

Village of Skaneateles  
Zoning Board of Appeals Meeting  
November 30, 2016

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Continuation of 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.

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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

                  Tim Lynn, 50 Academy Street  
                  Cindy Lynn, 50 Academy Street  
                  Mark Aberi, 56 Leitch Avenue  
                  Bob Eggleston, 1391 East Genesee Street  
                  John Lynch, 48 Academy Street

Absent:        David Badami, Member

Chairman Phinney reopened the public hearing in the matter of Ron Staples for 10 Highland Street at 7:34 pm.

Wopperer – We are so glad that you have it on the drawing now. Thank you. We appreciate it very much. It is part of what we have to do.

Staples – So what's the next thing?

Phinney – I guess I don't have any questions now that I see how it's laid out and where it is specifically on the map.

Wopperer – Exactly.

Phinney – I don't there is a problem with the extra coverage in the driveway because of so much lawn and so much property there anyway. So I personally don't have a problem or questions at this point.

Wopperer – I don't either.

Balestra – No, I'm good.

Phinney – Anyone here to speak in favor of the application? Anyone to speak against?

**Hearing no one, Chairman Phinney, "I 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.**

**Member Balestra, "I'll make a motion that we grant 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, in accordance with plans dated November 14, 2013 and November 7, 2016 submitted in support of the application. This is a Type 2 action under SEQRA and applicant shall have one year to complete." 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 7:37 pm. Mr. Staples thanked the Board.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards

Village of Skaneateles  
Zoning Board of Appeals Meeting  
November 30, 2016

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Public Hearing to consider modifications to the submitted plans of Harmony Homes which were submitted as part of an area variance application 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, construct a new 2 car garage, 18 by 35 foot addition and 8 by 23 foot porch and add dormer at the property addressed as 56 Leitch Avenue in the Village of Skaneateles. Said area variances were approved by the Board on September 27, 2016.

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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  
Mark Aberi, applicant

Tim Lynn, 50 Academy Street  
Cindy Lynn, 50 Academy Street  
John Lynch, 48 Academy Street

Absent: David Badami, Member

Chairman Phinney opened the public hearing in the matter of Harmony Homes for 56 Leitch Avenue at 7:38 pm.

Eggleston – I do have this on the computer if you want to see it on the big screen.

Balestra – I'll be honest, I don't think anybody has got too many issues.

Eggleston – I was a little concerned about the need to come back for a public hearing. I understand that it was a controversial application to begin with but none of the affected variances have changed. All we have done is pushed a portion of it a little bit further away from the trees. I think that as a result, there should be no issues or problems.

Phinney – It shortens the walkway.

Eggleston – It shortens the walkway so there are a lot of plusses for it. It gave them a little better layout inside. Do you have any questions or concerns about the modifications?

Balestra – Particularly in this one because there was some neighbor opposition, I was one of the people who thought; you have to draw the line somewhere when an application is changed – do we need a hearing or not? I thought it was best to err on the safe side and do it this way. Personally, I have no questions; I'm perfectly fine with the change. It is relatively minor.

Eggleston – I respectfully disagree with your opinion...

Balestra – About liking the change?

Eggleston – I think we have to bear in mind that these are preliminary plans; one does not vet the whole project until they know they can build it. Changes will happen. None of these changes affected the variances, so I appreciate the fact that you felt that they were appropriate and do not materially change the requested variances. I also respect your position of dealing with neighbors.

Balestra – I think that these plans should be referenced in the record when we make our motion.

Phinney – I have no questions.

Wopperer – No questions.

Phinney – Anyone who would to speak in favor of he application? Anyone to speak against?

**Hearing no one, Chairman Phinney, "I move that we close the public hearing." Member Wopperer seconded the motion. Upon the unanimous vote of the members present in favor of the motion, it was carried 4 – 0.**

**Member Wopperer, "I make a motion to approve the submitted plans of Harmony Homes which were submitted as part of an area variance application 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, construct a new 2 car garage, 18 by 35 foot addition and 8 by 23 foot porch and add dormer at the property addressed as 56 Leitch Avenue in the Village of Skaneateles. Said area variances were approved by the Board on September 27, 2016. The approval is based on plans dated November 1, 2016. This is a Type 2 action under SEQRA and applicant shall have the original one year from September 27, 2016 to complete." 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 7:41 pm. Mr. Aberi thanked the Board.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards

Village of Skaneateles  
Zoning Board of Appeals Meeting  
November 30, 2016

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Continuation of the 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, 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.

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Present:        Craig Phinney, Chairman  
                  Michael Balestra, Member  
                  Maureen Wopperer, Member  
                  Kathleen Zapata, Member   *(Recused)*

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

                  Bob Eggleston, architect, on behalf of the applicants  
                  Tim Lynn, applicant  
                  Cindy Lynn, applicant

                  John Lynch, 48 Academy Street

Absent:        David Badami, Member

Chairman Phinney reopened the public hearing in the matter of Timothy and Cynthia Lynn for 50 Academy Street at 7:42 pm.

Eggleston – Nothing has changed on the drawings; I can put it on the big screen if you choose. I believe we had presented all the information and you wanted to take a second look to reacquaint yourselves with the exact conditions.

T Lynn – I am happy to answer any questions that you have, after you had a further look at it.

Eggleston – At this point are there any questions or comments that you might have?

Balestra – I don't have any questions. I was one of the individuals that wanted to take a second look in light of Mr. Lynch's comments and those of his wife. I was able to do that and I am satisfied with what I saw, so nothing for the applicant.

Wopperer – I went out as well and I don't have any questions at this point.

Phinney – Myself as well.

Phinney – Anyone to speak in favor of the application? [There was no one.] Anyone to speak against?

Lynch – I guess we weren't really prepared for this; we didn't get a lot of notice. We weren't sure what the process was and what was involved. But we were told that the Board would look out for any concerns that we had. We looked at some other applications that came through and we noticed there were a lot of questions; a lot of scrutiny. I know the Riordans when they came up to complain; there was a lot of questions. They were taken seriously. I mean back to the drawing board; they redid the plans. That was 70 feet from their back door. Mr. Staples who was just here; he was asked by Mr. Balestra 'basically are you going to move this driveway?' Nobody was there to complain about it but when I complained about the driveway use right next to our bedroom door – it's a very heavy traffic area. You didn't have any concerns about that. I was a little; I'd like to say, too, it's not personal. We like the Lynns, but we do have concerns about this so close to our master bedroom. Right now it is very tough to deal with. We did ask; my wife asked Cindy about the lighting which is left on very late at night and she said that she couldn't promise that that would be any different.

C Lynn – Those are lies. That is not...

Phinney – Please, please.

Lynch – Well, you are welcome to answer that I guess. At any rate our concerns are not; we want them to be able to do what they want, obviously. We know that there are a couple of variances that are typical, but there's 3 or 4. It seems like this is more of a rubber stamp than an extra-scrutiny type scenario. I was kind of looking for some suggestions from the Board or some requests for some of our concerns to get addressed. I know you are down another 2 board members again; maybe that's why there isn't that but those are things that we are concerned about. Again it's not personal. I want them to do what they want; they have that right. But this is going to impact our house, our resale. They are going to have a patio that will probably be lit a lot of the time on one side of our master bedroom and will have cars parked right outside that bedroom and our master bath at the back door, because they will be using that primarily, probably. I don't know what else to say.

Balestra – We certainly understand your concerns. I will remind you the applicant was asked whether the entranceway could be moved to the other side – basically if the addition could be flipped – because of the concerns that you raised. We are listening to you. I thought that the presentation last time was relatively clear; I frankly didn't have many other questions about it. I understand the concerns; they are pretty obvious. Each application is different; the one with the Riordan's at the last two meetings was; had its own unique aspects and its own unique concerns to that application. So we are listening; we have heard everything that you have said, I assure you.

Phinney – I would follow up on that. We are not in any manner or form, if anything we are the non-rubber-stamp board in this Village; I think our record shows that over the last 15 to 20 years. In that aspect, you may be a little off in thinking we are not listening to your concerns. The other thing you should realize is, we listen and have situations that we run into around the Village that are extremely similar to the one you have. It is certainly unique to you, but we also have a background of dealing with many situations with preexisting conditions, where the driveway has been there 100 years, your house has been there 100 years. That's a long time, and everybody bought their places and had their places knowing that those conditions existed. I live next to a house that has been under construction for 9 months, after they tore down an 1854 house. My driveway is close to my neighbor – we do understand these things. So don't think we give you short shrift. We are not taking umbrage.

Wopperer – No we are not taking umbrage and I think the fact that in some similar situations, like Riordans' we have said we are going to hold on this so we can go back and visit the site. We did not rubber-stamp it. There are numerous situations where one house is just right smack next to another one. That's just part of being in the Village. Each property situation is unique; and I can understand your plight.

Lynch – The only reason I mentioned what my wife and Cindy had talked about was that you raised earlier that maybe 'you can work it out with your neighbor.'

C Lynn – One thing I want to say is that Paige [Lynch] actually thanked me for turning the light out at 10, 10:30 almost every night and said how grateful she was. So that's not true. There are robberies; there are break-ins to cars. We went away 2 weeks ago; I told the people taking care of the dog 'turn the light out.' So I have gone above and beyond – so that's not true. If this was to happen we have said that the light to the entry to the house would be lower; right now it is elevated. We have that right. I don't have to turn my light out at 10; I do it to be neighborly. So I resent that. We have parked at the back of the driveway because the drive has to get plowed if we get snow. We have to park back there. This isn't something new; we've been doing that for 14 years. My son doesn't have crazy games in the yard like kids could do. We use our house. I'm sorry; we don't have little kids. Our lives are different.

Lynch – Speaking of lighting, is the lighting now in it going to be visible?  
Is it going to be down?

T. Lynn – The light will be over the back door.

Eggleston – These are preliminary plans. We have not worked our specific details yet. We are taking note of the concerns and if there an opportunity that would be more appealing. They made a very good point. Because the entrance is at ground level, we do have a roof over that. We could put a ceiling light in there which is going to put a glow rather than using a coach light. So there are some things that we could do to be cognizant of the Lynchs' concerns and try to make it a little more palatable for them and still maintain the safety and need that the Lynns have.

Phinney – I think we have a pretty good understanding of the lighting and it is impossible to eliminate noise. It is not a constant 24/7. I think I am comfortable with whatever I have heard at this point.

**Member Wopperer, “I move that we close the public hearing.” Member Balestra seconded the motion. Upon the unanimous vote of the members present and voting in favor of the motion, it was carried 3 – 0.**

Balestra – I think a little discussion is warranted. I did want to see the property again in light of the Lynchs concerns, which frankly caught me off guard – not because I don’t think they are valid, but only because I wasn’t expecting them. When I first looked at the application, I thought it looked like a very nice improvement to the property; and when I heard Mr. Eggleston and Mr. Lynn’s presentation it seemed like it would be a significant advantage to the applicant and a benefit to them. So I was not expecting that degree of opposition. We need to consider the benefit to the applicant as weighed against the detriment to neighbors, the community, and in light of various factors that we need to consider. Preliminarily I would say you live very close to the Lynns and you always have and that driveway has been there for a very long time. And I did want to see it again in light of your concerns, because I heard you speaking at the last meeting. What I couldn’t get myself past, is that these concerns already exist and the construction; most of these are existing conditions with noise; with cars idling in the driveway, people coming in and out. I did want to lay eyes on it again in order to see whether we are just talking about the same thing or whether it will be significantly incrementally worse. And that was beneficial to me.

Lynch – I was more concerned that it was closer.

Balestra – Moving back; now its going to be more in front of your bedroom as opposed to I think it was your living room.

Lynch – Kitchen.

Balestra – And I heard your complaint about light and Mr. Eggleston’s response. Noise and light on the patio, noise from people coming in and out, noise from cars in the driveway – all of the concerns. I am frankly of the opinion that those concerns exist today; they will exist after this construction project, assuming it goes through. And I’m not sure; I’m simply not convinced that any slight incremental worsening of the situation outweighs the benefit to the applicant. It does seem like this is a very nice improvement to the property. It so happens that in this Village we all live very close together and we all have to live next to one another. It is not this Board’s job to intervene in neighborly issues, but I do hope that as neighbors everything can be worked out in a way that is satisfactory no matter what happens. The first criteria we have to consider is:

**[1] Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;**

Balestra – I’ll speak for myself and let the remaining members comment. I don’t see any undesirable change to the character of the neighborhood. This looks like a very nice

improvement to the property. Mr. Lynch, all of your concerns are duly noted about the detriment to your property. As I stated, I understand your concerns; I'm not sure that this construction is going to make things materially worse, or whether the concerns just continue as they were. So those are my comments.

Phinney – I will agree with that also.

**[2] Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;**

Balestra – Given the fact that this property is already nonconforming, I don't think; you can't do anything without the need for a variance, so you simply can't get around it. That's what we are here for.

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

Balestra – And I just reviewed the various variances once more; I don't think that the degree of change in any of them is substantial in my opinion.

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

Balestra – As usual, I interpret that to mean issues with water and other objective physical issues, this is simply the expansion of a house. I have not heard anything at this hearing that would cause me concern for any of that. It just hasn't come up. There was the light issue, I'll give you that. It seems to me that the sun generally does pass to the south of the house, and I don't think you'll great issues with light; not any more than you do now.

**[5] Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Zoning Board of Appeals but shall not necessarily preclude the granting of the area variance.**

Balestra – I never have seen it preclude the granting of an area variance. Mr. Eggleston and I have slightly different opinions on this. I think if you come to us and ask for a variance you are creating the issue; the difficulty. Granted it is a nonconforming property to begin with. The Lynns did not carve out this parcel and put the house on it as it is, but they did make this application to the Board. In that sense it's kind of self-created, but this is something that generally is not a hang up for us.

So, in weighing everything, and with all due respect to you and your wife and your family Mr. Lynch, in my opinion the benefit to the applicant outweighs any concerns. And I assure you that I have thought about this; that's why I wanted to see it again. My reaction at the last meeting is I

still feel this application is worthy of being granted. Having the chance to see the property again did not change my assessment.

Wopperer – I would have to ditto what Mike just said. I was very concerned at the last meeting regarding the position, but when I went back out to visit again, that's what I felt. Again, it is a unique situation; the difference is the space between the houses has always been there. That's what I am seeing.

Phinney -- It's tough to get away from that one.

Balestra – Something that's relevant, if this were – like in the Riordan's case – outdoor living space like a patio or porch – it's a different use than simply a means of ingress and egress. Hopefully that's something that as neighbors you can work out.

Wopperer – What we look at is the strict application; we really aren't here to talk about lighting and neighborly issues and what a patio is going to be used for. What this application is for is for this extension.

**Member Wopperer, “I move the approval 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, 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. This is a Type 2 action under SEQRA and is based on plans dated September 16, 2016; applicant shall have 1 year to complete. As a condition, the Board wishes the lighting issues raised by Lynchs to be considered and addressed.”**

Mr. Lynch asked about the lighting; Chairman Phinney told him that the lighting would be addressed based on the Board's action. Member Balestra said that he is a proponent of sensor-operated lighting. Mr. Lynch asked how that was to be handled; Chairman Phinney said it would be handled by the Code Enforcement Officer during the construction.

**Chairman Phinney, “I second the motion.” Upon the unanimous vote of the members present and voting, the motion was carried on a vote of 3 – 0, with Member Zapata recused.**

This matter was concluded at 8:09 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards

Village of Skaneateles  
Zoning Board of Appeals Meeting  
November 30, 2016

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Consider the Draft Revised Joint Comprehensive Plan v. 10.31.2016 which was referred to the Board for comment by the Town of Skaneateles.

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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

Absent:         David Badami, Member

Chairman Phinney opened the consideration of the Comprehensive Plan revisions at 8:10 pm.

Chairman Phinney – I personally have no comment.

Member Balestra—I have looked through it, I have read the changes, I have no comment.

Member Wopperer – I have no comment

Member Zapata – I have no comment.

Mr. Dundon will inform the Town of Skaneateles that the Board has no comment.

On Motion of Chairman Phinney, seconded by Member Balestra, this matter was concluded and the meeting adjourned at 8:12 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards