

Village of Skaneateles
Zoning Board of Appeals Meeting
October 25, 2016

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 an addition and a porch at the property addressed as 7 Leitch Avenue in the Village of Skaneateles.

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

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

 Bob Eggleston, Architect, on behalf of the applicant
 Jeff Davis, Esq., on behalf of the applicant

 Madelyn Brogan, 13 West Austin Street
 Tim Lynn, 50 Academy Street
 Ron Staples, 10 Highland Street
 Conor Driscoll, 3051 East Lake Road
 Lydia Parker, 3406 West Lake Street
 Paige Lynch, 56 Academy Street
 John Lynch, 56 Academy Street
 Leah King, 29 North Hunter Avenue
 John Fabrizio, 45 Academy Street
 William Dwyer, 47 Academy Street

Absent: David Badami, Member

Chairman Phinney called for continuation of the matter of Cyrus Weichert for 7 Leitch Avenue at 7:30 pm.

Eggleston – Jeffrey Davis from Barclay & Damon is here also representing Cy Weichert. Taking your suggestions from the last meeting relative to the deck that they would like to put on the first floor of this property; what we have done is actually taken a portion of what was deck, a 14 by 10 foot area, and made that a sunroom. Instead of having an open deck that is looking out on the neighbors, we have an addition which will be detailed very similar to the house itself – copying the historic details of the Greek revival architecture. It will have a series of windows on the west

side and on the south side. What this does it takes away from this very long tall uninterrupted façade; it helps to break it up a little. I think it was a very good idea on your part. They have reduced the deck in half, so there will be a 15 by 10 foot deck that will be shielded from the south so it is private. Of course, the people from their north can look down on it. It is also connected to this entry porch that replaces a porch that was there. This will be 10 by 6. As far as sightlines now from the south property, the Riordans which had concern, from their driveway; we will propose putting in a 6 foot privacy fence on the property line as opposed to the 10 foot arborvitae. There was some concern whether the arborvitae would grow. This fence will help to shield part of the property; the Riordans would be seeing basically from this point up of the addition. They would not see much of the door. The patio has been reduced from the original size – a small area wrapped around the corner. Open space will be 80.8% where 85% is required. Currently it is 78.2%, so we are improving the open area from the current nonconforming is. We are not touching the front yard, side yard which are existing nonconforming elements of the building. Jeff Davis has put together a letter outlining some of the criteria that you will consider in going through this application. I'm not going to go through it; if you have questions of him on that you are more than welcome to ask him. I do want to comment that the addition itself will be 20.8 feet from the Riordans' property. In the letter they wrote they had suggested it would only be 15 feet. 15 feet is the distance to the patio; right now the patio is just over a foot away because it comes way out to this point here. We are making the patio conforming, the addition will be totally conforming with all the setbacks that we have control over and it's the open area will improve. The 80.8% is less nonconforming. Are there any questions that you have about the revised plan?

Balestra – I would think and hope that the Riordans would be much happier with this. I had a lot of comments at the last meeting about the previous application – and this really alleviated a lot of my concerns. I think this is a really nice compromise. It's much better.

Phinney – I would also agree with that. I had concerns as well and this is a really good compromise and almost makes more sense.

Wopperer – I had concerns and now some questions. Regarding the deck, Bob, it's still two stories up?

Eggleston – I guess that's all your perspective. It's a ground level for the front of the structure. None of the deck can be seen from the Riordans' driveway, or kitchen window, or their side porch. Also, just to correct the record, the addition is over 100 feet from the Riordans' kitchen and porch.

Wopperer – For me it's not a privacy issue any more. For me it's a safety issue, with the deck being that high up. She is going to be there maybe a month out of the year. But there will be other people on that deck. It is 15 feet; that's a lot. I am concerned that other people would consider building a second story deck.

Phinney – There are several other situations; there is precedence for second floor decks.

Eggleston – It really needs to be code.

Wopperer – The patio on the lower level; is that new patio?

Eggleston – That is patio that you haven't seen before. The patio over in this area? The patio we had before that was kind of directly underneath the deck. So we come out here so that we are 15 feet away. It is probably 8 feet of area and we kind of wrapped it around.

Wopperer – I see, so that is going to be a new patio area.

Eggleston – Right here is the existing patio, so this area right here is new.

Wopperer – And then the fence. Are both sides going to be the same?

Eggleston – We will have it good looking both sides. We are required to by code to have the good side face the neighbor. We are going to put the fence, for sure, along this property line and this property line. What I wanted to assure the Riordans that we had some visual privacy to the patio from their property.

Wopperer – Then since all my questions have been answered, I think it is a great plan too.

Balestra – Maureen, I think your concern that everybody's going to put in applications now for second-story decks – I think based on our prior record... You have to take it on a case-by-case basis in the Village. We all live close together and there are privacy concerns and we have to make compromises. I think this is a great compromise.

Zapata – I think this is a really good plan; I think it improves the house. I think it will be a welcome change for the neighborhood.

Phinney – Anyone who wants to speak in favor of this project? Anyone who wishes to speak in opposition? I want to enter into the record an email from the next-door neighbors here. "To whom it may concern: Dan and Lisa Riordan would like to go on record as opposed to the construction of the projecting addition and deck at 7 Leitch Avenue. We feel that it does not suit the character of our neighborhood and the Village of Skaneateles. We have concern that the large structure will obstruct natural light, the sense of openness and add artificial night-time light. The building would be approximately 15 feet from our property line, thereby diminishing our privacy. Sincerely, Dan and Lisa Riordan. October 25, 2016."

Balestra – I would add that I have considered the email and it doesn't change my opinion.

Phinney – Nor does it mine.

Wopperer – Nor does it mine.

Galbato – And there also is a letter from Jeffery Davis dated October 21, 2016 in the record as well.

Balestra – Bob, assuming that the application is granted, how long to complete?

Eggleston – He’s not going to start until spring because of the late date. I’d appreciate a year or a year and a half.

Balestra – How about to the end of 2017?

Eggleston – That would be fine.

Chairman Phinney, “I would like to move that we close the public hearing.” Member Balestra seconded the motion. Upon the unanimous vote of the members present in favor of the motion, it was carried 4 – 0. Chairman Phinney explained that 3 affirmative votes were required to approve a matter. Member Balestra, “I move that we grant 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 an addition and a porch at the property addressed as 7 Leitch Avenue in the Village of Skaneateles. The approval is based on drawings dated September 28, 2016 and is to be completed by December 31, 2017. This is a Type 2 action under SEQRA. Chairman Phinney 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 7:44 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards

**Village of Skaneateles
Zoning Board of Appeals Meeting
October 25, 2016**

Public Hearing in the matter of the application of Ron Staples to vary the strict application of section 225-A5 Density Control Schedule for Both side yards combined; to construct a detached garage at the property addressed as 10 Highland Street in the Village of Skaneateles.

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

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

 Ron Staples, applicant

 Madelyn Brogan, 13 West Austin Street
 Tim Lynn, 50 Academy Street
 Bob Eggleston, 1391 East Genesee Street
 Conor Driscoll, 3051 East Lake Road
 Lydia Parker, 3406 West Lake Street
 Paige Lynch, 56 Academy Street
 John Lynch, 56 Academy Street
 Leah King, 29 North Hunter Avenue
 John Fabrizio, 45 Academy Street
 William Dwyer, 47 Academy Street

Absent: David Badami, Member

Chairman Phinney called for the matter of Ron Staples for 10 Highland Street at 7:45 pm.

Staples – The last time I was here, I didn't have what you wanted, right.

Phinney – It wasn't what we wanted, but they were suggesting what we would probably like to see.

Staples – This is what Janice Miller gave me today – I'd like to have that copy back.

Phinney – Would you like to explain why you would like to have a garage at this end of your property?

Staples – We only have one egress out of the house and that's the front door. Otherwise, we have to go down the basement stairs all the way to the east end of the house in the basement to get out. I'd like this garage on the west end of the house with the entrance into the kitchen. Because of our age, in our 80s, it would make it a lot easier on us to exit the house through the garage.

Phinney – And pretty much build it up to where the driveway comes by?

Staples -- Yes.

Balestra – Did you have any plans to remove any of the driveway? You have a lot of driveway on your property. You'll have a driveway that goes right to the garage door, right?

Staples – Yes, it is going to come right into...

Phinney – They are not putting in any more driveway.

Balestra – Yes, I know. But the driveway that wraps around to the west side?

Staples – That shouldn't have to be messed with. If it had anything to do with it, it might have to be widened a foot. That's about it.

Balestra – Right, but is it necessary since you have the other driveway on the east side to get to the rear of the house?

Staples – It's there; what am I supposed to do with it, tear it out?

Balestra – That would be the only option.

Staples. Right now it's a circular driveway; it goes around. It doesn't interfere with anybody.

Wopperer – Are you going to take this portion of the driveway and push it...

Staples – It's going to come in like this, just like this.

Wopperer – So you are; so the front entrance of the garage is right here. You are not going to come this way into the side?

Staples – No.

Phinney – Ahhhh. So that's not an accurate representation then of what we are looking at.

Balestra – No. The driveway is going to have to be moved to the east a bit. And even though there is no coverage issue...

Staples – The driveway would just come in; just like you were coming in here. But instead of coming around here, you'd just come straight in.

Balestra – Right so there's an additional area to the east.

Staples – It's not that much, it's really not that much, because there is a sidewalk there and it wouldn't even interfere with the sidewalk.

Balestra – I think what I'd like to see as a part of the application is a plan that shows where the actual driveway is going to be. Our code doesn't say very much about driveways and I'd like to have something on the record – a plan -- that shows precisely where the driveway is going to be. You don't have a coverage issue, in that you don't have a density issue and you are not looking for a variance to vary the coverage on your lot, so you do have all this driveway behind the house that's not really necessary; but you'll be at 94.5% open area. It's not that big of a deal. But I would like at least some type of drawing that shows exactly what's going to be paved and what is not.

Wopperer – I totally feel your pain.

Staples – I'm glad somebody does because I have been going through this...

Balestra – This is the first time you have come here. We have no seen you before.

Phinney – This is our first shot.

Staples – See that wasn't even brought into the; last time I was up here that wasn't even brought into the conversation. The big thing was where is the garage going to be put.

Wopperer – I'll tell you, I am surprised Janice didn't provide for you a specific aspect of how the entryway is going to be. If you look at this plan, we don't know how the driveway is going to play into the entrance.

Phinney – I actually thought it was going to be the other way.

Staples – I could never do it that way. See we have a sidewalk that comes right here to the front of the house. Coming in here it is not going to start way back here; it's only going to start up here into it.

Wopperer – You're only going to fill in a portion of it. I get it. But unfortunately, we have to have it on the plan. I am so sorry. It is unfortunate, but you have to have it on the plan.

Phinney – Talk to Ms. Miller; she should be aware of that.

Wopperer – She should not be charging you for that.

Staples – I don't really care about that, it's just the idea that I thought this was all going to be settled tonight.

Balestra – We are just going to continue that application to next month and when you bring in a new plan, it will be exactly how it is going to be.

Staples – And then the next month...

Wopperer – No, no, no. If you come back and show us exactly how the driveway is going to go into the garage, that's all we care about.

Phinney – That's all we need.

Zapata – We have to know exactly what we are approving.

Staples – This is what I am going to do. I'm going to have the sidewalk in there, so you know exactly where the sidewalk is and exactly where the driveway is going to be which won't even touch the sidewalk. And then I'm going to go home and cry.

Phinney – That's perfect. Just what we need.

Chairman Phinney, "I'd like to move that we table this matter and continue the public hearing to Wednesday November 30, 2016 at 7:30 pm." The motion was seconded by Member Balestra. Upon the unanimous vote of the members present in favor of the motion, it was carried 4 – 0.

This matter was concluded at 7:53 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards

Village of Skaneateles

Zoning Board of Appeals Meeting

October 25, 2016

Public Hearing in the matter of the application of Timothy & Cynthia Lynn to vary the strict application of section 225-A5 Density Control Schedule for Front yard set-back, Side yard set-back, left; Side yard set-back, right; Both side yards combined; Percentage of open area; and Section 225-69D Nonconforming Buildings, Structures and Uses, Extension or Expansion to construct a 24 by 16 foot two-story addition and relocate a 12 by 20 foot patio at the property addressed as 50 Academy Street in the Village of Skaneateles.

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

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

Bob Eggleston, Architect, on behalf of the applicant
Tim Lynn, applicant

Madelyn Brogan, 13 West Austin Street
Conor Driscoll, 3051 East Lake Road
Lydia Parker, 3406 West Lake Street
Paige Lynch, 56 Academy Street
John Lynch, 56 Academy Street
Leah King, 29 North Hunter Avenue
John Fabrizio, 45 Academy Street
William Dwyer, 47 Academy Street

Absent: David Badami, Member

Chairman Phinney called for the matter of Tim & Cynthia Lynn for 50 Academy Street at 7:45 pm.

Eggleston – Tim is also here. Tim has a small house, a rather small house on Academy Street. It is on a 6,400 SF lot. What he would like to do is put a 16 by width-of-the-house addition on the back; fill in; there's a little open porch that would also be filled in; this will go in the area where a patio already exists, that was granted approval several years ago; and then put a new 12 by 20 patio at grade level in the back. Right now the house is very small; it has we'll say 2.5 bedrooms and 1 bathroom upstairs. So the objective is to add a master bedroom and a second bathroom upstairs, with some walk-in closets. Take this tiny bedroom that's in this area and turn that into

the walk-in closets. Also, their laundry is in an inconvenient location down below, and they would like to put the laundry upon the second floor. The kitchen exists in this area; this will allow them to create a pantry in the area of the back porch and have a back entrance that actually enters at grade level and comes up half a story to the first floor, because the property slopes off in the back – and to be able to have a mudroom area and a family room that opens to the kitchen. Right now, they have a separate kitchen and then the rest of the house is just as a dining/living space. This is the small 12 by 20 patio that will replace the 16 by 16 patio that they have. In the basement they will be able to put a small little rec room for their son to entertain his friends. Stoop entrance, you can go down half a level and we have to hockey room to put all the hockey equipment after practice. This is kind of a nice Queen Anne style house; they would like to continue the current back wing that has a $\frac{3}{4}$ dormer on the back of the house. What they'd like to do is continue this roofline over for the two-story addition that will carry the similar line as the original dormer. The roof will not be any higher than the existing roofline on the existing house. Because things fall down here, they will have a grade entrance door, so you are not dealing with stairs for bringing in groceries. They can enter in and then go up to the kitchen or down to the hockey room down below. From the east side it is just an extension of the existing eave line; the roof will be as tall as the existing house, but it will be no taller than that. As a result of this addition; I should point out that this is basically the back corner. This is the porch that will be filled in and made part of the mudroom. What is now $\frac{3}{4}$ of the back roof dormer, now comes over to the edge and comes up to the same eave height as this but the peak will rise up to the height of the roof of the main house. You can see how the basement is now kind of half exposed, and also the only way for them to get into the basement is through these Bilco doors. Someone has to shovel off the door in the winter to gain access – kind of inconvenient. All the set-backs are the same or less nonconforming than the existing house; the only thing that changes is that the open area will decrease from 76.5% to 74.1%, a 2.4% difference. Are there any questions that you have relevant to this application?

Wopperer – Have any neighbors signed off?

Eggleston – There should be a letter on file from Alan Dolmatch. Alan lives in the house at the corner of Leitch and Academy. Mr. Lynch lives in the other house and I believe he is here. A couple other neighbors are also here.

Dundon – There is no Dolmatch letter in the file. He indicated he was going to send it, but it was not received by Mr. Crompt prior to the meeting.

Phinney – The patio material is going to be...

Eggleston – This was sent by email; it printed in a small font.

Wopperer – I can read it into the record, “Dear Board Members, I am submitting the following comments on behalf of my wife Linda and me as immediate abutters at 52 Academy Street to 50 Academy Street, regarding changes proposed by Tim and Cindy Lynn for addition to their house and alteration to the landscape patio area at the south end of their home. We find their proposed two-story addition a reasonable response to their need for additional dwelling space in light of the limited size and configuration of their property. There are no really good locations for

expansion of the built areas, their relatively compact home and the southward expansion to the area recently installed as a masonry patio is the most reasonable modification to a very narrow parcel. Ever since we moved into our home we have been aware of the limited amount of open space available to the 50 Academy Street property for reasonable enjoyment of back yard functions generally attendant to properties in our neighborhood. This is due to the rear yard limitations imposed by Palmer Place, a garage structure at the east end of their property and a full depth driveway extending from Academy Street to Palmer Place along the west edge of the Lynn property. When the Lynns added a rear yard patio a year and a half ago, it seemed a reasonable improvement to their parcel, even though that addition further reduced the amount of unbuilt open space on their property. Now they are proposing to transpose that patio further south in order to extend their structure to the south. The impacts of their proposed addition to their property to our enjoyment and use of our property are limited and, in general, acceptable. They include a reduction in the westward exposure for the portion of our home that will face their addition. At our second floor, only a bathroom window will be fully faced by the new addition and minimal sun blockage will result in our upper floor. We will have a small bedroom balcony at the southwest corner that overlooks our limited west yard. Patio noise could pose a problem, but past use of the patio by their Lynns has not been an issue for us and is likely a non-issue as long as they are residents of 50 Academy. We have medium range views from our first floor west windows in the middle of our house that will be reduced or eliminated by the proposed addition. This is a loss for us but not one of great value or one that will impact our property value. While minor in effect, an upward change in property value for the Village is a net gain in real property tax revenue. Insofar as the Lynn's home will be improved and have great resale value, that benefits all houses on our street to a greater or lesser extent as all real estate is continuously valued. We will not request that the Village ZBA impose special conditions for the proposed addition arising out of concern for our property. We request only that our combined side yards (our west, Lynn's east) get no narrower and that adequate provisions be made on the applicant's property for reasonable disposal of storm water collected from the roof of the addition and from the altered patio. Respectfully submitted, Alan Dolmatch & Linda Dolmatch, 52 Academy Street."

Balestra – Are these the uphill neighbors?

Eggleston – These are the uphill neighbors. Correct.

Balestra – There is a very minimal increase in; the coverage variance is minimal, the increase in the nonconformity I guess is a better way to put it. It seems like we are getting a lot out of this for very little additional impact and a great benefit to the homeowner, unless we hear of some neighborhood revolt otherwise. I do not have any other question.

Phinney – I don't also. I feel that even the increases in the size of the patio versus for the coverage, and that certainly can't be a bad thing.

Wopperer – Is there any drainage issue?

Lynn – No water in the basement and no drainage in the back yard problem. Being where we are, we don't have water problems.

Phinney – Is there anyone who would like to speak in favor of this project?

Dwyer – Bill Dwyer, I'm at 47 Academy, across from Tim and Cindy. I think the addition is great. We have been friends for years and they have done a lot of remodels on the inside of the house. It is a great house; I love the shingle details and all. I know Cindy was saying they were putting in a lot of effort about how to finish off and match the outside. I like too that it is kind of secondary to the main house, because it is the cutest little house. We think it is great.

Fabrizio – John Fabrizio, I live across the street at 45 Academy. Based upon what I have seen it seems very reasonable. Probably the best thing they are doing is putting the smelly hockey equipment in the basement.

Phinney – Is there anyone who would like to speak in opposition?

P Lynch – Paige Lynch and my husband John Lynch. We live in the house on the west side and we are currently very, very close to the driveway. This is our house and this is actually our master bedroom on the first floor. That point of entry is not literally right outside our master bedroom. I think it's 10 feet, 11 feet right there before you get to the driveway. So for us this is a huge, huge deal; it is more than just a minor nuisance for us because now we are dealing with; what we have to contend with now, what we are living with outside our kitchen comes from idling in the middle of the night, lights, noise, doors slamming, alarms, all of this. Which again, now is being shifted to outside our master bedroom. It is going to be very difficult; we keep different hours than our neighbors. It will exacerbate a problem we already have. We are disturbed about the new height starting in the middle of the house and going straight back. We will lose all of our natural light on the east side of the house. We lose it in the upper-story bedroom, we lose it in the kitchen, we lose it in the master bedroom. Those are the only rooms we get direct natural light; it eliminates all of our natural light. Furthermore, the patio, which now is moved even further down the line, is going to be moved further down our master bedroom; summer hours, windows open, our privacy; we are concerned about the noise, we are concerned about the artificial light, we are concerned about the loss of light, we are concerned about the resale of our house because this is the only place for our master bedroom, the only master bathroom; we have nowhere to go, we have a very small house as well. So we love our neighbors, we think they are great people; we are just not knowing how to wrap our heads around what is going on here.

Phinney – Thank you.

J. Lynch – Just a couple of things. One of the things that showed on one of your profiles – the roofline extends back. I don't know what the height is totally but the slope; it does slope backwards as we go south. So that roofline is going to be higher and is going to block more light. This is between the two houses; we are very close, we are separated by one driveway. This is their main entry and exit. They don't come in and out of the front doors; it's going to be their primary entrance and exit. As my wife stated, there is a car parked there a lot of the time. They are very active people; they are in and out a lot. They do keep different hours – before we get up, after we go to bed, nighttime, every day of the week – weekends, weekdays. This addition;

both houses are very close to property lines. To the neighbors' comments – this impacts them not at all; across the street, over here, Dolmatchs slightly because they are on the other side but further away. There is a lot more open space going that way. We are the only ones that are affected by this. But what I was going to add was that this extension going down is the longest portion of our house that aligns. This is going to be like an alleyway. All the noise, the light that is presently a factor is going to be aggravated by that. It's going to be a lot noisier; right now it is just open space where that patio is. If that is closed in, that is going to make a big difference in the noise and it's going to make a big difference in the light. The interior lights of their house are on for most of every evening. That illuminates the car in the driveway, it illuminates the driveway and it illuminates our house. If you extend that, it will be at least two floors of artificial outdoor lighting and that back patio; that is right outside the corner of our master bedroom. Where the car will be parked now, I imagine the headlights will be right outside the bedroom window, the taillights will be right outside or kitchen window. Those are just a couple of things I would add to that. And right now as it is laid out, they are much closer to Academy Street and the house ends a shorter distance. Ours is back and it ends further back. It is staggered nicely. They are going to be out ahead of us and all the way back to the rear of our property. It seems to be a little bit of less than ideal.

P Lynch – Our house is extremely small. This is all pretty much garage, and this is where our house starts. So when that eave starts going from north to south now, that is the whole entire of our house that the light will shine on.

J Lynch – I would say too that master bedroom; that is a pretty important room in any house. There is no way to change where that master bedroom is without a major renovation. Dolmatch mentioned the increased value of the house; that's going to be a subtraction from our property; it's going to be far less appealing. I would say that a lot of people looking at that within 10 feet of the bedroom where it is now. It is not yard, it is driveway. There's no buffer there; it's cars, it's pavement, it's noise. I would say the really drops the appeal of our residence and the value to any future buyer.

Balestra – But the driveway has been there forever. When you bought the house, the driveway was there. And they can park anywhere they want to in the driveway.

P Lynch – But the point of entry was not right outside your master bedroom.

Balestra – Yeah they are moving the point of entry back a little ways.

J Lynch – It straddles the two rooms, the kitchen and the bedroom.

Balestra – I like to hope that some of the concerns about cars idling and noise could be resolved as between neighbors.

J Lynch – As far as drainage as well right now from that driveway, our yard right off that driveway slopes down. I'm not an expert on drainage; it's a lot of extra roof I guess. If it is draining off that way it is probably going to run off towards us.

Phinney – Can you address that, Bob?

Eggleston – At this point we are increasing coverage by about 200...

Lynn – I can address the drainage question. The driveway all the way down until you get back beyond – to about this point the driveway all slopes in, so the water comes in and as it gets there where the driveway spreads out, they then laid it so the water kind of spreads out. This whole portion flows down through here, and none of it ever goes this way or that way. The driveway won't allow it; it all has to go this way.

Wopperer – When was the patio addition put in?

Lynn—At least two years ago. I came to the ZBA twice.

Wopperer – And when did you purchase your home?

P Lynch – I purchased it in 2002, but did not live in it until 2006.

Phinney – The size of the building footprint is increasing by 349 SF; the patio is decreasing by 240 SF.

Eggleston – A couple of points to point out. There is and will remain 23 feet between the two houses. Now 15 feet is a conforming set-back or 30 feet between houses. These are nonconforming. If you look at Section 225-70 for new properties they talk about 20% of the lot width for a side yard. If that were applied here we'd be talking about a 10 foot required side yard. I think for a Village lot; in the Village you have different expectations, everyone is close together. You expect to hear your neighbors, you expect to see lights on, and that type of thing. But relative to a lot of properties, 23 feet between the houses – and we are not decreasing it at all – is not too bad a distance.

Lynn – My set-backs are larger than both of my neighbors.

Eggleston – It's a narrow house and the only way to improve it without getting closer, is to make it longer. The other point is I beg the difference between a patio located here and a patio located here. The patio will push 12 feet out. I can't believe that there will be a significant difference in the amount of noise there. When you start looking at the balancing test for the 5 criteria for granting variances, the detriment to the neighborhood and the community as opposed to the benefit to the applicant, I think it's important to look at those. Whether there will be an undesirable change in the neighborhood. The addition to this house will match the existing house. He has taken quite a lot of pride over the years in maintaining the existing house. He is committed to making the addition match as if it has always been there. The addition is only going to create a 2,300 SF house – small lot, small house. The set-backs are no more nonconforming than what's there now, the difference in the coverage is only 2.5%. The question as to whether the benefit sought by the applicant can be achieved without a variance? The Village zoning law is written to create 'everything needs a variance' we know that. Section 225-69; any expansion of a nonconforming structure; anything that is done to this property needs a

variance. Is the requested variance substantial? Again the only thing we are changing is the percentage of open area which is only a 2.5% difference, and on typical 8,400 SF lots a 74% open area is not unusual. Whether it will have an adverse impact on the physical or environmental condition? The drainage has not been a problem; we are only talking about 200 more SF of roof area. The fact that he is committed to make the addition look as if it had always been there, speaks positive to the physical conditions that we are proposing. Is the alleged difficulty self-created? The Zoning law by nature creates the need for all the variances. The last thing I'd like to speak to is loss of light. This is to the east and northeast of their master bedroom and where they are concerned about the loss of light. So the only loss of light is going to be early morning. I would guess that the trees that are between here and the trees at the Dolmatch property will be blocking the same amount of light first thing in the morning. By 10:00 am the sun has come around and will not be casting any shadows on this. Furthermore, we have 23 feet, which is actually wider than the house to the neighbors. So I have a hard time believing that there will be a big detriment from loss of sunlight.

Balestra – The loss of light issue doesn't bother me too much, because I was thinking the same thing as you. Shot in the dark, Bob, I'm looking at the first floor floorplan. Is it feasible to flip it so the entrance is on the east side?

Eggleston – Actually, I'm thinking it is better to have the entrance on the east side; the way it is now. We are talking about a window here which is in the mudroom; we are talking about two small windows in the master bedroom; one each side of the bed.

I'm not talking about the second floor yet.

Eggleston – The car is going to be there because the drive is there. So to put the entrance on the other side—all that does is to serve you to have to spend longer outside to walk across. The fact that we already have the kitchen and powder room here; keeping the living space further away from the Lynchs is ideal.

Balestra – they expressed a concern about this being the primary entrance. The car situation; I think that's something the neighbors can work out – just not park a car there.

Eggleston – Instead of entering here, you enter here; it's 16 feet difference.

P Lynch – Which is the difference between entering right outside our kitchen and entering right outside our master. It seems like an insignificant amount to someone looking at our house, but it is very significant to us. When we are sleeping, the driveway is less than 10 feet away from our heads. So that's a big deal for us.

Eggleston – Which has been there ever since you bought the house.

P Lynch – But that point of entry has not. And they have gone from the front entry to the side entry and toggled back and forth. This will now be a primary point of entry.

Balestra – We don't have to have a debate. Your concern is noted, Bob's point that your master bedroom has been next to the driveway forever is noted. We do have factors that we need to consider in determining whether there is an unreasonable detriment to your property that outweighs the benefit to the applicant. So we don't have to have a debate or argument about it. Just given the neighbors' concerns I think it would be useful to put it over one more month; take a look at it again.

Phinney – Bob is that something? I'm not sure what we are going to be reconsidering. What might or might not be changed. I understand your concerns. I would like to hope that between neighbors there could be some form of communication regarding vehicles and other things. I don't know if you have children, but if you do, as you grow and go through things there is an activity level that changes based on the ages of your family. The older your kids are they are driving or not driving and the nature of the sports and other kinds of things and the use of all of our driveways increase at the point. So I'm not really sure if we do bump it, what we are looking for here?

Balestra – I just want to look at it again. I'm not suggesting changes. Did you plan on starting construction this month?

Lynn – April.

Phinney – So we have time then.

Balestra – I just want to look at it again the concerns. I'm not asking anyone to change anything.

J Lynch – How long is construction?

Eggleston – Construction like this will be 4 months at the most.

Lynn – One contractor said 5 two others said 4.

Eggleston – And a lot of that last month is the interior finishing.

Phinney – What I'd like to do then is to keep the public hearing open and have us take another site visit.

Lynn – I can put poles in the ground.

Phinney -- That is helpful for us.

Chairman Phinney, “ I will move that we table action on the Lynn matter and continue the Public Hearing to the November meeting.” Member Balestra seconded the motion. Upon the unanimous vote of the members present and voting in favor of the motion, the motion was carried 3 – 0, Member Zapata recused.

This matter was concluded at 8:30 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards

Village of Skaneateles
Zoning Board of Appeals Meeting
October 25, 2016

Matters introduced for Board discussion by Code Enforcement Officer Cromp.

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

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

Absent: David Badami, Member

Chairman Phinney called for CEO Cromp at 8:32 pm.

CEO Cromp reported that he has made revisions to the Building Permit application and procedures and that they have been posted on the Village website. He is asking that a grading and drainage plan be included on new applications for garages and additions so that they can be reviewed for possible complications. He is also requiring that gutters and other on-site drainage accommodations be tied into the storm sewer system. There have been a number of instances in which modifications have been made by owners without thought being given to the impacts on neighbors. He is also asking that structure locations requiring Planning Board or Zoning Board approvals be staked out in order to aid those Boards in their review of the application. Further, he is granting just foundation permits as the first step and is requiring that an as-built survey be submitted to ensure that construction has taken place precisely as approved. Member Balestra observed that as part of the building permit process, those rules would apply regardless of whether the applicant needed a variance or not.

Member Balestra asked if it was the subject of the CEO's discretion to require a tie-in of drainage into the storm water system. CEO Cromp indicated that it is. Member Balestra asked if there needed to be a law to impose that requirement? CEO Cromp said that there had been some talk with the Village Board, but that he did not think they needed to approve such a change, saying "I think that's pretty much up to me. There are sections of the Village Code that give the CEO some pretty wide latitude on what they ask for."

Attorney Galbato said that every application is a building permit application but that CEO Cromp cannot grant them if he determines that a variance is required from this Board. Member Balestra said that he thinks this is a good idea, but thinks it would be smart to have a local law passed. He is concerned that, in an instance when no further approvals are required by the

Planning Board, the ZBA or the Village Board, there may be an issue regarding the CEO's authority if it is challenged. Amending the law to provide such authority would be prudent.

CEO Crompt moved to his next issue, Section 178 of the Village Code regarding trash. He reported that in the Parkside Village Subdivision, haulers are required to service containers at or behind the front façade of the house. Containers and refuse are prohibited in front of the house or at curbside. The Mayor would like to have that be a uniform rule for the Village. Member Balestra asked if there currently was nothing? CEO Crompt said that was what he would like the Board to interpret. Chairman Phinney said that was his interpretation – you could do whatever you want. Member Zapata said that coincidentally she had called a private hauler, and the hauler quoted that the Village's requirement was for pickup in the back at an additional monthly fee. CEO Crompt said that on his reading of the code, there is no support for that requirement. Village Attorney Pavlus encouraged CEO Crompt to obtain an interpretation by the ZBA.

Member Balestra quoted from Section 178, "It shall be unlawful to place...or permit to remain any garbage in containers maintained or placed upon the streets, sidewalks, parking areas or parks within the Village for the deposit or disposal of rubbish." CEO Crompt said that if someone took garbage down their driveway and put it next to the sidewalk, where does it say you can't do that? Member Balestra responded that the obvious purpose of this section was to preclude its happening on other than private property. He said, "I don't think this was intended to restrict people from putting trash cans at the end of their driveway because somebody thinks that looks bad."

CEO Crompt, "So if you make the interpretation that there is nothing in there that says you cannot bring your garbage can from your garage, down your driveway, and set it in your driveway; nothing says you can't do that."

Member Wopperer asked if there isn't an issue of people taking their trash and putting it in public receptacles? The Board felt that is an ongoing issue in many communities.

Member Balestra, "After reading Section 178 it is our interpretation that Section 178 does not restrict someone from placing garbage into a garbage can on their own property, so long as it is not on a sidewalk, or a street or a park or a parking area, or Village right of way. As long as it is on their property and in a can it would be fine. There is nothing prohibiting them from doing so." Chairman Phinney seconded the interpretation. Upon the unanimous vote of the members present in favor of the motion, the motion was carried 4 – 0.

Next CEO Crompt introduced the hypothetical issue of renting out a one family dwelling having a special permit to operate as a B&B during a time when the owner is not in residence. The Board felt that generally a one family dwelling could be rented in its entirety, but renting rooms and operation as a B&B would not be permitted. The Board is not making an official interpretation on a hypothetical circumstance, and for the record, no one should rely on that opinion without applying to the ZBA for an official interpretation of the code under the specific circumstances contemplated by the applicant.

On motion of Chairman Phinney, seconded by member Wopperer, this matter was concluded and the meeting adjourned at 8:57 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards