

Village of Skaneateles
Zoning Board of Appeals Meeting
March 1, 2017

Informal discussion on the subject of variance expiration dates.

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

Riccardo Galbato, Attorney for the ZBA
John Crompton, Code Enforcement Officer

Bob Eggleston, 1391 E Genesee St

Absent: Davis Badami, Member

Chairman Phinney opened the informal discussion at 8:12 pm.

Eggleston suggested that instead of the Board establishing ‘complete by’ dates, effectively setting expiration dates for the variances granted, that the ZBA might adopt an approach similar to that used by the Town, in which the applicant is given a time limit in which to get a building permit. After that, administration of the project’s completion is handled by the Code Enforcement Officer, who can issue any needed extensions. Building permits generally expire after one year. Once a building permit is issued, the condition for the granting of a permanent variance is fulfilled.

Eggleston then stated that the Board puts too much credence on the neighbors. Zapata responded that it is fair to say that many neighbors don’t get their way. Discussion then returned to variance expirations.

Galbato reminded the Board that if they use the building permit as the trigger, the Board has no control; the ZBA is putting no deadline on when a project must be done. Balestra suggested that the Village has an incomplete code – the code should provide that if the applicant does part of the work but does not complete the project, the applicant should be required to tear out the partially completed work. Of course, that remedy would be invoked in only the most extreme circumstances. Balestra added that he is open to entertaining approvals for projects in phases.

Eggleston stated that the Village thrives on making everything need a variance. Phinney said that was a different issue, then went on to suggest that conditions imposed by the Board would override building permit extensions. Zapata suggested that the Board has had experience with dissent over extensions.

Balestra said that the Board exists because of the potentially sensitive nature of variances and the effect that they will have on other uses, buildings and the community. He added that he does recoil from the prospect of divesting jurisdiction over any project that required a deviation from the Zoning code – he is worried about the one-in-five-years project that the Board would wish that it could have back.

The Board felt that it should continue the discussion.

The meeting was adjourned by acclamation at 8:38 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards

Village of Skaneateles
Zoning Board of Appeals Meeting
March 1, 2017

Consideration of request for extension of the Area Variance granted to Kim Weitsman to vary the strict application of Section 225-A5 Density Control Schedule for Percentage of open area; to add 10 car parking lot at the property (Krebs Restaurant) addressed as 53 West Genesee Street and the adjacent property addressed as 57 West Genesee Street in the Village of Skaneateles which are under common ownership.

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

 Riccardo Galbato, Attorney for the ZBA
 John Crompt, Code Enforcement Officer

 Bob Eggleston, Architect, on behalf of the applicant
 Doreen Simmons, Esq. on behalf of the applicant

 Gregg Eriksen, Village Trustee
 Garett Turner, Rose Hill Road
 Elizabeth Rodne, East Lake Road
 Nikki Bennett, 4263 Railroad Street
 Ashleigh Blauvelt, 2669 West Lake Road
 J W Simmons, 1645 Coon Hill Road
 Molly McNeil, 143 E Genesee St
 David Pittard, 141 E Genesee St
 Karlie Howard, 646 W Genesee St Road

Absent: Davis Badami, Member

Chairman Phinney opened the discussion in the matter of Kim Weitsman for the Krebs restaurant at 53 & 57 West Genesee Street at 7:45 pm.

Eggleston – Looking at the schedule, the work for the parking lot, the landscaping which is part of the variance that you granted and the second component of the work that will be done that doesn't require any specific approval is creating the vegetable gardens which we represented and intend on doing. They have had a delay in getting that finalized. Their concern – while it would be nice to have the parking -- they would need to have two projects, one this year and one next year. They have had a change of personnel and they are in the middle of reestablishing and recreating what this garden is going to be. They want to do it right and classy. So we respectfully request that we be given until June 30, 2018, one additional year, so that we can get

the work done next fall/winter and it's ready by spring. We are very sensitive because of all the comments and interest; this is a preexisting use in a residential neighborhood. We are very cognizant of the neighbors; we don't want to put them through two sets of construction. We don't want to jeopardize the first project quality by having to repair and fix. Everything is the same, it will still be the site plan done by my office February 5, 2016 and the Clark landscape plan of February 2016. We have received the Critical Impact from the Trustees. We have already filed the Declaration of Restrictive Covenants and the easement modifications with 57. Those conditions have been fulfilled. So we are simply asking for an extension of time for the exact same project.

Phinney – So no construction will be taking place until next spring, is that correct? So it will be dormant for 2017.

Eggleston – Correct.

Wopperer – I was not on the board at that time. Are you talking about the parking spaces at the back of the Krebs?

Eggleston – Correct.

Wopperer – And is a portion of that going to be used for gardens?

Eggleston – What the existing, the original approval. This is the parking lot. Originally there was a very limited parking area. Since then some of the concerns that we had that caused issues with parking is that the street parking was not marked and it was inefficiently used. Since then the Village has taken the initiative to mark the parking, and it is much more efficient. So we are using this existing space which was the access for the dumpster. So we picked up 3 spaces there and we brought some parking along the side over here for a total of 10 additional spaces. We have this easement.

Zapata – Are any neighbors aware of the request for an extension?

Eggleston – We haven't made a broadcast of it. I would hope they would be delighted with one more year of life as they know it.

Balestra – When do you think you'll pull the permit?

Eggleston – I'd like to see the permit pulled in the fall; do we do the actual construction in the fall? It has to be after summer. Does it go in as gravel and get paved in spring? They gave us 'til June to give enough time to do the plantings. We have a mixture of evergreen and deciduous trees there that have an ideal time for planting.

Wopperer – So what's the technical building phase that's going to be done on this?

Eggleston – What requires the building permit is the addition of the pavement and curbing. Generally landscaping is not covered. There will be a little fence around the garden and we are

researching what this optional garden structure is. They would like to keep in the more formal aspect.

Wopperer – Are the gardens to provide beauty to the property, or to provide herbs that they can use in the restaurant?

Eggleston – That’s where the change in personnel came in because a lot of will be incorporated into the cooking. The other structure is a 12 by 12 garden shed just for a place to put the tools.

Wopperer – So they don’t want to start this year, they are talking about starting it next year?

Eggleston – Correct.

Wopperer – So start the first phase in fall 2017 and be finished up by June 2018? And the first phase would be the parking, or this and this?

Eggleston – I’m not really sure.

Balestra – We granted this in March of 2016 and gave you ‘til June of 2017. Now you want ‘til June 2018. I am not aware of any changed circumstances that have taken place, so we have just delayed everything a year, basically. It’s ok with me.

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

Simmons – First of all Kim asked me to personally thank you for the consideration of an additional year. She wants this to be perfect because that’s how Kim is. We are working with the historical society on what cupolas or other things that were in the garden before. She is very grateful for that. I am not sure exactly what the schedule will be, but we will be sure to announce when we have our first self-grown vegetables. Many neighbors spoke in favor; not all were opposed.

Zapata – We just want to be sure that everyone is aware.

Chairman Phinney, “I would move 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 move that we grant the request for extension of the area variance granted to Kim Weitsman to vary the strict application of Section 225-A5 Density Control Schedule for Percentage of open area; to add 10 car parking lot at the property (Krebs Restaurant) addressed as 53 West Genesee Street and the adjacent property addressed as 57 West Genesee Street in the Village of Skaneateles which are under common ownership in accordance with plans dated February 5, 2016. The Board previously granted the variance at its meeting of March 22,2016; applicant was given until June 30, 2017 to complete the project. I move that we grant an extension to June 30, 2018 to complete the

project.” 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 7:55 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards

Village of Skaneateles
Zoning Board of Appeals Meeting
March 1, 2017

Consideration of request for extension of the conditions of approval in the matter of the Application of William Lynn to vary the strict application of Section 225-A5 Density Control Schedule for Percentage of structure width/lot width; and Section 225-14C(5)(a/b) Accessory Buildings, distance to lot lines or structures; to construct a 73.3 SF concrete planter and wood pergola for outdoor seating and to install a 48.6 SF storage shed with relocated parking stalls at the property addressed as 22 Jordan Street in the Village of Skaneateles. *The requested Variances were granted by the Zoning Board of Appeals at its meeting of April 26, 2016, and the conditions for such approval were modified at the Board's meeting of August 23, 2016, at which time the Board imposed a deadline of February 23, 2017 for satisfaction of the conditions*

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

Riccardo Galbato, Attorney for the ZBA
John Crompton, Code Enforcement Officer

Gregg Eriksen, Village Trustee
Garett Turner, Rose Hill Road
Elizabeth Rodne, East Lake Road
Nikki Bennett, 4263 Railroad Street
Ashleigh Blauvelt, 2669 West Lake Road
J W Simmons, 1645 Coon Hill Road
Molly McNeil, 143 E Genesee St
David Pittard, 141 E Genesee St
Karlie Howard, 646 W Genesee St Road
Bob Eggleston, 1391 E Genesee St

Absent: Davis Badami, Member

Chairman Phinney opened the discussion in the matter of William Lynn for 22 Jordan Street at 7:57 pm.

Wopperer – So if I am hearing you correctly, everything that we approved April 26 and reapproved in August is being reconsidered tonight for an extension. Is that what I am hearing?

Balestra – They are requesting another 3 months.

Phinney – From March to May 2017.

Balestra – Was this for just the shed?

Phinney – There were codicils, the other additional conditions that they were working out with the Village, that was part of our conditions of approval for the variances.

Galbato – The main thing was the revised lease.

Balestra – Was there any construction activity contemplated that we granted a variance for? The planters are already there, the shed is already there.

Galbato – The shed was there before the application.

Balestra – I know. I'm just trying to remember, was there anything else or was it just the time that was required to satisfy the conditions?

Phinney – The conditions have not been met as we speak now.

Cromp – The pergola.

Wopperer – That's probably why they are asking.

Galbato – No. They are asking because there has been no real effort to work with Village Attorney Pavlus to revise the lease in accordance with the approvals.

Balestra – I'll read an email from Michael Fogel who is the attorney for the applicant to Rick Galbato, special counsel today at 9:06 am. "Rick, thank you for forwarding our request to the ZBA. I was just reviewing the on-line agenda and see that our request is on tonight's agenda. I was not sure that we were going to be placed on tonight's agenda, so in the interim I committed to be at another meeting. I am trying to have my partner cover the meeting but I am unsure of his schedule. In the event that we are unable to attend, I just wanted to provide this update to the ZBA on where we are with satisfying the conditions, which include securing Critical Impact approval from the Board of Trustees and agreeing to an amended lease with the Village to carve-out the alleyway. With respect to the lease, my client previously sent a proposed lease to Jordan Pavlus. I spoke with Jordan last week, and we agreed that he would review the proposed lease and provide me with any comments and/or suggested revisions so we can move towards finalizing the lease. Once we have Jordan's comments, I believe we can move quickly to finalize the lease which will then have to be approved by the Village Board. Jordan [who was copied on this email], please correct me if I have misstated our call from last week. With respect to Critical Impact Permitting, the project architect is preparing the application and I believe it will be submitted within the next few weeks. Based on the foregoing, we are respectfully requesting an additional 3 months to satisfy the conditions. I just want to build in enough time for the required Village Board meetings that will be necessary to approve the critical impact Permit and the amended lease. If you could please forward this email to the ZBA, that would be greatly appreciated. Thank you. Mike."

Phinney – So it is ‘til Memorial Day weekend that they are looking toward.

Balestra – My inclination is to grant the 3 months. And hopefully they work it out with the Village Board. These are conditions in renegotiating this lease which have nothing to do with this Board. If they can’t get it done in another 3 months, perhaps it will never be done. My inclination tonight is to grant the 3 months from today’s date.

Phinney – I would agree with that also, but I have to say that we are now heading into the 3rd summer with one extension, one excuse, one non-negotiation and one non-intent to negotiate. So I agree with Mike, but I would also say that’s it. We’ve been played by Mr. Lynn. I don’t believe he has approached this on an equitable basis. This is not the first time he has come in; it is not the first time he hasn’t followed through on his obligations. Things that were set up for him to deal with on the Board of Trustees – I won’t stop this or hinder this, but I think 3 months is it, and then I think it is out of our hands. I agree with Michael, this is not our issue. But something needs to be done to make sure that one of our residents is having our rules enforced, and following through on what has been agreed by all Boards in our Village at this point. I feel he is just basically snubbing his nose at us.

Galbato – The variances will have expired.

Phinney – Then I would do whatever we can to bring legal action, to stop him or hinder him in whatever he is doing. Absolutely. He has already arrogantly done things that were not even part of what were allowed to be done. I don’t see where we should bend over backwards in any manner or form for this applicant at this point. He has abused his situation.

Wopperer – What does Mr. Lynn have to gain by not following through with this procedure?

Phinney – It has to do with the property that he was leasing from the Village...

Galbato – The opposite.

Phinney – That the Village was leasing from him?

Galbato – Correct and still does. The lease has to be modified to reflect the changing conditions that have occurred. After that the Village will not have control over this private property any more. Presumably the Town Assessor might take a look at that situation; a change in conditions as to the area of the lot.

Wopperer – So the Village...

Phinney – It involves where the picnic tables are...

Wopperer – The Village leases from him.

Phinney – But then what he did was he then put tables and other things...

Wopperer – Upon that property...

Phinney – Upon that property that the Village was leasing from him. We couldn't use it; it was supposed to be for us to park our cars, but there are picnic tables there.

Galbato – There's even 2 or 3 parking spots that the Village is leasing that were painted red to look like it is part of his private space. These things have to be rectified. And it is out of our hands.

Wopperer—And along with the pergola that's still not done, am I correct on that?

Cromp – Correct. It is still not done.

Phinney – But he does appear to be making an effort after a long time of making no effort.

Wopperer – But we do need to set a boundary, the last time that it will come before us, if we can even do that.

Galbato – By granting an extension. If it is not complete at the time the extension expires, then the variances by their own terms have expired. So then he would have an illegal shed and whatever else needed the variance. The request from Mr. Fogel did come in before the expiration even though we are addressing it today.

Chairman Phinney, “I will make a motion that we accept the request for extension of the conditions of approval in the matter of the Application of William Lynn to vary the strict application of Section 225-A5 Density Control Schedule for Percentage of structure width/lot width; and Section 225-14C(5)(a/b) Accessory Buildings, distance to lot lines or structures; to construct a 73.3 SF concrete planter and wood pergola for outdoor seating and to install a 48.6 SF storage shed with relocated parking stalls at the property addressed as 22 Jordan Street in the Village of Skaneateles. *The requested Variances were granted by the Zoning Board of Appeals at its meeting of April 26, 2016, and the conditions for such approval were modified at the Board's meeting of August 23, 2016, at which time the Board imposed a deadline of February 23, 2017 for satisfaction of the conditions.* I would move that we now extend that to expire on May 31, 2017 for satisfaction of the conditions mentioned above, and that we offer and grant no further extensions at the point.” Member Wopperer seconded the motion. Upon the unanimous vote of the members present and voting in favor of the motion, it was carried 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
March 1, 2017

Public Hearing in the matter of the area variance 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 the existing structure and to construct a new structure on the same footprint with a 927.5 SF addition and a 168 SF patio at the property addressed as 8 Gayle Road in the Village of Skaneateles. *This Board granted the variances on September 27, 2016 for an application to remodel the structure.*

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

 Riccardo Galbato, Attorney for the ZBA
 John Crompton, Code Enforcement Officer

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

 Gregg Eriksen, Village Trustee
 Doreen Simmons, West Lake Street
 Garett Turner, Rose Hill Road
 Bob Eggleston, 1391 E Genesee St
 Elizabeth Rodne, East Lake Road
 Nikki Bennett, 4263 Railroad Street
 Ashleigh Blauvelt, 2669 West Lake Road
 J W Simmons, 1645 Coon Hill Road
 Molly McNeil, 143 E Genesee St
 David Pittard, 141 E Genesee St
 Karl Howard, 646 W Genesee St Road

Absent: Davis Badami, Member

Chairman Phinney opened the public hearing in the matter of Kate Cogswell & Walter Benson for 8 Gayle Road at 7:33 pm.

Ramsgard – This project is the same footprint, same area variances that we had requested before but as we got into the project and started to get out initial bids back, we quickly found out that we were going to exceed 50% of what the assessed value is on the structure. That kicks us into

what we call commercially a level 3 alteration, which essentially means anytime you touch anything, everything has to be up to code. So if we want to put an outlet there, not only do we have to open that wall, but we have to insulate that entire wall. If the wall is not thick enough we have to pull the studs out – it becomes an unraveling sweater very, very fast when you get into that category. So what we are asking for is to improve the structure and to improve the design. This is what was originally approved, which matches the same footprint of what we have planned now. It is a very low slope roof; it's a 2 on 12; the house was built in the 50s, post-World War II. Great for that time, not great for our climate. What we are proposing to do is to create a structure that we feel is more esthetically pleasing; follows the exact same footprint for the structure, but different rooflines. The one main articulated difference is that the roof is taller in the middle section; we are using a 4 on 12 pitch. That is within the height requirements allowable for a new or existing structure. That is the only fundamental difference in the projects. We do have a letter from the neighbor directly to the east, Purcells, they addressed it to the Board, "To whom it may concern: We have reviewed the current Cogswell/Benson plans for the removal and replace existing structure at 8 Gayle Road and have no objections to the project."

Wopperer – And there are no neighbors to the west?

Ramsgard – No neighbors to the west; correct because that's the right-of-way.

Phinney – At this point I'll enter another letter that was sent, "RE: Meeting of March 1st area variance application of Kate Cogswell & Walter Benson to the ZBA of the Village of Skaneateles. Following our discussions with Kate and Walter and in view of their revised plan for the property at 8 Gayle Road in Skaneateles, we have no objections to the new building plans and look forward to their family joining our corner of the Village. Signed, Johan Visser and Michael Williams, 9 Ashwood Lane."

Balestra – So all the variances are the same that we have approved back in September?

Ramsgard – Yes, exactly.

Balestra – We've got a slightly different look to the building which is different. It looks very nice and it doesn't change anything to me, so I think we can pretty much incorporate the discussion from our prior decision in terms of the variances and our consideration of them.

Wopperer – Are you taking the whole; are you taking it all the way down?

Ramsgard – We are taking it all the way down to the foundation, because as the sweater unravels they are 8 inch block unreinforced; the footings aren't deep enough for the frost.

Wopperer – It's like the Carrier Dome, you just can't put the dome on. You gotta do the walls.

Phinney – Actually it looks more streamlined. It's the illusion of being thinner. I have no questions. Is there anyone who would like to speak in favor of this application? [no one] Anyone to speak against? [no one]

Member Wopperer, “I’ll move that we close the public hearing.” Chairman Phinney seconded the motion. Upon the unanimous vote of the members present in favor of the motion, it was carried 4 – 0. Member Balestra requested that the discussions contained in the minutes of the September 27, 2016 meeting of the Board be specifically incorporated by reference, saying, “to the extent the we are considering these variances, we have considered them before and they haven’t changed.”

Member Balestra, “I move that we accept 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 the existing structure and to construct a new structure on the same footprint with a 927.5 SF addition and a 168 SF patio at the property addressed as 8 Gayle Road in the Village of Skaneateles. This is a type 2 action under SEQRA. I further move that we incorporate, by reference, the minutes from the September 27, 2016 meeting and specifically the discussion of the variances requested since they are the same. This application is based on plans dated January 13, 2017. The applicant will have until October 31, 2018 to complete.” Member Zapata 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 7:43 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards