

Village of Skaneateles  
Zoning Board of Appeals Meeting  
September 27, 2016

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Continuation of 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.

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Present:        Craig Phinney, Chairman  
                  Michael Balestra, Member  
                  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 Aberi, 1 Clift Lane  
                  Katherine Burke, 10 State Street  
                  Charles Balco, 10 State Street  
                  Michael Williams, 9 Ashwood Lane  
                  Corrie Carroll, 14 State Street  
                  Marlene Brothers, 10 Gayle Road  
                  Martha Parcels, 7 Gayle Road  
                  Ashley Palmer, 104 East Lake Street  
                  Joshua Luce, 2689 Pine Grove Road  
                  Bill Murphy, 5 Fennell Street  
                  Lisa & Dan Riordan, 101 East Genesee Street  
                  Kate Cogswell, 50 East Lake Street  
                  Walter Benson, 50 East Lake Street  
                  Michael Cogswell, 168 East Genesee Street  
                  Andy Ramsgard, 61 East Genesee Street

Chairman Phinney called for the matter of Cyrus Weichert for 7 Leitch Avenue at 7:36 pm.

Eggleston – Again very quickly, what we are proposing is to place this 10 foot deck on the main level which is up in the air. It does comply with all of the required set-backs. Our existing open

area is actually 78.2%; we are going to remove quite a bit of patio that's not necessary, and actually making it much better going up to 82.1% open area – only a 2.9% variance from the 85% required. Otherwise everything about the proposed work complies; the existing as noted is too close to the front yard and too close to the side yard, so it's an existing nonconforming structure. We did do an elevation showing the location of this on the back. Originally it was proposed to be a porch; they took the porch down and decreased the volume. One of the things we do like about the back is that the deck helps to break up this 2 1/2 story façade and helps to organize these windows in the back. We did a sight-section because of concern from the neighbors about the visual privacy loss. He has proposed putting a 10 foot dark American arborvitae on the property line; actually this in incorrectly drawn, I have changed it to show it being planted 2 – 3 feet over onto the property on the other side of the logs, so the arborvitae will grow on the Weichert property. We have shown a couple of sight lines from standing in the Riordan driveway or what they will see from their kitchen window. It will provide instant privacy; they will be planted so they are just touching and they will grow together. With that I'll leave this to your further comments now that you have done a site visit to the property.

Phinney – Do we have anyone on the Board who has a comment to be made at this particular time? For general information, we have all visited the site and have discussed the issues on-site with both the Riordans and Mr. Eggleston.

Wopperer – I'll go on the record. I have three concerns; my first one is safety. It is very high in the air. Whether there's somebody who can monitor kids or not, it is very high up in the air. The second thing is I was concerned about that if we, as a Board pass this as a standard, and now we have a deck up in the air as a result. The third thought I felt that it did hinge on the privacy of the Riordans. That was my personal take on it.

Balestra – I've also got some reservations about this one. One thing that causes me to have some real hesitation is that once we grant the variance for this particular porch, it is there in perpetuity as long as someone wants it. I totally sympathize with the applicant and the applicant's desire to have a place for his elderly mother to go out and enjoy the outdoors. But that's a very short period of time that it is going to be used in that way. We don't know who is going to live there next or for the next 30 or 40 years – but that porch, as long as somebody wants it, is going to be there. One of the reasons why it is especially problematic to me is because the applicant can achieve the exact same thing by putting a porch on the ground, which is a lot more conventional. I am not going to say that there aren't any elevated porches in the Village – there are. But under the circumstances with this one, and having stood on the Riordan's lot, I do think it is a bit unusual having an outdoor living space uphill from them. They will lose some privacy. If someone is noisy up there, I think that is a detrimental impact on their property. And the exact same benefit can be achieved by building it on the ground. That benefit can be realized in a much less intrusive way for the applicant to get the occupant of the house down to the first floor – whether it's making the first floor the primary living space, or with a chair lift, or some other way. It seems to me that this is not the best option, though I understand why they want it. In looking at the elements that we are charged to consider, we have to weigh the benefit to the applicant against the detriment to the neighbors. I think the benefit to the applicant here of having this elevated porch - this particular porch with the requested variance is short-term and the detriment to the neighbor is going to be long-term. I think the detriment to the neighbor

outweighs it in this case. I think it's a little out of character to have that porch up there; it is certainly visible from the road and other areas. That's not a concern of mine, it is mainly the detriment to the Riordans' property and that the benefit sought by the applicant can be achieved by a different means, even though that means would still require an area variance, it would be a variance for a different porch – namely one that sits on the ground. Going through the rest of or considerations:

- Whether or not the area variance that's requested is substantial doesn't really weigh on my mind; the variance itself for the open space consideration is substantial it's just the nature of the construction itself.
- I don't think the variance will have an adverse effect on the physical or environmental conditions in the neighborhood or district. It's up to the extent that ambient noise can be considered an environmental condition.
- And of course this was self-created.

On balance, I believe that the detriment to the neighbors is outweighing the benefit to the applicant here. Those are my personal thoughts on it.

Eggleston – I had a question about a couple of your comments. Relative to the noise. The noise will be identical whether it is up here or down here.

Balestra—I don't think so. I disagree.

Eggleston – And obviously we have mitigated it with the arborvitae, by providing you know, at reasonable expense, 10 foot versus what you saw over here were some 2 or 3 foot arborvitae that were planted whenever – but we're talking about mature arborvitae that will go in and create an instant wall. Reduction of the visual impact; just this building without the deck has a visual impact that has been there ever since the Riordans have owned the property. The trees that were removed from the site by the previous owner which my client had no control over didn't change the fact of the visual connectivity here. So, I guess my premise is noise is noise and I don't think there's going to be a lot of difference between the noise up here and the noise down there. Self-created hardship – I guess I'm having a hard time with that because this is an existing nonconforming structure which my client has no control over other than he bought the property. But then most properties are nonconforming and require variances. And the variance that we are asking for is for open space; we're not asking for a set-back variance. Everything about this deck complies other than the open area which we are substantially improving from 78% to 82%. Again 82% is not uncommon; in fact the Riordans were granted a variance greater than that when they put their patio on their property, which is totally hidden from their house. The visual impact is from their driveway and their kitchen window.

Zapata – I think at the end of the day, I could have gotten comfortable with a smaller porch, perhaps. I just think this is a really big porch.

Badami – I'll echo that and add to it. My opinion on this has changed since our last meeting. I was very much swayed by the meeting we had at the location. The first time I saw it from the street, it didn't appear to be too much of a burden on the Riordans. Our last meeting there, when

I attended, changed my opinion. Number one, I think the deck is too big, given the size of the structure. It is already overwhelming. I understand that the Riordans moved there while that structure was there, but adding to this doesn't help to that. My concern is more along the lines of how this proposed variance will have an adverse effect upon the Riordans. I don't think the arborvitae are necessarily the mitigating buffer, Bob, that you say that they are. It something, but you will still be able to see people on that deck regardless. The area where the arborvitae are going; it's a shaded area. It didn't seem to me like the arborvitae there are too healthy; it didn't seem like anything else was growing there. I'm not really confident that that is an adequate buffer – to simply screen this off so the Riordans are not going to see it. I'm not convinced of that. So that bothers me, and I think the deck is too big and as Mr. Balestra pointed out, there could be enjoyment at a patio level. The noise will be the same; I happen to agree with Bob. It may carry slightly more on the deck, but the noise is the noise. I think a patio would be more appropriate. That's my feelings on it.

Eggleston – We are just having a discussion among the Board. To respond to your earlier point about a smaller deck; we discussed that at the site meeting. Mr. Weichert did authorize me to draw up an option with a smaller deck. This is it here. The idea was to bring it to the minimum necessary to allow this door and still have it architecturally be appropriate. We have made it 6 feet smaller, ok, so the deck itself is now 21 feet instead of 28 feet. The open space stays the same because the patio below just substitutes for the area so really there is no change. But then I'm not sure you have a problem with the actual 82%, you have a problem with the deck itself. So it would be made 6 feet smaller and this is with the 10 foot arborvitae; pushing this over it does improve so that from the driveway they can't even see the railing., and they are looking on up to the railing from the kitchen. So I am for your consideration, if this were to make a difference this could be put on the table.

Badami – What's the owner's commitment to keeping that buffer in place – if an arborvitae should die? What is his commitment to keeping this basically private.

Eggleston – I can speak to Cy Weichert, ok. I can't speak to any future owners or anything like that, but everything that he has done in the Village has been top-notch, has been first class. You know he owns the property down on Genesee Street and he took that and he brought it back to a much higher level that it had been allowed to deteriorate to with the previous couple of owners. He has done everything impeccable. Yeah, no, he's committed; he sees this; this will be in a family trust. Once his mother is no longer using it, he doesn't see selling it because he sees his children are coming up and they'll be looking for small homes in the Village.

Badami – Bob, correct me if I'm wrong. My understanding is that this has been a rental house for the last 10 years. Correct or not?

Eggleston – No. John Perry lived there; the previous owner lived there. It was his primary home.

Badami – Not a rental?

Eggleston – Not a rental.

D Riordan – He was there for 2 years, before that it had been a rental forever.

Badami – We'll get to you guys.

Eggleston – For the last 2 years it has been owner occupied, correct. A question I have as long as we are talking about the privacy, is it the fact that it's a deck? This is a very small house. How do you add onto this house? If this were an addition, if this were a family room, an enclosed space, would you have a different opinion about it?

Balestra – I would, because it completely changes the character of the use.

Badami – Absolutely.

Zapata – Yes, who know who is going to be hanging out on the deck?

Balestra – I think Mr. Weichert seems like a stand-up guy and I hope he does gret things with his house. It is just my personal belief on this one, Bob, that I don't think this one is appropriate. I'd love to see him do it on the ground.

Phinney – I think I'd almost be more comfortable with him just taking the house out at that point rather than just a deck. It would be more appropriate with an enclosed scenario. Obviously there are economics involved.

Eggleston – Are you saying demolish the house?

Phinney – No, no, no; versus an overhanging porch looking down at the neighborhood, I'm saying an addition would almost something that could be more considerate. That may sound strange because that changes the square footage and so on, but there is existing square footage with the porch as well. Obviously it is an economic issue on the other type of issue. Is there anyone who would like to speak in favor of this particular proposal? [There was no one desiring to be heard.] Is there anyone who would like to speak against the proposal?

D Riordan – I think we already have.

Badami – Would you just like to educate the Board from your perspective as to the rental history of this property to your knowledge?

D Riordan – We have lived there 18 years. Outside of the Perrys who lived there for the last 2 years, it has been a rental the whole time.

Wopperer – From a rental standpoint are we talking like monthly?

D Riordan – Yearly. And nice neighbors. The patio wouldn't bother us at all.

Badami – What’s your opinion on the modification that Mr. Eggleston has proposed with regard to shortening the deck; moving it farther away from your house?

D Rordan – One thing – my wife has tried to plant numerous [unintelligible] and nothing has grown because there is no sunlight. So we really doubt that the arborvitae will grow. It is still going to be elevated; I think it will just stand out. To me it just stands out way too far.

L Riordan – I kind of agree as far as an addition may be more suitable than a deck.

D Riordan – They could have an enclosed room with a room below it.

Phinney – Anyone else? Then I move that we close...

Eggleston – Mr. Chairman, I’d like to request that we postpone this in that Cy Weichert has not been able to attend this meeting. I’d like to take this back to him before you act, and I’d suggest we keep the public hearing open.

Phinney – We have no need to close the public hearing at this particular point in time.

**Chairman Phinney, “I move that we table this matter and continue the public hearing until our next meeting in October on October 25, 2016. I’ll need a second.” Member Badami seconded the motion. On a unanimous vote of the members in favor of the motion it was carried 5 – 0. This matter was concluded at 7:56 pm.**

Respectfully submitted,

Dennis Dundon, Clerk to the Boards

**Village of Skaneateles  
Zoning Board of Appeals Meeting  
September 27, 2016**

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Continuation of 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.

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Present:      Craig Phinney, Chairman  
                 Michael Balestra, Member  
                 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 Aberi, Applicant

                 Gregg Eriksen, Village Trustee  
                 Patricia Ratcliff, 58 Leitch Avenue  
                 Katherine Burke, 10 State Street  
                 Charles Balco, 10 State Street  
                 Michael Williams, 9 Ashwood Lane  
                 Corrie Carroll, 14 State Street  
                 Marlene Brothers, 10 Gayle Road  
                 Martha Parcels, 7 Gayle Road  
                 Ashley Palmer, 104 East Lake Street  
                 Joshua Luce, 2689 Pine Grove Road  
                 Bill Murphy, 5 Fennell Street  
                 Kate Cogswell, 50 East Lake Street  
                 Walter Benson, 50 East Lake Street  
                 Michael Cogswell, 168 East Genesee Street  
                 Andy Ramsgard, 61 East Genesee Street

Chairman Phinney called for the matter of Harmony Homes for 56 Leitch Avenue at 7:58 pm.

Eggleston – Mark Aberi is here should you have any questions of him. I appreciate your taking time to do the site visit and taking time to look at this, including the revised proposal. Based on

the comments from the last meeting, we seriously reconsidered keeping the driveway on this side. The fact that it encroaches 2.5 feet onto the neighbor's property and that it is actually tighter and you have to curve around to get back in here. We looked at various configurations of garage that would be appropriate. Among other things, there is a 30 inch maple that is in the backyard that everyone would like to see saved. It boiled down to the concern about the neighbor that there is a 12 inch diameter tree that's about 8 or 9 feet off the property line and a 36 inch tree that is equally off the property line. The cedars, the edge of branches actually just barely touch the property line over there. So we went back to keeping the driveway on the north side and we pulled it 3 feet off the property line so there is no question with that section of the zoning law that says 'may be 3 feet off the property line.' So the paved driveway will be right against the edge of the house and we still maintain the straight shot which makes it much easier for backing out of the property. The garage is two feet smaller and we have made it shorter in height, which is a concern of a couple of the members. So it's got just a smaller 8/12 pitch roof on it, it will have just some [unknown] trusses that you can throw storage up there but it won't be a room. The dormer is on there strictly for aesthetic purpose, just to give it that carriage house look. This will be what you see from the street. So we have decreased that. We have talked about putting up an 8 foot fence; we have taken into account that the garage will be set into the ground. We'll have a retaining wall around it just to help keep the height down. I think you'll see the relationship of the house to the garage is more conducive to what you were looking for. This is the 6 foot fence that is along the property line here.

Badami – What material is the fence?

Eggleston – Mark, have you made a selection on what the fence would be?

Aberi - I haven't even figured it out; maybe cedar?

Badami – OK, but not vinyl. A wooden fence?

Eggleston – The garage is 24 by 24; smaller and no stairs in there. It's just going to be some plywood in the middle of the truss that you can throw some lawn furniture up for winter storage. The addition is 22 by 30. We re-proportioned it a little bit, pulled it away from this side – so actually our set-back is better here, it is 10 feet instead of 8 feet. We still have this little entrance here, so they have the kitchen/family room, the master bedroom, the study, and laundry area with two bedrooms and bathroom upstairs for the kids when they come home. Mark does actually plan on living here; he has sold his house over on Clift Lane, he is looking to get this remodeled and to move in here. The front porch; what we have done is to try to take this 1940s-1950s house and give it a little more architectural interest and character. The Variances; open area decreased a little to 73.2%. The right side yard increased from 8 feet to 10.4, the combined side yards increased to 26.4, and the rear dimension is a little less. I did submit and I believe Dennis has the revised sheet in red that shows the dimensions. Are there any questions about the revised plan?

Phinney – You said the open area is now 73.2, is that right?

Eggleston – Correct.

Balestra – I don't have any questions; I appreciate the changes that were made, the garage no longer poses an issue in my mind the way it is.

Badami – I like the fact that you pulled the driveway over; I think that was a nice accommodation to the neighbor. I like keeping a straight driveway; that makes sense to me. The house itself; esthetically I think it's a huge improvement to the neighborhood that's going to bring the property values up. This was a very creative solution.

Phinney – I would agree with that also.

Wopperer – I would agree with all of that as well. My only question is that the storage area above the garage is not going to be used...

Eggleston – This is an old plan; this is just trusses. There will be plywood where you can put boxes or porch furniture. There is no future room.

Balestra – I have some comments about the trees also, because this is a tough one, and nobody likes to see a loss of trees. There are two trees that are of issue: one is a maple with the overhanging branches. The applicant would have the legal right – I'm not providing legal advice to anybody – but my own opinion the applicant would have the legal right to trim those branches straight up over his property because he has the rights to the air. I hope that if the application is granted it doesn't come to that and they can work out a neighborly solution to trim the tree in a responsible way so that cars can pass on the driveway and the tree doesn't look terrible. There's another tree a basswood tree that was a larger tree. The root structure of that tree was an issue. I understand that on a large mature tree like that the roots grow out and relatively shallow and there was an issue that by milling up the driveway and excavating there would be damage to the root structure, potentially killing the tree I suppose. I thought about that for a really long time, and the conclusion I came to is this: it's a beautiful tree and I'd hate to see anything happen to it. But to the extent that the root structure of the tree is growing onto the applicant's property, I think it would be manifestly unfair to the applicant to deny the application; to deny him the right to do something on his property because of the fear that something may happen to this tree which is encroaching on his property. I think the prospect of denying the application based on that consideration doesn't seem right to me and I'm not comfortable with that. I know the applicant has provided that he would mill to a shallower depth than usual with the hope of mitigating any damage and that he would an arborist to assist in any way to save and preserve the trees; and I certainly hope that can happen. But I just can't see denying the application with the hope of saving the tree, and with all due respect, especially in light of what I would consider unsubstantiated speculation on what might happen to the tree with no indication that anything would happen to the tree.

Phinney – I could add to that also. in the older neighborhoods, in the older sections -- I happen to live on Genesee Street in an 1868 spot – trees were used as property lines; old stone walls and trees. So right now the property next to me; the house is razed and they are putting in new building and today they laid the pipes and have done all of the driveway section. The driveway is basically the property line. They have gone through more tree roots for trees both on my

property and their property. So I have to agree with Michael on this – it's very hard to keep an applicant from being able to have access and use of their physical property themselves, because nature has taken control over how a tree grows. I literally have that difficulty right in my own yard right literally as we speak. So I have an exact example of how that operates.

Wopperer – I'm glad you mentioned the tree, both of you. I do take to heart; when we went to the site the tree is absolutely gorgeous. It is one of the first things you see. And you provided a lot of information on how to assist and help the tree. And the fact that Mark is willing to assist with an arborist and things like that and to work with you, I think is great.

Phinney – Is there anyone to speak in favor of this particular proposal?

Aberi – Mr. Chairman I just wanted to make a couple of comments. As far as any of the tree trimming that would need to be done; I want things to look pretty. I will certainly work with Patty on how to sculpt that. I will be very cautious from a root structure during construction; I would not even put the driveway in until the very end and use a very small machine to just scrape the surface down to just establish a driveway. As far as any construction vehicles, any traffic, I am just going to allocate it all to the right-hand side where the existing driveway is. Hopefully, that will take care of any traffic impact.

Phinney – That would be good.

Wopperer – That's great.

Badami – I can vouch, Mr. Aberi did a project that I am aware of and there was a duck family on the property. He preserved and cordoned that off and kept machinery away, and that duck family continued to reside there after construction.

Phinney – I'm going to read two letters into the record that are in support of the project. The first is, 'I live on 46 Leitch Avenue and am in support of the Aberi family moving in. I think they would make great members of the neighborhood. My name is Tynan Jones and I am 13 years old.' And we have another one, 'Dear Skaneateles Zoning Board members. I live on 20 Leitch Avenue and would like to advise you that me and my family are fully in favor of having the Aberi family move into and redo the 56<sup>th</sup> house of Leitch Avenue. Thank you for your time. Sincerely, Julia Marshall.' And is there anyone who would like to speak in opposition?

Ratcliff – I am the owner of 58 Leitch to the north of the Aberi property. I attended the Planning Board meeting on September 1, and following that discussion the members put forth a motion to have this moved for your consideration with the requirement that Mr. Aberi would hire an arborist to consult on the possible damage to the trees. So last week I checked with Mr. Aberi to see about the status of that report; he indicated that he had been too busy and had not pursued that. So I called Christopher Sandstrum, my tree person from Cayuga Tree Service; he came out on short notice on Saturday and took measurements for the basswood 40 inches, for the sugar maple 13 inches and the cedar 60 inches. This is my only copy; he just delivered it today. He did an evaluation of the trees and I can share that with you.

Phinney – As far as their healthiness or just their location here?

Ratcliff – He indicated that digging would severely impact the root systems as I mentioned at the last meeting. He gave the figures for how far out the root systems go. For instance the old basswood, which is the 40 tree in diameter will extend as is indicated there 40 feet. So that brings it all the way to the front sidewalk that leads up to the porch.

Badami – Could you point that out on the drawing here?

Ratcliff – Yes; that one right there, he measured...

Balestra – That actually says 60 feet; would that be the spread of 60 feet for the basswood?

Ratcliff – Yes, for the root system. This is the basswood right there. These are the cedars, there are 3 and this is the maple right there, the sugar maple. So if you look at his drawing you can see them indicated here. That's the Aberi property; so that's the indication for how far out those root systems go. So he said they would severely impact those root systems – and there will be an as for the basswood which is my biggest concern. He also indicated that even 6 to 8 inches of removal will damage those root systems, and there will be an asphalt driveway going in there. He also wondered and indicated from his experience that driveways don't last very long if they are only dug in 6 to 8 inches. So to alleviate my concerns about the construction vehicles, he indicated that the existing driveway would be used for the construction vehicles. My question is if the big construction vehicles can use that existing driveway going up and down, why can't regular passenger vehicles do that? Mr. Sandstrum indicated that the damage won't be evident right away, but what I'm wondering is 2 – 3 years down the road when it's evident, what recourse do I have? So I asked him to estimate for removal, and he said that would be \$3,000 to cut down that big old basswood. So my concerns are that we can say we can't be sure there will be damage, but a certified arborist is indicating that we can pretty much count on it.

Phinney – I have a question at this particular point. If we are looking at 60 feet going out, that means they also go out underneath the sidewalk and underneath the road, and underneath the proposed driveway and underneath the house. That's what trees do. So now we are talking about what happens what happens if the Village had to come in and repair their sidewalk are they going to damage the root system that falls under the sidewalk and will be just as deep as the driveway would be. The Village could tear up your sidewalk and do just as much damage as could be done in a small section coming through like a driveway.

Ratcliff – Except that would be existing construction so it wouldn't be able to go any further down.

Phinney – I can tell you that they went through roots right next door to where we live so I know that roots go wherever they decide to go to, regardless of whether something exists or not. I do understand your concern.

Ratcliff – And I guess I'm just asking what is my recourse based on the arborist report that I am looking at.

Balestra – I think that would be a question for an attorney. We can't provide you with any means of recourse.

Ratcliff – Thank you for hearing my concern.

Phinney -- Very much so and they are certainly legitimate. Is there anyone else who would like to speak at this time?

**Chairman Phinney, "I'd like to move that we close the public hearing." Member Balestra seconded the motion. Upon the unanimous vote of the members in favor of the motion the public hearing was closed.**

**Member Balestra, "I move that we grant 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. This approval is based on plans dated August 31, 2016 and this is a Type 2 action under SEQR. There is a privacy fence shown on the plan and a condition of approval to be constructed pursuant to the plans and also the owners agreed to hire an arborist to provide advice and assist with regard to the neighbors' trees at 58 Leitch Avenue. That's going to be an advisory position with nothing binding there, but Mr. Aberi is indicating a good faith effort to minimize the damage to any trees. Applicant will have 1 year to complete. Chairman Phinney seconded the motion. Upon the unanimous vote of the members in favor of the motion the motion was carried 5 – 0.**

Chairman Phinney, "That would be great if you could get the arborist together to work on that, because that is a legitimate concern and I have that concern on my property too, so I get it. Thank you.

This matter was concluded at 8:21 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards

Village of Skaneateles  
Zoning Board of Appeals Meeting  
September 27, 2016

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Public Hearing in the matter of the application of Colin Carroll to vary the strict application of section 225-A5 Density Control Schedule for Minimum lot dimension, Minimum lot width and Minimum open area; and Section 225-69D Nonconforming Buildings, Structures and Uses, Extension or Expansion to construct a kitchen addition and a second-story addition and dormer over the one story section of the property addressed as 14 State Street in the Village of Skaneateles.

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Present:        Craig Phinney, Chairman  
                  Michael Balestra, Member  
                  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  
                  Corrie Carroll, on behalf of the applicant

                  Gregg Eriksen, Village Trustee  
                  Katherine Burke, 10 State Street  
                  Charles Balco, 10 State Street  
                  Michael Williams, 9 Ashwood Lane  
                  Marlene Brothers, 10 Gayle Road  
                  Martha Parcels, 7 Gayle Road  
                  Ashley Palmer, 104 East Lake Street  
                  Joshua Luce, 2689 Pine Grove Road  
                  Kate Cogswell, 50 East Lake Street  
                  Walter Benson, 50 East Lake Street  
                  Michael Cogswell, 168 East Genesee Street  
                  Andy Ramsgard, 61 East Genesee Street  
                  Bob Eggleston, 1391 East Genesee Street

Chairman Phinney called for the matter of Colin Carroll for 14 State Street at 8:23 pm.

Murphy – Do you guys have a full set of drawings?

Wopperer – I do.

Zapata – Yes.

Wopperer – I went to see Corrie last night, and I wasn't sure if you were looking at Phase 1 and Phase 2, but we are just looking at Phase 1 correct?

Murphy – That's correct. Phase 2 was taken off the table by the Planning Board. Phase 1 is what we are looking at.

Wopperer – Which is the kitchen?

Murphy – Which is the kitchen, correct. This rendering shows Phase 1 added onto the structure; this rendering here shows Phase 1 and Phase 2 added on. So if you just direct yourself to the Phase 1 front rendering, that's what we are looking at. The variances are the same. Once we take up more of that open lot area, the second phase is all above first floor construction so none of the variances would be increased, ut we would be increasing a nonconforming structure. We have looked at a couple of different things; we have made it smaller, we have pushed it around some, we have added some different detail to basically allow the house to retain some of its character. It is a pretty noteworthy home in the Village; a lot of people recognize this home when they come down Genesee Street. We looked at putting the addition on the back of the home; unfortunately the part of the home that doesn't get used right now and has the most charm is this portion of the home. The Carrolls really don't want to live in an addition out here, they want to live in their home and in the character of this 1800s dwelling. We aren't really asking for any new variances; the variances that we are requesting are mostly preexisting nonconforming. We are asking for a minor increase in the open space variance. Currently they are at 70.58 and we would need a variance of 0.1777%, because we are looking to increase the...

Phinney – 0.18%; very small.

Badaimi – How much?

Phinney – 0.18%.

Badami -- 0.18. OK.

Murphy – It's a pretty minimal increase. Actually it is more than that. It is 3.35% larger. But on lots of this size that number is a big variance but it is what's in the rest of the Village; it's the density that the Village is built to. So we have a small lot and we are going to put on small addition to increase the living space for their four children.

Phinney – And they are planning on living there, is that correct?

Murphy – That's my understanding, yes.

Wopperer – And phase 1 also includes the proposed driveway? That made sense to me to have everything line up straight.

Murphy – Yeah. The way it is right now, it's kind of like an 'S' entry into the garage.

Badami – What's the use of the addition; the room?

Murphy – It's a kitchen.

Badami – But it shows; so all this glass is going to be in the kitchen?

Murphy – Yep; countertop up. No upper cabinets

Wopperer – Its going into the existing kitchen?

Murphy – There's dining room here and the kitchen is kind of like buried in the middle of the house. There's a smaller plan in your set of drawings that shows it. But what we are proposing to do is to turn that into more of a pantry and laundry facility in the middle of the house. The current kitchen exists in here; there's no windows. It divides the back of the house. They really don't use their living room here; this beautiful room with the porch. By moving the kitchen up here, we can get a lot more living space.

Wopperer – So basically you are adding onto the existing kitchen?

Murphy – Instead of it being here, it's going to be here.

Wopperer – Ok; I get it.

Phinney – I'd like to open the public comment period to have anyone speak in favor of his particular application.

Ramsgard – My wife and I own 61 East Genesee Street; we are right around the corner. Carrolls do a very good job keeping their property up and this reasonably fits within the character of the neighborhood.

Phinney – Is there anyone to speak in opposition?

Burke – I am the neighbor on the south side and I have been living in my home about 25 years now. It is a very old, historic home on a large lot. The Carroll's lot, I think they bought it in 2012, they live additionally in other spaces. I want to review the use and then I want to review some of the difficulty that I'm having with water drainage onto my property. Carrolls have owned 14 State Street since 2012 in addition to a home in Mandana and I understand that they are soon to close on another house on East Street in the Village. 14 State has had short-term rental on and off and it's coming to a place where they currently occasionally live.

Badami – What's your basis for saying that?

Burke – Conversation with the Carrolls.

Badami – So they'll confirm that?

Burke – Right. I believe so unless things have changed. I can't know their life and their life story, but as they move to East Street they intend to rent 14 State long-term. They say they love the character and the charm and the location of their home and suggest that they will return in 10 years time. Of course that variances are granted to the property and not the applicant and there is no requirement that the Carrolls actually keep this as their family residence. So I was reviewing; my concerns for this application include most of the criteria you are looking at: whether it is an undesirable change will be produced; whether the benefit sought by the applicant can be achieved maybe from another method other than an area variance; and whether the proposed variance will have an adverse effect; whether the alleged difficulty is self-created. So when you are looking at this house that they have possession of and unfortunately the zoning somehow did not protect this house; the garage is kind of unwieldy. They have inherited this by buying the home and I'm not even sure what support that present structure can give to a build up. But my concern is that I think that the façade will change very much the character of the old home – it would pretty much swallow it up. One of my difficulties is on the north end of my property there's a; all the water runoff comes from these rooves. You'll see some photographs in a thing that I gave you that will show you how each of these rooves comes down to pretty much a gutter or any grade and I have a continuous puddle across the north end of my lot and I cannot grow anything. I have talked with the Carrolls about resolving that and they weren't really willing to do a project at that time. We have gone over it several times, even as they moved in, even as I surveyed, built a carriage barn in the back of my home. I have taken great effort to drain all of my water to another area; make sure that it works. But I am defeated by the drainage from this lot. The vast driveway will now only be increased because the only small green space will be disappearing with this addition. Here are also 3 trees that are dying on their front lawn that will have to come down before construction begins because they are just dying. The Carrolls are pleasant people but I see that this addition is very large. So I asked Bob Eggleston if he would start to compare the size of lots versus what is being taken up with actual buildings. And so he did some work for me.

Eggleston – You have copies for the Carrolls?

Burke – I do.

Balestra – How long has that water condition existed on the north property line?

Burke – I moved in and that was an issue at the time.

Balestra – Have you considered putting in a French drain along your property line to collect it?

Burke – My driveway rises up and there's only enough room for the drive on the edge and their ditch is basically there; it's collecting all the water and the grade is bringing the water to it. If I was to put in a paved driveway, for example, it just would have eroded the pavement.

Badami – My understanding is that State Street gradually rises as you head north. So it's not just the Carrolls; everything is flowing that way, right?

Burke – Right, but it is all in how you grade your land and which way you take it.

Phinney – And now primarily it is in the northeast portion, is that correct?

Burke – The northwest corner.

Phinney – the northwest corner versus the northeast where the creek comes in and the drainage comes in from the Legg Hall property?

Burke – I take all of that and I have managed to make it actually quite charming. But ultimately I cannot...

Zapata – But this drainage issue existed before the Carrolls owned the property, yes or no?

Eggleston – Yes.

Burke – As a building that vast garage.

Eggleston – All of the rooves lead to that driveway.

Zapata – And when was that garage built?

Murphy – That garage has been there forever.

Zapata – So this drainage has existed since that garage was built.

Wopperer – And this garage that we are talking about is the garage on your property Mrs. Burke?

Burke – No, I'm talking about the Carrolls' garage.

Phinney – Actually that is not true, that is not correct. What we are discussing here is the addition of the kitchen at the front of the house. It is not a discussion of anything on the garage at all. So nothing on the garage will change at all. So the drainage isn't going to change; it's going to stay exactly; they are not required to change anything on that.

[Multiple simultaneous conversations]

Zapata – Where the addition is to go, what is there now?

Murphy – There's some sidewalk, there's a bilco door, some bushes.

Zapata – Is there a substantial change in permeable coverage?

Eggleston – About half of it will change.

Murphy – We are increasing the floor space of the home by 482 SF. Probably 375 of that will be over green area today.

Phinney – If you are sliding the driveway farther south, there's going to be an area where you could make sure that drainage was being affected off of the new portion of the building anyway.

Murphy – We are actually not increasing the drive; if you look here, the dashed portion is where the driveway exists today. So we are not moving this edge of the driveway, we are just filling in this corner and we are actually taking out all of this.

Phinney – I guess what I'm getting at is making sure that whatever drainage is coming off the new addition; you'll be catching it and heading it out. So it should not theoretically affect anything south of that.

Murphy – No, it is no different than it is today. To Mr. Badami's point, State Street is a large hill; water flows down hill.

Burke – But to this point, they have paved the entire driveway, which is basically pitched onto my property. And we have discussed actually attaching a drain to the pipes in the street. That's what they need to do. And we discussed that, but it is not occurring. The only way to take that water out of that ditch would be to attach it to a pipe in the sewer.

Phinney – But that exists already.

Burke -- No, no. it does not exist.

Phinney – The ditch exists already.

Eggleston – The problem exists.

Phinney – The problem exists already. So it is a preexisting scenario that the construction that they are doing now is not necessarily going to have an effect...

Burke -- No it would exacerbate it. There is a building that will have more roof...

Phinney – I understand that but we just heard from the architect that the building, when it is constructed, is going to be set up so the drainage from that roof is going to be directed away from going south over and across your property.

Murphy – We are going to drain the roof with a gutter system and hope to tie that into the storm.

Phinney – It sounds as if they are not doing anything to exacerbate the situation, it sounds as if even on the new addition they are going to be redirecting where the storm water flows by the nature of building the house. That's how they are doing that.

Badami – And they are increasing the green area to the north of the driveway. As it was just explained to me this section here is existing driveway that is being taken out. So I'm correct. This is all being removed.

Eggleston – This is being taken away.

Badami – This is, but there is more green space on the north side of the house.

Burke – There's green space here which will be gone.

Zapata, Badami – This is existing driveway.

Burke -- And this is green space.

Badami – And this driveway is all being removed. It will be green.

Burke – And this roof would all drain onto this driveway?

Badami – Says who?

Burke – Well that's kind of what this one does.

Murphy – This roof drains this way. This roof is a hip roof; we are going to catch it in a gutter and bring it down into the ground and tie it in.

Burke – Into this ground?

Murphy – We are going to bring a gutter into the ground and tie it into the storm sewer.

Badami – On this side of the new driveway, correct?

Murphy – Correct.

Burke – So this drainage coming off the roof...

Wopperer – Like a plastic pipe with hole...

Phinney – It goes wherever it goes now.

Murphy -- ...to the storm sewer.

Phinney – But they are not doing anything to that building, so they are not affecting it.

Badami – They are not adding anything that's going to run south.

Balestra – Can we make that a condition? Is that actually part of the application?

Murphy – We are going to be doing work in that curb cut; I'm sure we can tie into the storm system.

Wopperer – I have a question for you Mrs. Burke. I went to the property last night and I know that you had an addition put on about a year ago. It is absolutely beautiful. My question is did you address any drainage issues at the time?

Eggleston – I can answer that for you. This is her site plan. She took down an inappropriate small garage that was not in character, and she felt the two-story carriage house that's the garage and supplemental apartment. At the time that we did that she put drainage; she has roof gutters here, she collected the water there, there is an open watercourse that travels across her property here and then goes underground to the Skaneateles outlet. So she actually took her drainage from here and brought it over here. She also collected the drainage from the western half of the Carrolls property and got that under control. So she has already taken care of this back half of the water to control what was coming on to her property directed to here. What the question is, and she has had some conversations over the last few years with the Carrolls, is this is a low spot here. Right now there's gravel because everything died; it was a mud hole. So the pictures show gravel that was temporary until something got done. What she would like to do, she has a row of lilacs on her property, she would like to continue that across and get that back to grass, but she can't do it because it's a retention pond. There is a gutter that comes here and the downspout comes about 2 feet over and the water all directs off this roof into this area. The driveway currently drains into this area. So all the current water from the garage and the driveway collects here; this has been a dry year and you can see mud puddles. She has a planting area over here that she's trying to keep alive that's built up a little. What she was looking for was some solution to this drainage problem that she's had discussions over the years with. As Katherine said they could not afford to any drainage at that time. Maybe now is the time to pick up this problem while they're doing this other work. Nothing had been said in the narrative about drainage and I think it's good to flush these issues out so we can talk about what the drainage possibilities. So there's a letter that she had written to the Carrolls that you have a copy of with photographs that explains her concerns and her desire to; by the time this project gets done that this doesn't become a retention pond that can't grow anything. Again the gravel got put in there just to keep it from being a mud hole next to her driveway.

Badami – I'm just still scratching my head wondering; we are not here to discuss a drainage issue as it exists right now. We are here to discuss this proposed addition and what effect, if any, it will have on exacerbating the issue. Mr. Murphy has come and told us how he would drain the proposed addition; it would drain on the north side. I don't see that adding to the problem. So while I'm sympathetic to this issue of this pond that's developed, we are not here to talk about that tonight.

Eggleston – Well, well, it becomes; what happens is when you need a variance for an expansion of a nonconforming structure, it puts everything on the table. OK. And obviously it is up to you to decide what mitigating factors are there for the potential variance. The drainage wasn't the primary focus of what Katherine had me take a look at. She asked me what are the coverages that are basically found on State Street. I have done 4 different variances on this street: 10 State

Street which is the Burke property and 34 State Street which is the Severance property. They are rather large properties they are 23,000 , 27,000 SF -- almost conforming lots. The houses here -- big lots, big houses. 3,700 SF, 4,700 SF of living space. If you add in the porches, garages and even the supplemental apartment you get 5,800 SF. I put that into a percentage. The building footprints are like 12 % , 14% on these large properties and the open area is 83%, 82% -- which is nonconforming, but nonconforming by 2 or 3 percent. Then we have Steve White's property are smaller houses on smaller lots, both of those happen to be 2,700 SF and the building footprint boils down to 24%, 26% -- obviously twice as much on a smaller lot that's 1/3 the size. And they were granted 72%, 69% open area. So we have big lots and little lots. 14 State Street is medium sized, 13,000 SF -- so it's 1.5 times the size of these, and half the size of these. Yet the addition that was put on there was 36,000 so the house is almost as big as Katherine's house. Once you add the porch and garage you're up to 4500, which is 25% of the space which rivals these small lots for the amount of living space footprint based on the size of the lot. Again their open space is 70% which again is similar to these 8000 SF. So it's a large house on a medium sized lot. Phase 1, based on the information in the application and the narrative, would increase to 4100 SF or 5,000 SF including garage and porches, which would be 29%; substantially more than any of these others. The open space I believe is 67% that they are asking for, which is less than any of the others -- even the Devins' at 69%. Granted that stays the same but then they increase it. Phase 2 -- and I understand Phase 2 is taken off the table, or it was the recommendation of the Planning Board -- that would have made this like a 5,600 SF house, it would have 29% footprint. Again, these are not in character with; in that this is a medium-sized lot it should be somewhere between the large lots that are 83, 82 and the small lots that are 72, 69%. So that's where, in Katherine's letter, when it talked about is this substantial, I think that has to be taken into consideration. I think also there's some question about the esthetics and how this is being added onto. It is taking on the image of an enclosed porch; typically an enclosed porch might be 10 feet deep of something like that, but it's really eating up all that side yard; or an addition might step back 12 feet from the front of the house. This is just a foot or two behind. The other question that is in Katherine's letter -- you've got 2700 SF of, actually I'm sorry, it's like 2700-2800 SF of living space. If you look at the floor plan, there's a lot of wasted space; just because the 1970s addition was poorly done. They are taking a good sized kitchen now that will become, OK mudroom and whatever, and they are creating a 4-500 SF new kitchen. The question is, would they be better served by trying to better utilize the existing space that was poorly laid out to begin with, rather than solve it by putting a large addition on? So that's where Katherine raises that question about what will the overall appearance of this be. Is it all of a sudden going to take this little Greek revival house, similar to all the other houses on these small lots, and now it's got twice the sized structure next to it. The Phase 2 I thought looked rather attractive; taking this ugly garage and making it into a carriage house. That was a great attempt to bring it back into something appropriate -- but then the connection between the two made it into this huge rambling house that might take away some of the original architectural character and then just becomes a non-stop carriage house.

Phinney -- Thank you. Anyone else have any thoughts or questions?

Balco -- The question is when does; they are already over the limit. That caused the issue. If you go to the site visit and you said you went --all of the rooves except for one (the one that goes to

16 State Street) – that side is the only roof that does not drain onto the driveway, and there is no catching of the water, so you are just adding to the problem.

Phinney – Thank you. That has been rebutted.

Wopperer – Are there gutters on the home right now?

Eggleston – Yes.

Balco – Yes, but they don't go anywhere.

Phinney – Different issue; it's not the issue we are discussing. Anyone else?

**Chairman Phinney, "I move that we close the public hearing." The motion was seconded by Member Balestra. Upon the unanimous vote of the members in favor of the motion the public hearing was closed.**

**Member Badami, "I move that we approve the application of Colin Carroll to vary the strict application of section 225-A5 Density Control Schedule for Minimum lot dimension, Minimum lot width and Minimum open area; and Section 225-69D Nonconforming Buildings, Structures and Uses, Extension or Expansion to construct a kitchen addition, Phase 1 only, at the property addressed as 14 State Street in the Village of Skaneateles. This approval is based on plans dated August 16, 2016 by Space Architectural Studio. This approval carries the condition that, per Mr. Murphy's statement, that the addition will be guttered and focused on the north side of the existing driveway and tied into the storm sewer as a requirement of this approval. This is a Type 2 action under SEQR. Applicant will have 1 year to complete. Chairman Phinney seconded the motion. Before the vote was taken Member Balestra commented for the record, "The more I look at it, frankly I rather like it. It reminds a little bit of the Sherwood; the addition that is. I do not believe that it is out of character. To the extent that the open area would be reduced somewhat lower than the other properties that we have seen referenced tonight, it is not to such a degree that I would say it is so substantial that it would be an overriding concern of mine. So I don't see any detriment to this. Since the drainage from that addition is going to be tied into the storm sewer, I don't see how it is going to exacerbate any drainage issues. With that said, my vote is yes." Upon the unanimous vote of the members in favor of the motion the motion was carried 5 – 0.**

Chairman Phinney, "Thank you very much to all of you for your conversation and thoughts back and forth. I must admit that it is very awkward to have architects speaking against each other in a forum such as this. In the 15 years that I have done this, it is the very first time that I have had an architect attempt to rebut another architect's argument. Very uncomfortable position to be put in at this particular point. I think that both of the architects involved, because they are all going to have to up before us again, and now the opposition or supposition can be 'just hire an architect to come in and rebut the other architect that is presenting their plan. I am sorry that it had to happen today, and I'm sorry that it had to happen at all. I know it is perfectly legal, it has

nothing to do with that at all. But I find it is a very awkward situation that has been created to pit architect versus architect. Thank you.”

This matter was concluded at 8:57 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards

Village of Skaneateles  
Zoning Board of Appeals Meeting  
September 27, 2016

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Public Hearing in the matter of the application of Gregg & Ashley Palmer to vary the strict application of section 225-A5 Density Control Schedule for Minimum open area; to construct a 26 by 24 foot detached garage with integral 4 by 18 foot storage area at the property addressed as 104 East Lake Street in the Village of Skaneateles.

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Present: Craig Phinney, Chairman  
Michael Balestra, Member  
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  
Ashley Palmer, applicant

Gregg Eriksen, Village Trustee  
Michael Williams, 9 Ashwood Lane  
Marlene Brothers, 10 Gayle Road  
Martha Parcels, 7 Gayle Road  
Kate Cogswell, 50 East Lake Street  
Walter Benson, 50 East Lake Street  
Michael Cogswell, 168 East Genesee Street  
Andy Ramsgard, 61 East Genesee Street

Chairman Phinney called for the matter of Gregg and Ashley Palmer for 104 East Lake Street at 8:58 pm.

Eggleston – The property currently has a one car garage that extends under the basement. It is rather difficult to use and does not accommodate today's vehicles very well. What they would like to do is build a detached garage and it will meet the required set-backs of 15 foot rear yard; we are required to be 3 feet off the side yard, we proposed 5 and talked with the neighbors. The neighbors wanted it to align with the edge of the driveway so we pushed it over to 8 feet. We are only looking for an open area variance of maybe 3.1% where 90% is required in the A-1 District. We are at 85.3 currently that was granted by a variance to the previous owner. Pretty much we will be placing this garage; it will be a very traditional style garage that will complement the house, and will have a storage room above it, because they have a poor basement that is not suitable for finishing. This could be a rec room in the future, right now it will be storage.

Phinney – Any water going out there, or just electric?

Eggleston – Just electric; no water or sewer.

Phinney – So no future apartment?

Eggleston – Correct.

Phinney – I guess that was my only concern, was that it be storage.

Wopperer – That was my only concern as well.

Eggleston – It is not uncommon to have detached garages with space above.

Wopperer – I happened to visit the site last night and I could see where behind Clift Road; and I was very glad to see that they had neighbors that were asked and talked to the neighbors about it. I could see how close it could be and why they would want it moved. I think it is a very good addition to the property.

Badami – No concerns on height Mr. Balestra?

Balestra – We're good on this. You?

Badami – I was hoping we would hear from you first.

Balestra – I'll hear your thoughts, Dave.

Badami – I am concerned about garages that are this high – in keeping with the neighborhood. I understand there was a nice garage done next door. But these garages...

Wopperer – How high is it?

Badami – Well, this is 17 feet right to here. Bob is there a ...

Eggleston – The height is 17 feet and it is measured per code. I believe it might be about 25 feet or something at the peak.

Badami – That concerns me; that height concerns me as far as garages go. We have had any people come before this Board with garages that tend to – and I understand the need, they want to storage, they want the room above. I get that. But we have come to certain compromises before that still accomplish the same goal without – I'm not going to call it a monstrously high elevation, but that reduce the height in a way; you have come with some creative solutions in that regard and I am wondering if...

Eggleston – I think one of the significant differences on this that for instance the Aberi one is that the Aberi went up hill. So the garage was actually higher than the house. This, the garage is significantly downhill; it is really at basement level. So when you're looking at it from the road, the road is up at this level here, and it sits down. So I think you have to look at the siting of it in the particular situation, and I think you'll find that it is lower in appearance because you are looking down on it.

Badami – Certainly that does have an effect. Do you know the actual difference in elevation?

Eggleston -- Do you mean the elevation from the road?

Badami – From the house to the proposed structure.

Eggleston – This is down hill from the existing basement. So when you are looking at this; this is the first floor level, so you have 8 to 9 feet below the first floor level.

Badami – That's pretty substantial.

Phinney – It is.

Eggleston – So it's turning a two story garage into a one-story garage. And it sits way back from Clift Lane.

Phinney – Which might even look better architecturally than two doors; two garage doors.

Badami – I'd like to distinguish this property as have that particular physical characteristic that therefore lends itself to a garage of this height as opposed to others that might not work.

Balestra – I agree with you, Dave. The other thing about that in the Aberi house that we talked about earlier, it is a much smaller and shorter house than what we are looking at here. So the proportions are not quite as odd.

Eggleston – When you look at this front elevation you have a full two story façade and a car that's sitting way back and down.

Balestra – I just want it understood that that defining characteristic of this particular property makes this unique, and that someone else coming before the Board with a similar structure might not have potentially the same result.

Eggleston – You have to look at that site on its own merits.

Balestra – I love that you have added something like that to the record, Dave – a man after my own heart.

Phinney – I'd like to open the public comment portion of the hearing; is there anyone who would like to speak in favor of this particular proposal? Is there anyone to speak in opposition?

**Hearing none, Chairman Phinney, “Then I’d move that we close the public hearing.” Member Balestra seconded the motion. Mr. Eggleston noted that there are letters in the record. Member Wopperer noted letters from Aberis and Scherrers indicating no objection. Member Zapata noted that Mr. Aberi no longer owns the Clift Lane property. Mr. Eggleston stated that the new owners are aware. Upon the unanimous vote of the members in favor of the motion the public hearing was closed.**

**Member Balestra, “I move that we approve the application of Gregg & Ashley Palmer to vary the strict application of section 225-A5 Density Control Schedule for Minimum open area; to construct a 26 by 24 foot detached garage with integral 4 by 18 foot storage area at the property addressed as 104 East Lake Street in the Village of Skaneateles. The approval relates to drawings dated 12<sup>th</sup> of August 2016. This is a Type 2 action under SEQ. Applicant will have 1 year to complete. Chairman Phinney seconded the motion. Upon the unanimous vote of the members in favor of the motion, the motion was carried 5 – 0.**

This matter was concluded at 9:08 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards

# Village of Skaneateles Zoning Board of Appeals Meeting September 27, 2016

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Public Hearing in the matter of the application of Kate Cogswell & Walter Benson to vary the strict application of section 225-A5 Density Control Schedule for Minimum lot dimension; Side yard set-back, left; Side yard set-back, right; Both side yards combined; Rear yard set-back; Minimum open area; and Percentage of structure width/lot width to remove an existing sun porch with patio below and to construct a 927.5 SF addition and a 168 SF patio at the property addressed as 8 Gayle Road in the Village of Skaneateles.

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

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

Kate Cogswell, applicant  
Walter Benson, applicant  
Michael Cogswell, Esq., on behalf of the applicant  
Andy Ramsgard, Architect, on behalf of the applicant

Gregg Eriksen, Village Trustee  
Michael Williams, 9 Ashwood Lane  
Marlene Brothers, 10 Gayle Road  
Martha Parcels, 7 Gayle Road

Chairman Phinney called for the matter of Kate Cogswell and Walter Benson for 8 Gayle Road at 9:12 pm.

Ramsgard – The house is a post WWII ranch. Sort of a Lindal home; it has some very nice beams inside, cathedral ceilings. What we are proposing to do is add on; remove the existing mudroom it comes in. Most of that is screen porch enclosed but not heated space. So that area is dashed in on the site plan. The way the house was set up with the garage and the front door, you actually have to go past the existing master bedroom to the front door. Most everybody comes in through the side door. We really want to improve that, so we can create – where this window is – a new entry sequence. Create a mudroom off of hat to the east side that would have a laundry room, powder room, a couple of closets and a bench. Then reconfigure the kitchen. One of the concepts in the 50s, a Brady bunch house, was asymmetry and shifting things around. The

existing fireplace is way over in a weird spot in the existing house with how the kitchen is enclosed. So what we are trying to do is really open that up so it is more center justifying the overall space so we can have a couple of sitting chairs there. It is a nice stone fireplace inside but the way it is it doesn't really get used at all. That will give us room for a breakfast area. They have a piano that they'd like to bring from the old house. The existing house is in white, the proposed additions are in tan. The house as it sits on the lot is kind of cattywomkus; it was built and designed before the current set-backs, so several of the variances have to do with the preexisting nonconformities of the side yards. On one side yard, because we are in A-1 we have to have 30 feet; side yards have to be a minimum of 25 feet. Another unusual thing about this lot at the end of Gayle Road is that the shared right-of-way (ROW) for all of the people who have lakefront access, comes down along their western portion. There is also a shared ROW along the back side of the house, that comes along on this side. In a post WWII house the elevations are complicated since we tend to read pitched roofs. It is hard to understand that, so we modeled it up and showed the addition pieces in blue, the removal of the back screen porch is in red, which is this whole chunk. You can see the kind of cant of the roofline where it got added on; it's up on columns. That porch comes across two bedrooms; one bedroom doesn't have a legal means of egress out, so it is not a condition that we could design onto a structure today. On the lower level the current portion of the finished basement come along here, we are adding on the other portion. It is essentially a single story house with a walkout basement. The way we propose to relieve the roofline is to architecturally extend the gable; bring that plane up that lets us climb the ridge so we can slope down at the existing slope rather than, as was done, kick the roof out at a much lower pitch. One of the things in this type of house that you respect is very parallel lines and very simple lines. That's really the only way to add on and keep the existing plane of the roofline in character with the rest of the house.

Wopperer – So this is the front of the house coming up the driveway and this is the garage, and this is the existing porch where it is now.

Ramsgard – We rip that out and build on two sides. We have enough room for a small laundry and a powder room. The existing staircase is right here; we can't grab enough room for a laundry mudroom. The laundry is downstairs. One of the reasons why they wanted this house is it is all basically on one story. To bring the laundry up and keep the master bedroom on the first floor. Once you get into the house you can keep one-floor living.

Phinney – I don't have any questions.

Balestra – Very interesting but I don't have any questions either.

Phinney – I'd like to open the public comment part of this hearing to hear from anyone who is in favor.

Williams – I am the owner of the property that adjoins them there, on the south side at 9 Ashwood Lane. The applicants have shown us the plans and we have discussed the house. It will add significantly to the property visually and it doesn't affect our view. The present view in the present house is also very nice. The present owners used the back of the house for outdoor living. I hope that they continue to use it, because we enjoyed it having neighbors there. It

doesn't break our sightlines and we are very much in favor of these improvements. [Mr. Williams left a letter for the record.]

Ramsgard – There is also a letter from Martha Parcels, one of the adjacent neighbors.

Wopperer – I'll read this into the record. "I met with Walter Benson and Kate Cogswell. I reviewed their zoning board application and discussed their plans for renovation. I have no objection to their application. Martha Parcels 9/7/16."

Phinney – And I have a letter 17<sup>th</sup> of September. "We own the adjoining property which includes all of the southern, rear, boundary of 8 Gayle Road. We have looked at the proposed changes to 8 Gayle Road and support the changes and express our support to the ZBA. Johann Visser and Michael Williams 9 Ashwood Lane." Anyone else? Anyone to speak in opposition?

**Chairman Phinney, "Then I move that we close the public hearing." Member Badami seconded the motion. Upon the unanimous vote of the members in favor of the motion the public hearing was closed.**

**Member Wopperer, "I move that we approve the application of Kate Cogswell & Walter Benson to vary the strict application of section 225-A5 Density Control Schedule for Minimum lot dimension; Side yard set-back, left; Side yard set-back, right; Both side yards combined; Rear yard set-back; Minimum open area; and Percentage of structure width/lot width to remove an existing sun porch with patio below and to construct a 927.5 SF addition and a 168 SF patio at the property addressed as 8 Gayle Road in the Village of Skaneateles. The approval is based on drawings dated 8/18/2016 and revised 9/13/2016. This is a type 2 action under SEQRA and the applicants will have 1 year to complete." Upon the unanimous vote of the members in favor of the motion, the motion was carried 5 – 0.**

This matter was concluded at 9:23 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards

Village of Skaneateles  
Zoning Board of Appeals Meeting  
September 27, 2016

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

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Present: Craig Phinney, Chairman  
Michael Balestra, Member  
David Badami, Member *Recused*  
Maureen Wopperer, Member  
Kathleen Zapata, Member

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

Chairman Phinney called for consideration of the draft Open Space Plan at 9:24 pm. **After careful consideration by the Board, Chairman Phinney said, "I move that we have no comment on this matter." Member Wopperer seconded the motion. Upon the unanimous vote of the members in favor of the motion, it was carried 4 – 0 with Member Badami recused.**

**On motion of Chairman Phinney, seconded by Member Badami, the meeting was adjourned at 9:27 pm.**

Respectfully submitted,

Dennis Dundon, Clerk to the Boards