5 Fennell Street

Absent: Craig Phinney, Chairman

Chairman Balestra called for the matter of John & Stephanie Devins for 26 State Street at 9:16 pm.

Eggleston – The previous owner of his house got a variance to put a front porch on which he completed. He also got a variance to put a deck on the back and to remove this makeshift roof. He did not complete that work before the Devins' bought it. The Devins wanted to modify the deck to be a patio and to make it a little bigger. They would like to have a 16 by 16 foot patio that's about 3 feet off the building, so they can have steps to come down; some spacious steps to come down. So this will be 16 by 16 here and about 4 feet or whatever it says there. And, what they realized with the roof that is there, as poor as it was, that it's kind of nice to have the roof in the back so they can sit out protected in the back if it's raining a little bit and then have some open patio. They have already put up a fence around the perimeter because they do have dogs, and they will have a privacy fence here, so their neighbors are 20 feet away, so they have some privacy from the neighbors and the driveway here. So they are asking for a modification of the previous variance or a new variance to allow them the decrease in coverage. The left side yard existing is 1.8 the proposed is 2.3 so it is less nonconforming. The Planning Board insisted that the corner boards continue so I modified the drawings. Do you have any questions relative to this application?

Wopperer – The corner boards; they want them to come down?

Eggleston – Yes, this is on the back of the house and they thought that was important.

Wopperer -- Just from an historic standpoint?

Eggleston – No; just because they said so.

Balestra – Think it looks good, Bob.

Eggleston – Thank you.

Wopperer – So they are not really adding any more square-footage to the house, they are just kind of finishing the back? They are adding a French door and a little more to the patio?

Eggleston – The patio will be bigger than what's there. And what's there is pretty nasty.

Wopperer – Are they doing anything else to the house at this point?

Eggleston – I promised I wasn't going to say it, but I can't help but say it. They are going to correct the front porch to make it what was originally designed. I was insulted to hear that my name was put on the existing front porch. It was not built as designed, and they are going back to the historic design and take off the faux stone and scalloped shingles and wrought iron rail.

Wopperer – How many square feet is the whole house?

Eggleston – It's not quite 2 story; it has a 1500 SF first floor, maybe 1000 on the second floor. We are not adding any more to the house. Right now this is a raw, and I mean raw, room. It is a mudroom and exposed studs, joists and rafters. What they are going to do is make that a little office space that allows them to pass through to the back yard.

Balestra – Anyone here to speak in opposition? Anyone in favor?

Chairman Balestra, “Then I move that we close the public hearing.” The motion was seconded by Member Zapata. Upon the unanimous vote of the members present in favor of the motion, it was carried 4 – 0.

Member Wopperer, “I move that we approve the application of John & Stephanie Devins to vary the strict application of section 225-A5 Density Control Schedule for Side Yard, left; Both side yards combined; and Minimum open area; and Section 225-69D Nonconforming Buildings, Structures and Uses, Extension or Expansion to remove an existing patio roof and construct a new patio with roof over at the property addressed as 26 State Street in the Village of Skaneateles. This approval is a Type 2 action under SEQR and applicant shall have 1 year to complete.” Chairman Balestra seconded the motion.

Upon the unanimous vote of the members present in favor of the motion, it was carried 4–0.

This matter was concluded at 9:24 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards

**Village of Skaneateles
Zoning Board of Appeals Meeting
August 23, 2016**

Request on behalf of Gerald Morrissey for extension of time for the Special Use Permit to create a supplemental apartment and variances for Front yard set-back and Percentage of open area; and section 225-69D Non-conforming Buildings, Structures and Uses, Extension or Expansion; to convert an existing dwelling unit to a guest-house accessory structure greater than 800 SF and to construct a new 4,020 SF single-family dwelling at the property addressed as 42 East Street in the Village of Skaneateles. The subject Variances were granted by the Zoning Board of Appeals at its meeting of August 26, 2014.

Present: Michael Balestra, Acting Chairman
David Badami, Member
Maureen Wopperer, Member
Kathleen Zapata, Member

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

Bill Murphy, Architect, on behalf of the applicant
Jerry Morrissey, applicant

Absent: Craig Phinney, Chairman

Chairman Balestra called for the matter of Gerald Morrissey for 42 East Street at 9:25 pm. He went on to explain that the Board's current informal policy is to limit extensions of time to no more than 12 months. He then asked the applicant for the status of the project. Mr. Morrissey explained that there have been many family discussions regarding the scope of the project, including how his mother's accommodation plan fits into the project. Chairman Balestra explained that the Board does not want active construction projects to continue on for a long period of time, because neighbors hate that, and also does not want projects that haven't gotten off the ground to persist in a state of limbo where no one knows what's happening with the project, making it hard to plan around it. The chairman said that applicants are welcome to return to seek an additional extension if necessary.

Member Badami said that the Board expects applicants to be ready to go; just waiting for the necessary approvals to engage a contractor. He stated that the prolonged family discussions are jeopardizing the project and that he is opposed to a two year extension in this circumstance, noting that he is in favor of the Board's position regarding one year to complete, and saying, "It's been approved, that's the hard part, now get it done."

Mr. Murphy stated that the good contractors are all very busy and are hard to get. Member Wopperer confirmed that a one year extension would be in order to complete the project, not merely to start construction. Attorney Galbato clarified that includes obtaining the appropriate certificate of completion or occupancy from the Code Enforcement Officer.

Mr. Morrissey explained that his family is currently living on the property now. His proposal was to save the farmhouse and to construct a new residence. He stated that 'living there changes everything' to explain their shifting perspectives regarding a new residence rather than an addition to the farmhouse.

In response to a question from Member Wopperer, Mr. Murphy stated, "I think if he started the project tomorrow, he still would not be done within a year. And we can't start tomorrow."

Chairman Balestra, "I move that we grant the request of Jerry Morrissey for a 1 year extension of time for the Special Use Permit to create a supplemental apartment and variances for front yard set-back and percentage of open area and Section 225-69D Nonconforming Buildings, Structures and Uses, Extension or Expansion, to convert an existing dwelling unit to a guest-house accessory structure greater than 800 SF and to construct a new 4,020 SF single-family dwelling at the property addressed as 42 East Street in the Village of Skaneateles. The extension will be for 1 year from today's date." Member Wopperer seconded the motion. Upon the unanimous vote of the members present in favor of the motion, it was carried 4-0.

This matter was concluded at 9:31 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards