

**Village of Skaneateles
Zoning Board of Appeals Meeting
April 26, 2017**

Public Hearing in the matter of the Area Variance application of Michael & Lindsay Kowalski to vary the strict application of Section 225-A5 Density Control Schedule for Side yard set-back, left; Side yard set-back, Right; Both side-yards combined; Percentage of open area; and Percentage of Structure width/lot width; and, Section 225-69D Nonconforming Buildings, Structures and Uses, Extension or Expansion to construct a second floor addition, porch addition, roof, relocate patio, remove shed, remove gravel driveway at the property addressed as 54 West Lake Street in the Village of Skaneateles.

Present: Michael Balestra, Chairman
David Badami, 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
Mike Kowalski, applicant

Jennifer Ahrens, Rochester
Guy Donahoe, 4503 NW Townline Rd
Rev. Becky Coerper, 98 E Genesee St
Ron Butchart, 72 W Elizabeth St
Courtney Chase, 42 E Genesee St
Christine Bartolotta, Auburn
Mike & Millicent Mahood, 60 W Lake St

Chairman Balestra opened the public hearing in the matter of Michael & Lindsay Kowalski for 54 West Lake Street at 7:33 pm.

Eggleston – Mike Kowalski is also here should you have any specific questions. As most properties, this is a nonconforming structure. As mentioned, it has 87.6% open area, it has an 8.3 left side yard and an 8.9 right side yard, so the combined side yards are 17.2. It has a 65.9% of lot width to building width, or vice versa. They have been in before to establish an accessory apartment in the structure behind; that has been done and completed. They are now looking at some work on the house itself. It's a second Empire house and in the back it steps down and it's a simpler Italianate style treatment. It has a flat roof, that needs to be seriously dealt with.

There's only 3 bedrooms and one bathroom upstairs; it's a little on the small side. They do have 2 boys and they'd like to add another bedroom and bathroom upstairs and take advantage of putting this 13 foot addition on the back while they restructure and reroof the roof. Also the back, and it's a very plain-Jane back; it has no protection over the back door that's used all the time. They would like to create a 9 foot deep porch where they could actually sit and enjoy their back yard. Right now there is a small patio in that area, so they will push the patio back so they can put a barbeque back there and be able to have that easily accessed from the kitchen. So this work, we are basically not creating any more nonconforming set-backs, we are building straight up. We are actually pulling the addition in so it doesn't come in front of the mansard roof.

Badami – What's the measurement from the proposed porch addition to the rear lot line?

Eggleston – The proposed addition is hundreds of feet; it's a very deep lot. Architecturally we have; while this is a preliminary sketch; we actually looked at 4 or 5 or is it 6 different alternatives of how to deal with this, and this is what they finally settled in on. We are maintaining the more classical Italianate type of details of the back. It sets in; it actually is not seen from the street because we are holding it in. When one adds onto an historic building, you don't want to inappropriately copy the detail necessarily, and most houses, as they go back, they begin to step down in detail. So we are continuing to keep that concept and idea going. There was a little bit of question on the Planning Board's part about oh gee, you should continue the mansard roof. Well, I think it would be inappropriate to continue the mansard roof, instead let it step down appropriately. In fact, the house down the road, also a second Empire house, does exactly that. And that one actually, the addition on the side, that was done stellar back in the day and it's an example of what we are trying to do. So I think the treatment we are doing architecturally will be appropriate, it will be done with appropriate qualities of materials to match and be appropriate for the neighborhood and the details. So as a result, because we are adding the porch and moving the patio back, the open space drops by less than one-half percent to 87.2. We are continuing a side yard set-back that is 15.3 instead of 8.3, so it is better than what the existing is. The other side yard is better; instead of 8.9 it's 11 feet so it's less nonconforming and the combined side yard is 26 as opposed to 17. So none of the variances of the second floor addition are any more nonconforming than the existing condition. Are there any questions; and also they are removing a shed and taking are taking out a driveway that they just don't need. So they are actually improving the impermeable surfaces back there even though that's not a criteria that you judge Zoning by.

Wopperer – Now this, the mansard roof; that will be pretty much covered up?

Eggleston – That will be covered up; we are going to relocate that dormer around the corner and will salvage the slate for replacement. The trouble with 150 year-old slate is it's very brittle, it's very tender – so do you redo it all, but in this case the slate roof is in reasonably good condition...

Kowalski – We started the process of repairing it last year and it's probably going to be a 3 or 4 year project, but we think it is a pretty significant detail that we don't want to get rid of. But it is also a costly detail to upgrade so we're going to have to do it over the course of the next few years.

Wopperer – So the mansard roof you will still see a portion of it?

Eggleston – From the street you will see it all.

Wopperer -- Oh really, even though it's...

Eggleston – This is the back elevation. I don't have a front elevation because nothing changes.

Wopperer – Oh, I see. OK.

Elleston – What this will do is it will give them slate that they can salvage and use for repairs over the next few years.

Kowalski – We were getting new slate for the repairs, so this would provide some material for working on the rest of the roof.

Wopperer – And there seems to be plenty of distance from the neighbors; did you talk to your neighbors at all?

Kowalski – They both wrote letters.

Eggleston – As a matter of fact...

Balestra – I don't have any questions right now. Anybody else?

Wopperer – I don't have any other questions.

Balestra – Just for the record, I'm not going to read it, but I'll reference the email of Ron Beavers dated April 20, 2017 and also we've got several signatures from neighbors on March 22, 2017 with no objection to the application. With that, is there anyone who wishes to speak in favor of the project? [No one] Anyone in opposition? [No one]

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

Balestra – Now Bob, the Planning Board's comments were basically that they didn't take issue with the project as far as I could tell, they wanted to see some more...

Eggleston – They wanted to see more complete and finished drawings. I find that personally insulting, but if they want to see the drawings fine.

Balestra – And I don't think that we necessarily; the Planning Board's job is to recommend, or not recommend or don't do anything. We don't have to send this back to the Planning Board as far as I'm concerned. It is useful to hear from the Planning Board, especially on the issue of

esthetics, because when it comes to the character of something I like to take their opinion into consideration. So it would be my recommendation, anyway, that if the application is granted to condition it upon the recommendation of the Planning Board based on those drawings. And if for some reason they didn't recommend it, you could continue it and come back to us and we could do [unintelligible] but I'd want to make that a condition.

Badami – So you wouldn't be comfortable with an approval conditioned on basically matching or mirroring what's there now?

Balestra – No, it would be an approval conditioned on final drawings going to the Planning Board and the Planning Board saying OK that looks good. It sounded to me that they liked the project, they just wanted to see more complete drawings.

Eggleston – They liked the project; I think they didn't like the fact that I chose to do a quicker hand-sketch form; and, of course, does one justify spending tens of thousands of dollars doing final drawings for something that we don't know if we're going to get a variance? I think in this case I'm dealing with a client that wants it done first-class; he wouldn't have bought the house if he wanted to muck it up. I will admit that I've had projects where I do nice drawings and they muck it up anyways. I find the request to set a bad precedent; I think it goes beyond what their purview is. It's giving them more control than they necessarily are entitled to.

Balestra – Conceded.

Eggleston – Obviously, if you feel it's important I have no problem, because we are going to do appropriate drawings. I do know that in one case we had design standards for design D where they held us to a different standard than everyone else. It was painful going through the process three or four times...

Galbato – Mr. Chairman with all due respect, the applicant agreed to that process. Mr. Eggleston said at the last meeting of the Planning Board, "if you want to put a condition that the final drawings be reviewed by one of you, that would be fine too, but we would like to proceed to the ZBA." If he wants to backtrack on that, fine he has a right to do that, but that's what the Planning Board was relying on. They modified that to have it go back to the full board.

Balestra – The issue as I see it is this. The Planning Board could have just said No, and it still comes to us and we can grant it.

Eggleston – Correct, correct.

Balestra – They can take no action at all and it still comes to us and we can grant it. They can recommend it and it comes to us and we can grant it. I think it is within our discretion, and if the rest of the board agrees, we could, if we grant the application condition it on their further review; we could continue this – if they deny it, it comes back to us, if they approve it, we are all done, the variance is granted.

Eggleston – At the time the Panning Board wanted us to come back next month, holding us up a whole month, delaying the process, potentially jeopardizing the construction window. That’s why I said Hey. The Planning Board can say yes, no or no comment. And they were saying we want to get him to do more drawings and all that kind of stuff. That’s why I suggested that as a way to let them pass it on as they were supposed to, so you could make the final decision.

Wopperer – What was the intention for them wanting more drawings, Bob?

Zapata – They want a specific exact architectural detail, it sounded like.

Balestra – They are worried about; the Planning Board is very worried about the character of the construction and whether it’s; it’s one of the things that we are to consider – whether it’s going to have an adverse effect on the character of the neighborhood, things like that.

Zapata –The thing that kind of gets to me is that the precedent has been set with this house two doors down, where the mansard roof was not continued around.

Eggleston – That’s an historic example. That was done hundreds of years ago.

Badami – Let me understand. So you don’t want to proceed with this and do the drawings in the event that it got denied for some reason, you would have created that expense of going through the drawings. But assuming, *arguendo*, that this is approved you are going to do the drawings, isn’t that correct?

Eggleston – I’m going to do the drawings.

Badami – So that being a requirement, let’s cut to the chase. If this is approved and that is a requirement, you don’t have a problem with that, do you?

Eggleston – I don’t have a problem with it, although it does set a dangerous precedent.

Badami – That aside, I understand that.

Eggleston – And for an addition that is not visible from the street.

Badami – I understand. But I’m asking you, if this is approved, you are going to do the drawings anyway? Is it going to hold you up to have to submit those drawings to...

Eggleston – We won’t know until they look at them. Who says that they won’t say I want to have this kind of an ogee trim instead of that kind of an ogee trim. Who knows what they will do. I have been before them before in the Downtown D District where they had a hard time with what was being presented, which was better than the example that they said was...

Badami – They made me change the trim on my house when I built it, so I’m familiar with that process.

Eggleston – Of which that's a requirement of building in Parkside.

Balestra – Speaking of that, so the trim is going to match what's there; the siding, the siding is going to match what's there.

Eggleston – We will use the appropriate trim for the historic nature of the house.

Balestra – It sets a precedent the other way; we would like to see some detail as well about what the finish is going to look like, so I'm; usually we have more complete plans. So either way we are setting; we are not setting precedent because we reserve the right to do what we want on each individual application as it comes. It is nice to have more detail than that. What do you guys think; what do you want to do about it. We do not have to send it back to the Planning Board. I like to hear from them on issues like this depending on the project.

Badami – I'd prefer that we had that set of plans, but I understand the argument about setting that precedent. Frankly, as we sit here now, I'm concerned about this board not the Planning Board.

Eggleston – Maybe it would be appropriate to open the public hearing and then discuss the resolution.

Balestra – The public hearing was opened and closed. There were no public comments. This is just a procedural issue.

[Multiple simultaneous conversations]

Wopperer – I just think it's probably better to have a set of plans. I hate to do it; I just think it's ridiculous, but I think to be on the safe side it's probably the way to go.

Badami – I'm only concerned about bringing it in front of this board.

Wopperer – I agree with that.

Balestra – I have no doubt that the Kowalskis are going to do an excellent job. [Badami agreed, Wopperer sure that Eggleston will do an excellent job]

Badami – But the next person; I'm uncomfortable with that, not you or your client.

Wopperer – I'm sorry Bob.

Eggleston – That's OK.

Zapata – So if we want to see plans, do they have to go back to the Planning Board regardless?

Balestra – No, I don't think we have to send it back to the Planning Board if we don't want to.

Badami – I would not be in favor of that.

Balestra – I understand the Planning Board’s position, but I don’t believe that it is accurate.

Badami – I agree.

Wopperer – I would agree.

Balestra – It’s with us now.

Eggleston – And I’d be more than glad to bring it back to your board.

Galbato – So we are just adjourning the application until next month.

Eggleston – No. No. What we would like to have is the approval conditioned on our bringing back the final drawings for final comment by the Zoning Board of Appeals.

Galbato – There is no motion on the floor Bob, but thank you. It’s up to the board and the board can discuss among yourself how you want to proceed.

Dundon – But under your scheme, there is no recourse. You’re already approved.

Balestra – Contingent on our review of the final plans and subject to our reconsideration based on those plans.

Wopperer – But you are 99% there.

Balestra – I can appreciate it; I can appreciate his desire for that.

Badami – That’s how I would proceed if everyone else...

Zapata – I agree.

Balestra – That’s sensible to me. I’m glad we worked through that. That makes a lot of sense. Anyone want to make a motion?

Member Badami, “I move that we accept the Area Variance application of Michael & Lindsay Kowalski to vary the strict application of Section 225-A5 Density Control Schedule for Side yard set-back, left; Side yard set-back, Right; Both side-yards combined; Percentage of open area; and Percentage of Structure width/lot width; and, Section 225-69D Nonconforming Buildings, Structures and Uses, Extension or Expansion to construct a second floor addition, porch addition, roof, relocate patio, remove shed, remove gravel driveway at the property addressed as 54 West Lake Street in the Village of Skaneateles. This action is expressly subject to and conditioned upon the submission by Mr. Eggleston of a formal set of plans which shall be reviewed by this Board and subject to its final approval prior to the commencement of any work. This is a Type 2 action under SEQRA. Applicant shall have 6 months to obtain a building permit and a further 12 months to

complete.” Member Zapata seconded the motion. Upon the unanimous vote of the members in favor of the motion, it was carried 4 – 0.

This matter was concluded at 7:56 pm. Mr. Eggleston thanked the Board. Member Wopperer thanked Mr. Eggleston for his patience.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards

Village of Skaneateles
Zoning Board of Appeals Meeting
April 26, 2017

Public Hearing in the matter of the Special Use Permit application of Guy Donahoe on behalf of Ed & Brenda Evans to vary the strict application of Section 225-4 Definitions (Garage) and Section 225-23 Supplemental apartments to reconstruct a garage/storage building and add a supplemental apartment at the property addressed as 46 West Lake Street in the Village of Skaneateles.

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

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

Guy Donahoe, Architect, on behalf of the applicant

Jennifer Ahrens, Rochester
Rev. Becky Coerper, 98 E Genesee St
Ron Butchart, 72 W Elizabeth St
Mike & Millicent Mahood, 60 W Lake St

Chairman Balestra opened the public hearing in the matter of Ed & Brenda Evans for 46 West Lake Street at 7:33 pm.

Balestra – Mr. Cromp, is this; is there an area variance required for the size of the supplemental apartment? Is it under 800 SF?

Donahoe & Cromp – It is under 800 SF.

Balestra – So there is no area variance? Just Special Use Permits. Great.

Cromp – Correct.

Donahoe – I am representing the Evans in the improvement that they wish to make. I have included a bunch of plans to help illustrate both before and after the changes that we are making to this building. The Evans have just recently purchased this property in March, and one of the things that Mr. Evans would like to do is to store some automobiles. What we are proposing to

do is to modify the carriage house/barn so we can get a little more height into the building to facilitate the storage of these vehicles. Our proposal calls for the main two-story building, is to raise that building and to move that building 6 feet to the south (or inboard of the property line) and then 10 feet to the east (or towards the street).

Wopperer – So it will not be as close to the home that is close by currently.

Donahoe – It won't be as close, but that's a very small movement, because as we move it east the 6 foot slide moved it away, the 10 foot to the east moves it a little closer again, but it is, indeed, further away than it was.

Wopperer – OK. It seemed to me when I looked at it that it was very close to the other house that was there currently.

Donahoe – This does move it a little bit further away.

Balestra – And remember there is no variance required. The permits relate to the use that's being proposed, but there is no area variance.

Donahoe – The building was compliant and will remain compliant with that move. Once we move that building the 10 feet; we are proposing also to lift the long one-story building that's in the rear. That actually stays in place, that just goes straight up, again to get some height in there. Then when we move that 10 feet forward, we are adding 10 feet to connect it, so we are adding 200 SF to close that gap and facilitate what he hopes to store. [There was clarifying discussion to confirm the foregoing statement.] Not in the package, but this will show where we are proposing putting vehicles, so that you understood the layout. Downstairs there is not enough headroom, so we are raising it about 3 feet. Right now the building probably has about 6 feet of headroom, so we are raising it 3 feet. That will allow us to park their everyday cars in there. There is no other garage. There's 6 feet down there and that will allow for that and for him to store his boat there too.

Badami – How far in this picture is this going to come up?

Donahoe – That will come up 3 feet.

Wopperer – So in the longer section there's this trailer and...

Donahoe – Two automobiles. These antique automobiles – one. Two, three, four – will be stored upstairs in the barn.

Badami – Got it.

Wopperer – OK, OK.

Donahoe – On the elevations you will see that we have made no changes to the existing building. The door that will replace the overhead door here with will be the same as the door that faces the

street. And that door it's onsite; it is stored inside the barn. The other vehicles that will be occasionally used, the doors that we will be adding for those face west, or to the rear of the property.

Zapata – The stonework will be an improvement.

Badami – Can we talk about the recreation room and why we need a shower and a bath in there?

Donahoe – I suppose; that was Ed's request as we were putting together for this rec room. I suppose if he had guests or something stay over, it would facilitate their ability to stay overnight.

Badami – I wouldn't then label it as a recreation room, it would be something else; which is why I'm questioning.

Donahoe – No, I think its primary use would be for a recreation room.

Zapata – It is for an apartment.

Balestra – We are considering it as a supplemental apartment.

Donahoe – That is not our intended use but John said looks like a duck, quacks like a duck – so he felt more comfortable defining it as that. We are not looking to rent this out. It is not our intention at all to rent this out. It doesn't matter to me whether you classify it as a supplemental apartment.

Badami – Then we get into the age-old argument – he owns it now, who owns it tomorrow? It just opens the door which I am really not a fan of.

Donahoe – I believe it is permitted under a special permit, am I correct?

Badami – If we approved it.

Donahoe – So in other words the zoning recognizes that it is...

Balestra – It is a conditional use. Permitted accessory use, with a permit. I'm generally in favor of the reuse of an existing building. Storing cars in there it seems like a good use.

Badami – I'm all for that.

Balestra – We see a lot of them in the Village; big old carriage houses a lot of people have them, supplemental apartments they use them for guests and things of that nature. But to Dave's point, it can be used for whatever down the road.

Zapata – What is this "open to above"? Is this just a skylight? Or is this a hole in the...

Donahoe – That’s actually a hole in the ceiling. That’s actually a hold-over from the existing; I think we’ll close that up. Right now it is currently open, there is no cupola proposed.

Zapata – So it’s something that sits on top of the structure now?

Donahoe – It’s a hole in the ceiling.

Balestra – Do you guys have any more questions now? You can ask them later, too.

Zapata – Not right now.

Balestra -- Is anybody here to speak in favor of the application? [No one] Is there anyone to speak against? [No one] To reference the mail from Ron Beavers dated April 20th 2017. There are some questions as to whether this is really an apartment or additional living space above the garage. The application is for a supplemental apartment pursuant to the definition in the code, it really doesn’t have to be addressed. Some questions about the EAF; there will be a connection to this building clearly.

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

Balestra -- Then another question; can you show us on the map what your increase in surface area of the asphalt is going to be?

Donahoe – Right now it doesn’t get a lot of usage. There’s a gravel drive that comes down underneath the barn from the driveway. And here’s where the driveway was; it comes up and the loop was here and it had this paved ramp – I’m sorry, this is the paved road that went to this door here and then there was a paved ramp that went up into the barn here. So we’ll be removing that material and then we are adding this to come up to be able to pull up and back into these buildings.

Balestra – This is an addition?

Donahoe – From about here.

Zapata – The barn doors are in the back for the two...

Donahoe – Correct, and so you can load that long trailer.

Zapata – On both parts, too.

Donahoe – Correct. And there is not much of it left, but there actually was a bathroom up there and the room up above was finished and there’s pieces of rooms left. But there is certainly waste plumbing that’s very decayed.

Wopperer – What is the drainage like; I'm looking at this property and you've got a lower level here and a higher level here. This is obviously a gentleman who is going to be working on his cars, with oil maybe even washing these cars in there, maintaining these antique cars.

Donahoe – I don't think he will be; he certainly could be washing them on site. We are still figuring on putting a plank floor, wood floor in there. I wouldn't say it's a museum, but it's not an auto garage, nor would he be able to wash vehicles in there.

Wopperer – It's just a storage place.

Donahoe – Two of them are early century Franklins, made in Syracuse. Then there is an older Jaguar and then a Roadmaster, which is a behemoth of a vehicle.

Wopperer – I'm going to on the record; I'm a little concerned about the rec room. It is what it is; we just had so many issues in town with short-term rentals and not allowing people to have space above their garage and not have plumbing, etc. It's just a concern.

Badami – I am going to mirror that concern as well. I would ask if your client would consider not doing that. I understand that's what he is applying for. I like this project, I like the cars, I like to whole idea of modifying it to fit the vehicles. I am not so excited about what basically amounts to an accessory apartment. What's your feeling on that, if any? Do you have any feeling on that?

Donahoe – Are you talking about; I'm sorry; to do what with the space then?

Badami – Not putting in the bathroom.

Donahoe – Any bathroom at all?

Badami – Yeah. In whatever you want to call it, the rec apartment?

Donahoe – No bathroom in that detached garage. I don't know that he would be comfortable about that. It's kind of like Bob, which I support his concern about the overreach of architecture. If you are talking about the scenarios about what could be, I suppose ISIS could take up camp in here. I don't really think that what could happen is the way we should judge the way that this would like to be used by these people.

Badami – I could disagree with you because your client could sell it tomorrow, and whatever his intention was could be undone. Maybe, maybe not. And your client could change his mind. I am just addressing possibilities that might be precluded. Where I think this is a great project, with what he got going on with cars, if that's his primary purpose I think that's fantastic.

Balestra – We have 2 separate components to the application. 2 Special Use Permits. The definition of garage provides for no more than 3 unless you get a special use permit. So we have a special use permit for the storage of the cars, and the temperature I'm getting from the board is

that nobody has an issue with that. And then we have another special use permit to have a supplemental apartment.

Donahoe – Do you not have regulations in place that allow you to police the illegal use of these structures?

Badami – There's rules in place right now.

Donahoe – Right. So if someone is illegally using this – because what you are saying is to rent it as a short-term apartment...

Badami – Would be illegal.

Donahoe – And you have a mechanism for enforcing that?

Balestra – There is an enforcement mechanism. I should point out, is the applicant here [No]; I should point out that we only have 4 tonight, hopefully we will have 5 at the next meeting. A 2 – 2 vote is a 'No'. I think we should look specifically, since there is some conversation about this, at 225-39 which governs Special Use Permits and decide whether or not that we feel if it's going to be bad or not. I guess, Mr. Donahoe, after we do that, if you feel you want to go on, or push this out to the next meeting for a 5 person board.

Special Use Permit Criteria

Basis for determination. Before issuing a special use permit, the Zoning Board of Appeals shall consider the public health, safety, morals and welfare and shall make the following findings:

(1) There shall not be any unreasonable detrimental effect by the establishment of such conditional use on any other building, structure or use, actual or permitted, within the district.

Balestra – I think what I am hearing is that this could be used illegally. Is that the issue?

Wopperer – It is not only that issue to me, it's the next owner but it's setting a precedent for not only just this but for other people to come before the board.

Zapata – I guess I don't change that. I also am looking at this from a different perspective when we have many of these types of situations throughout the Village and you find the accessory building falling into disrepair. It is not used, it can't be used the way people want it to and I think that's also problematic. So I am not looking as unfavorably on the bathroom as others. I understand the entire scenario.

Wopperer – I totally agree with both sides of that, Kathleen, the fact that we have people; the fact that Mr. and Mrs. Evans are literally taking this and making it a beautiful facility for themselves

and for the Village. I think it's a great thing. It just puts us between a rock and a hard place in regards to; if we vary it for one person, then how do we do it for another person.

Badami – It's not like the structure already has water to it.

Wopperer – I guess it does, because it already has a bathroom in it.

Donahoe – There was at one time.

Badami – So there is water running to it now?

Wopperer – Whether it is running or not, the plumbing is there. It would need to be replaced but...

Balestra – I don't see it on the plans, but are there any cooking facilities in this. I see a refrigerator.

Donahoe – Just a bar. No cooking facility. There was a bathroom there, it has been vacant a long time. I realize that falls away. But it is beautiful inside that building; it's all beaded fir; we're hoping to make it a man's room.

Balestra – I guess it's worth noting that the definition of a supplemental apartment is a 'dwelling unit with a maximum floor area of not more than 800 SF located on the same lot, that is clearly supplemental to a dwelling whose primary use is a one-family dwelling. Commercial use is prohibited.' The definition of dwelling unit is 'one or more rooms located within a dwelling and providing complete living accommodations for one family, including cooking and bathroom facilities.'

Wopperer – In which there is no cooking.

Badami – There is no gas line there, right? Right now there's no plans for that right?

Donahoe – We are heating this building; we will heat the slab, so my guess is we will have a small boiler. It seems to me that gas would be most efficient to operate that. We would have no reason to run gas above the basement level.

Wopperer – What is the square footage of the rec room?

Donahoe – It's 24 by 30, so it's 720 SF.

Zapata – In the code, when it says no commercial use, renting out an apartment would not be considered a commercial use?

Balestra – That would be considered a residential use.

(2) Such conditional use and site development plan are in harmony with and will not impede the orderly development of the district, and the location, nature and height of buildings, structures, walls, fences and parking areas will not discourage the appropriate development and use of the adjacent lands.

Balestra -- The thing about this factor is the structure is in a fully developed area already. It really doesn't apply.

Wopperer and Badami agreed.

(3) The water supply, sewage disposal and surface drainage systems shall be adequate to serve the conditional use.

Balestra – The conditional use is a supplemental apartment. This building is already sitting here. It is or was served by Village sewer and water.

(4) The flow, control and safety of traffic in the district will not be adversely affected to an unreasonable degree by such conditional use.

Balestra – I don't see that being an issue.

(5) The plans for such conditional use provide that all structures, equipment and materials shall be reasonably accessible for police and fire protection.

Balestra – There's plenty of driveway.

(6) The plans for such conditional use contain reasonable provision for open spaces and recreational areas appropriate to such conditional use.

Balestra – It's a big piece of property with plenty of open space there.

(7) The plans for such conditional use meet the prescribed requirements of this chapter, inclusive of the requirements for the district in which located and the following prescribed standards, and are not otherwise prohibited by law, ordinance, rule or regulation.

Balestra – There are not any following standards. There are no variances requested. I have a question in my mind, with no cooking facilities, does it meet the definition of dwelling unit and thus supplemental apartment. Mr. Crompt, I know that you are of the opinion that it does?

Crompt – You look at it, it's got snack bar, a sink, it's got a place to shower. Even though you're not showing a bed and a stove in there, it is what it is. Obviously, you do not go to that expense not to use it. It's a supplemental apartment, come on.

Wopperer – You can't guarantee that they are not going to rent it out.

Donahoe – John, do you really think the purpose of this is to rent this?

Crompt – No, No, No, No, No.

[Multiple Simultaneous Conversations]

Mrs. Mahood – Are they looking to use this, to become their primary residence or a vacation home?

Donahoe – It will become their primary residence. They have lived all over the world and he currently works in Toronto, they live in Martha's Vineyard. But they both came from Ithaca, so this is where they will live.

Wopperer – Have they talked to the neighbors at all?

Donahoe – The builder, Paul Dunham, has worked on the Beavers' home and has worked on the Young's home.

Badami – the Beavers don't seem to be in favor of it, based on an email; concerns as enumerated there. Let me just cut to the chase. Would they consider withdrawing; taking out the shower? And just leaving a bathroom?

Donahoe – Unfortunately, I don't have them available to ask that question. And I'd very much hate surrendering that, but if that's what makes the board comfortable with how they would use this space...

Badami – I get the whole man cave thing; I think it's really cool. Certainly, having a bathroom is good for that purpose.

Wopperer – When it's their home, they've retired, they've lived all over the world, they own these antique cars; I don't think they would be in the situation where they would want to rent out to someone specifically for a short-term rental.

Balestra – Just bear in mind, we do have existing regulations that prohibit short term rentals. We cannot stop someone from doing it. I think the issue is, assuming this is used as a supplemental apartment, for guests or for long-term renters, is that an issue for the Board?

Donahoe – That’s a great question. If there were a nanny or caretaker that lived there, isn’t that appropriate? Does the Village frown on an arrangement?

Badami – Not a long-term arrangement, just short-term.

Balestra – It is a permitted use, subject to the considerations that we just went through that there will be an unreasonable detrimental effect.

Donahoe – So the concern really is the short-term effect?

Wopperer – Less than 30 days.

Badami – Facilitating that use, yes.

Mr. Mahood – Is there an ability for the Zoning Board to require a deed restriction or some other restriction that says there will be no short-term rentals?

Balestra – I think it would be superfluous, since it’s already illegal.

Mr. Mahood – Just to respond to the comments that were made, there is a concern as to what the next owner might do surreptitiously.

Zapata – I guess that’s what my issue is – that we hinder progress or improvements because we are fearful of what might never happen.

Wopperer – I agree. Very good point Kathleen.

Zapata – Although I am very sensitive to the short-term rental issue.

Balestra – Sir, I would not be in favor of making such a condition because it is already illegal. If we did it would have absolutely no effect whatsoever, because we can’t make law.

Zapata – I would be more in favor of making it based on...

Wopperer – And quite frankly it’s a moot point. But I have to say that I like what the gentleman, I’m sorry what’s your name again?

Mr. Mahood – Bill Mahood.

Wopperer – Bill just mentioned. Because a lot of times you have people coming in from out of town purchasing property and they are thinking that they can do this, but they are not aware of what's been happening.

Balestra – Hopefully our Realtors are telling them.

Wopperer – But my point is sometimes our Realtors don't. And therefore people purchase thinking they can do something. So my point is, that's not a bad idea, to let people know that it happens to be a part of the use of that property.

Mr. Mahood – I just know that there are other properties along West Lake Street that have these apartments in back; they converted their garage, which really doesn't have any impact on the neighborhood to my knowledge, and I think it's fine.

Wopperer – Until it does.

Balestra – Until it becomes a hotel.

Mr. Mahood – Even though there is regulation...

Wopperer – Thank you, Bill, for your comment.

Mr. Mahood – I just don't think that you want to extend these properties so there's actually now two houses with living quarters.

Balestra – That's what we struggle with exactly. And I'm sympathetic to your clients, but at the same time I am more sympathetic to the community at large.

Donahoe—If I can understand, then, your concern is not that it would be rented, your concern is that it would be rented short-term.

Zapata – In the future, some day.

Balestra – Do you want to have a conversation with your clients and continue this to next month? Would you rather us to go forward?

Donahoe – And you are not able to act on the single piece? That would allow me...

Balestra – I haven't done it personally but I don't see why we can't.

Cromp – It is two Special Use Permits, one for the garage and one for the supplemental apartment.

Balestra – So we could continue the supplemental apartment issue for next month.

Galbato – Just for the record, as the Board might be aware from a prior email that was submitted to the ZBA prior to the Planning Board meeting, I have a conflict of interest in this since I represented the Evans when they bought the property.

Chairman Balestra, “I make a motion that we grant the application for Special Use Permit, by Guy Donahoe on behalf of Ed and Brenda Evans varying the strict application of Section 225-4 Definitions for ‘Garage’ at the property addressed as 46 West Lake Street in the Village of Skaneateles. This is a Type 2 action under SEQRA, and approval is based on plans dated March 21, 2017. This work would be independent of whether the supplemental apartment is built out, so all the construction work would be done anyway. Applicant will have one year to complete.” Member Zapata seconded the motion. Upon the unanimous vote of the members in favor of the motion, it was carried 4 – 0.

Chairman Balestra, “Then I move that we continue discussion on the application for a Special Use Permit to vary the strict definition of 225-23 Supplemental Apartments to our meeting next month.” Member Zapata seconded the motion. Upon the unanimous vote of the members in favor of the motion, it was carried 4 – 0.

This matter was concluded at 8:32 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards

**Village of Skaneateles
Zoning Board of Appeals Meeting
April 26, 2017**

Public Hearing in the matter of the Area Variance application of Jennifer Ahrens on behalf of St. James' Church to vary the strict application of Section 225-A5 Density Control Schedule for Front yard set-back; Side yard set-back, Right; Rear yard set-back; and Percentage of open area; Section 225-69D Nonconforming Buildings, Structures and Uses, Extension or Expansion and Section 225-14(c) (2) Required parking; to construct an addition to the Parish Hall to provide an accessible entry and installation of an elevator, and to provide a sloped walk to the new entry canopy with parking lot and site improvements at the property addressed as 96 East Genesee Street in the Village of Skaneateles.

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

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

Jennifer Ahrens, Architect, on behalf of the applicant
Rev. Becky Coerper, Rector, on behalf of the applicant

Ron Butchart, 72 W Elizabeth St
Mike & Millicent Mahood, 60 W Lake St

Chairman Balestra opened the public hearing in the matter of St. James' Episcopal Church for 96 East Genesee Street at 8:34 pm.

Ahrens – I'm from Bero Architecture representing St. James' Church and Becky Coerper is here today, she is the Pastor there. We are presenting the addition to the parish hall that has a walk to bring you in to the parish hall level. To back up a bit, we have been working with the church for over 5 years; it started with the condition report on the building, that turned into a master plan, that turned into a 4-phase project. And this is the 3rd phase – but really the 4th and final. The 1st phase was the roofing replacement of the main church, the 2nd phase and the 4th phase happened two summers ago – that was renovations to the main worship space and the chapel and the basement. This sort of completes the facility's goal of making the building completely handicap accessible. One of the missions of the church is to really be a building for the community and be open and warm and welcoming for the whole community. So the primary purpose for the project is to open the doors to the community; get everyone safely into the building. Right now there is

only access through the church for someone in a wheelchair or walker. Also in the winter, the sloped grade that goes down to the parish hall doors is a big safety concern for the church. These are just some aerial photos. The project comprises adding an infill to this area – about 8 feet deep and 20 feet long, where we are infilling between the parish hall entrance and the main historic church. We are adding a sloped walk and an entry canopy, so you enter on the first floor. This is the church here and the parish hall is back here, the rectory is here. We just received approval last night from the HLPC for the design work. So the sloped walk takes you between the canopy structure and the church and you enter into the parish hall there. Along with the project there will be storm water improvements; they are going to be digging up the driveway and replacing the asphalt. At the same time, checking the water line and sewer to the street, replacing these if needed. The parish hall is 1960s, the church is 1880s. This addition really serves to be secondary obviously to the main entrance of the church, but also to draw people into the canopy.

Wopperer – So is this all; I know this is being raised so you have this entrance, so how is this going to be raised with the doors like that?

Ahrens – Looking at this plan here, the sidewalk – it's actually a sloped walk so we don't need handrails for a ramp. The driveway continues to slope down.

Wopperer – OK, so the driveway will slope down.

Ahrens – It will continue to slope down; we have 4 parking spaces. You will still be able to enter the parish hall at the mid-level and go up or down. So this retaining wall is going to use the vocabulary of the Onondaga limestone of the church; we are looking at higher quality detail of how the water table stones will be. The infill in the parish hall will be linked to the parish hall; it is lenrock or variegated bluestone, with the limestone panels on each side. The heavy timber work of the canopy is supposed to be reminiscent of when you are inside the worship space. To draw your thoughts as you walk down here to become more contemplative, to enter underneath and start you thinking about entering the worship space. So we have; the only site lighting we have added is some light underneath the canopy and a couple along the piers that will shine down on the sidewalk. The church is going to be working directly with the Haynor Hoyt Corp. They were the ones that did phases 2 & 4; high quality work. We are putting it to bid next month, pending your approval, of course.

Wopperer – Is Haynor Hoyt doing the actual construction or are you putting it to bid for construction.

Ahrens – They are bidding it to their subs.

Wopperer – OK, now I get it. And that is what you are here for approval tonight – the outside portion here.

Ahrens – It is for Open Space. Looking at the chart here is what we are lacking. Most are preexisting nonconforming situations. But the open space is the issue. We need 90% to be

conforming in the A1 District. We are currently are at 71.9% and we are going to 71.3%, a reduction of 0.6%.

Wopperer – In the back here, is this a patio you are adding on the back?

Ahrens – No, that is just a blow up of this portion here.

Wopperer – So this is already existing in the back?

Zapata – This is the main street, the church is here and then you have the parish hall here. So it's not adding anything in the back, it is actually the front.

Wopperer – I get the front; I thought you were adding something in the back.

Ahrens – The project is just the site work, the sidewalk, the infill...

Wopperer – I see, this is an enlargement of this. Got it.

Balestra – The variances requested don't bother me so much as consideration of, I think, a great improvement.

Ahrens – This is an elevation of how the driveway continues to slope down and there will be this retaining wall for where that sloped walk is.

Badami – I just need to disclose for the record that when I moved here I was a member of the church.

Coerper – What happened?

Badami – It was a nursery school issue. I had to go across the street, but I think I can remain objective. It's a great project. I love seeing the improvements; it just keeps getting more beautiful.

Balestra – The Planning Board had a comment about some of the stone material?

Ahrens – That was here. There is a site retaining wall along the rectory, here. It is made of a natural stone. On the drawings we are showing a keystone type retaining wall, and they didn't want that. So what we are going to do is to salvage this stone and get more to match, then rebuild. The retaining wall will be, at the highest 1 foot to 1.5 feet. So it's not a big piece.

Balestra – But a nice suggestion I thought.

Ahrens – Yes, I thought it was. They are doing such quality work here, not to overlook that part. This part here; it just a minor detail.

Zapata – I see.

Ahrens -- Just of interest, Becky actually found this window which is of the same era as the rest of the church windows. Becky found it in the attic, and it is becoming the transom over the door.

Balestra – Is there anyone here to speak in favor of the application? [no one]. Anyone here to speak against? [no one].

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

Member Wopperer, “I move that we approve the Area Variance application of Jennifer Ahrens on behalf of St. James’ Church to vary the strict application of Section 225-A5 Density Control Schedule for Front yard set-back; Side yard set-back, Right; Rear yard set-back; and Percentage of open area; Section 225-69D Nonconforming Buildings, Structures and Uses, Extension or Expansion and Section 225-14(c) (2) Required parking; to construct an addition to the Parish Hall to provide an accessible entry and installation of an elevator, and to provide a sloped walk to the new entry canopy with parking lot and site improvements at the property addressed as 96 East Genesee Street in the Village of Skaneateles. This approval is based on drawings dated April 25, 2017. This is a Type 2 action under SEQRA and applicant shall have one year to complete.” Chairman Balestra seconded the motion. Upon the unanimous vote of the members in favor of the motion, it was carried 4 – 0.

This matter was concluded and on motion of Chairman Balestra, seconded by Member Badami, the meeting adjourned at 8:52pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards