

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

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Public Hearing in the matter of the area variance application of Matthew and Julia Herbst to vary the strict application of Section 225-A5 Density Control Schedule for Front yard set-back; Side yard set-back, left; Side yard set-back, right; Both side yards combined; Percentage of open area; and Percentage of structure width/lot width and Section 225-69D Nonconforming Buildings, Structures and Uses, Extension or Expansion to construct a 22 by 28 foot two-story addition and 12 by 22 foot patio at the property addressed as 30 East Austin Street in the Village of Skaneateles.

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Present: Michael Balestra, Chairman  
David Badami, Chairman  
Gerald Carroll, 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  
Matt Herbst, applicant  
Julia Herbst, applicant  
Owen Herbst, on behalf of the applicant

Greg Eriksen, Village Trustee  
Ryan Coon, 1451 New Seneca Tpke  
Nancy McDowell, 30 Hannum St  
Bonnie Dries, 10 Orchard Rd  
Chris Kozub, 35 Fennell St

Chairman Balestra called for the matter of Matthew and Julia Herbst for 30 East Austin St at 7:30 pm.

Eggleston – We have a nonconforming structure which is very typical of the neighborhood in many different ways. We are proposing to put a two-story addition with a walk-out basement on this; the ground falls away at the back. The only new variance we are creating is a decrease in open area from a conforming 87.5% dropping it to 82.03%. This is a house that really hasn't had a lot of improvements made. It had a garage added, that we had to work with at a lower level. We incorporated the garage and the entrance to make it work well so you can enter either half up

to the first floor or half down to the recreation room in the basement. We have maintained the style and details of the house; reduced slightly the size to acknowledge an addition and break it up a little bit, using traditional forms and details. I know questions about drainage in the Village; this is the top of the hill so there's a lot of people below it. [Chairman Balestra indicated that he and Member Carroll live below it.] There is a trench drain in front of the existing garage because the garage slopes down. They have done some checking on that and they are going to make sure that drain has been improved and brought to the storm sewers. With that, I believe we can tie in the roof gutters; we can probably get 90% of the roof gutters tied into that drain that goes to the sewer. Our approach is going to be getting the house hard surface to the storm sewers, which should improve the situation.

Balestra – Which gutters might not be able to be connected?

Eggleston – There's a little back corner that may be difficult to catch. We can get the east gutters, the west gutters; in that we have the trench drain in front of the garage, everything can get to that and then head to the storm sewers.

Balestra – Will you be able to tie in the gutters from the addition? That's obviously the most relevant.

Eggleston – Yes, yes. The west side is easy. It's when we get to the back side of the garage; can we get enough pitch to get to the storm sewer?

Balestra – I think it looks like a good project; a house that needs a bit of work. Having read the Planning Board minutes, I'd recommend a condition that at least for the addition, that those gutters be tied into the storm sewer. If the applicant wants to go further than that, that's tie prerogative. It would be a bonus for everyone around.

Badami – This may seem a bit technical; are you going to use 5 inch gutters or 6 inch gutters? If you are putting...

Eggleston – You can upsize the gutters to take it. There's a way to calculate gutter size. As important is the downspouts and the pipe receiving it at the bottom; that you not undersize that to slow up the pitch. By the time we take 55 feet of run, we'll want to make sure that we have a larger gutter than the standard 4 inch.

Wopperer – When you are going into the storm sewer you are basically French draining it?

Eggleston – French drain is a technical definition that doesn't quite fit here. What we are doing is hard piping it.

Balestra – It is only the open area variance and a relatively minimal variance and will be a pretty good benefit to the applicant. Is there anyone here to speak in favor of the application? [no one] Is there anyone here to speak in opposition? [no one] Mr. Eggleston then submitted the 'no objection' letters for the file.

**Chairman Balestra, “I’ll move that 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 5 – 0. Member Wopperer, “I’ll move that we accept the area variance application of Matthew and Julia Herbst to vary the strict application of Section 225-A5 Density Control Schedule for Front yard set-back; Side yard set-back, left; Side yard set-back, right; Both side yards combined; Percentage of open area; and Percentage of structure width/lot width and Section 225-69D Nonconforming Buildings, Structures and Uses, Extension or Expansion to construct a 22 by 28 foot two-story addition and 12 by 22 foot patio at the property addressed as 30 East Austin Street in the Village of Skaneateles. Further, this is a type 2 action under SEQRA and is based on drawings dated 5/16/2017, and is conditioned on the requirement that suitable gutters on the addition be tied into the Village’s storm sewer system. The applicants shall have one year to complete, until July 26, 2018.” Chairman Balestra seconded the motion. Upon the unanimous vote of the members in favor of the motion, it was carried 5 – 0.**

This matter was concluded at 7:40 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards



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

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Public Hearing in the matter of the area variance application of William Lynn & Michele Germain 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; Rear yard set-back; Percentage of open area; and Percentage of structure width/lot width and Section 225-69D Nonconforming Buildings, Structures and Uses, Extension or Expansion to repair an existing staircase, enclose the entrance to garage and add doors to access back yard and deck at the property addressed as 127 East Genesee Street in the Village of Skaneateles.

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

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

Bill Lynn, applicant  
Michele Germain, applicant

Greg Eriksen, Village Trustee  
Ryan Coon, 1451 New Seneca Tpke  
Nancy McDowell, 30 Hannum St  
Bonnie Dries, 10 Orchard Rd  
Chris Kozub, 35 Fennell St  
Bob Eggleston, 1391 E Genesee St

Chairman Balestra called for the matter of William Lynn & Michele Germain for 127 East Genesee St. at 7:41 pm.

Lynn – We are seeking a variance to cover; in the back of the house there is a staircase that's about 5 steps. On the 3<sup>rd</sup> page of the plans. There's an existing staircase that's down to that garage door, and we want to enclose it and then install a doorway to the back yard. We are not extending any roof lines. See that roof line right there; the wall comes right down off the roof line. Well 6 inches in or 8 inches in, where that beam is. So we're not changing the roof line, we are not moving the stairs. We're going to put a foundation under them and fix them up, and cover that so we can get to the garage.

Balestra – It looks like there's very minimal, there's a lot; it's existing nonconforming. A minimal change to the open area from 70.2 to 69.5%. So that's the only real changes that's resulted.

Lynn – I think they even found that it was zero.

Dundon – The Planning Board thought that the open area change is zero, because it is still under roof.

Lynn – The roof is already there.

Balestra – That's a good point; so that's a mistake. So really it is no changes to the existing nonconformity, you are making an improvement to your property.

Lynn – But it was a vertical wall and it was nonconforming to begin with.

Balestra – Anybody have questions? It is pretty straightforward. Anyone here to speak in favor? [no one] How about in opposition? [no one]

**Chairman Balestra, "I'll make a motion to 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 5 – 0. Chairman Balestra, "I move that we grant the application of William Lynn & Michele Germain 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; Rear yard set-back; Percentage of open area; and Percentage of structure width/lot width and Section 225-69D Nonconforming Buildings, Structures and Uses, Extension or Expansion to repair an existing staircase, enclose the entrance to garage and add doors to access back yard and deck at the property addressed as 127 East Genesee Street in the Village of Skaneateles. This is a Type 2 action under SEQRA and this motion if granted is pursuant to drawings dated July 10, 2017. Applicant shall have one year to complete." Member Carroll seconded the motion. Upon the unanimous vote of the members in favor of the motion, it was carried 5 – 0. The applicants thanked the Board.**

This matter was concluded at 7:45 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards

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

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Public Hearing in the matter of the area variance application of Laure Lillie to vary the strict application of Section 225-A5 Density Control Schedule for Front yard set-back; Side yard set-back, left; Side yard set-back, right; Both side yards combined; Rear yard set-back; and Percentage of open area; and Section 225-69D Nonconforming Buildings, Structures and Uses, Extension or Expansion to update the front porch and to construct a 252 SF deck off the rear of the structure at the property addressed as 60 West Elizabeth Street in the Village of Skaneateles.

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

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

Ryan Coon, Architect, on behalf of the applicant

Greg Eriksen, Village Trustee  
Nancy McDowell, 30 Hannum St  
Bonnie Dries, 10 Orchard Rd  
Chris Kozub, 35 Fennell St  
Bob Eggleston, 1391 E Genesee St

Chairman Balestra called for the matter of Laure Lillie for 60 West Elizabeth St. at 7:46 pm. He noted a handwritten letter of July 26, 2017 by Johann Visser at 62 W Elizabeth Street in favor of the application.

Coon – I guess I’ll just start with the reading of our zoning narrative. ‘Laure Lilley has lived at 60 West Elizabeth Street since 2011. While she loves her quaint village home, she would like to request a number of different variances from the Village Zoning Board of Appeals to update the existing front porch...

Balestra – If I could interrupt you, I don’t mean to disrupt the flow. Has everybody read the narrative? [Members indicated that they had.] So we don’t have to do that. Why don’t you tell us what she wants to do.

Coon – We are looking to open up the existing front porch that has been enclosed for a number of years now. There is an existing little uncovered porch coming off the side of it; we'd like to remove that and add a new porch that starts to work a little bit more harmoniously with the new corner that was put on for Orchard Street. And then to the rear, we are requesting a variance to add a deck so they can have a little bit better use of their exterior space. Right now, they have to walk outside and around the corner and move a car to put in the grill. On top of that they are also proposing putting in a collection basin that they would pipe to the swale at the back of the property.

Balestra – So the plan, and I think it looks, I know there's some substantial construction going on next door and this will be a further improvement to that part of the neighborhood. The plan is to put a hot tub on the back deck?

Coon – The plan is to recess the hot tub, and the hot tub is included in the coverages.

Balestra – The hot tub would be a permitted accessory use, and I am going to add this to your application – you are going to need a variance from section 225-14C(5)(d), which says in “residential A, accessory uses not enclosed in a building, including swimming pools and tennis courts, may not be located in a front yard, and such usage shall be distant not less than 25 feet from any side or rear lot line in the District.” This looks like it would definitely be within 25 feet of the side lot line, so I'm going to amend your application for you for a variance to accommodate that.

Carroll – And how close is it?

Coon – We are 18 to 20 to the edge of it. I would put the leading edge of it at 20 foot, maybe 18.

Badami – Between 15 and 18, then? I'll just disclose at this point that Laure's my former next-door neighbor. I consider her a friend, but I believe I can be impartial. The house that they are renovating is right here, but on this side there is yard. Is there any reason to not put it on this side?

Coon – The only thing would be a design issue when it comes to access of the deck. This here is the kitchen, where they are not looking to do any renovation. This is the dining room; it already has a window that they are looking to just expand the header.

Zapata – I almost feel that if the neighbors don't oppose it, it is almost better over there so you don't see the hot tub from the street.

Badami – No you won't because there's evergreens here but literally they are going to be looking right in their house.

Coon – We also have, we have also proposed a privacy screen.

Badami – That will do it.

Coon—They also don't want the neighbors to be looking at them in the hot tub.

Badami – Is that shown, the height of it?

Coon – I'm not, but I'm putting it at around 8 feet, from the driveway level. And we have recessed the hot tub; the hot tub is actually setting on the driveway. I would put the height of the privacy screen to about 8 feet from the ground.

Dundon – John, would you consider that a fence? A privacy screen at 8 feet tall; would that be considered a fence?

Cromp – Is it within the 15 foot set-back? If it's more than 15 feet, it can be more than 6 feet high.

Badami – I like the height for the privacy.

Coon – This dotted line is the 15 foot set-back.

Badami – It is outside of that so we don't need it. Great.

Balestra – Any other questions? Anyone here to speak in favor? [no one] Anyone in opposition? [no one]

Wopperer – What's the issue of the stairs that the Planning Board mentioned?

Coon – We are trying to reduce the side yard encroachment, so we'll pick up the grade and increase the risers.

**Chairman Balestra, "I'll make a motion that we close the public hearing." The motion was seconded by Member Carroll. Upon the unanimous vote of the members in favor of the motion, it was carried 5 – 0. Member Zapata, "I'll move that we grant the area variance application of Laure Lillie to vary the strict application of Section 225-A5 Density Control Schedule for Front yard set-back; Side yard set-back, left; Side yard set-back, right; Both side yards combined; Rear yard set-back; and Percentage of open area; Section 225-14C(5)(d) for set-back of the hot tub; and Section 225-69D Nonconforming Buildings, Structures and Uses, Extension or Expansion to update the front porch and to construct a 252 SF deck off the rear of the structure at the property addressed as 60 West Elizabeth Street in the Village of Skaneateles. This is a Type 2 action under SEQRA and per plans dated May 15<sup>th</sup>, 2017. The applicant shall have until May 31, 2018 to complete." Chairman Balestra seconded the motion. Upon the unanimous vote of the members in favor of the motion, it was carried 5 – 0.**

This matter was concluded at 7:58 pm.

Respectfully submitted,  
Dennis Dundon, Clerk to the Boards



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

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Public Hearing in the matter of the area variance application of Nancy McDowell to vary the strict application of Section 225-A5 Density Control Schedule for Front yard set-back; and Side yard set-back, right; and Section 225-69D Nonconforming Buildings, Structures and Uses, Extension or Expansion to update the front porch and to construct a 4 foot extension of an existing deck using a cantilever construction technique at the property addressed as 30 Hannum Street in the Village of Skaneateles.

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

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

Nancy McDowell, applicant

Gregg Eriksen, Village Trustee  
Bonnie Dries, 10 Orchard Rd  
Chris Kozub, 35 Fennell Street  
Bob Eggleston, 1391 E Genesee St

Chairman Balestra called for the matter of Nancy McDowell for 30 Hannum Street at 7:59 pm.

McDowell – It's the back deck. We just want to add 4 feet to make it deeper.

Balestra – And you are not adding an entrance into the enclosed porch?

McDowell – No, No entry. Just make more room on the deck.

Badami – You are coming this way/

McDowell – Yes.

Cromp – And no footers; it's cantilevered. Nothing is touching the ground.

Zapata – this doesn't really matter, but I love the look of this house now. I think it looks so great.

Wopperer – I love the deck; it’s very pretty.

Balestra – It’s a pretty minor thing. I’m sure it will suit your purposes well. Anyone here to speak in favor? [no one] Anyone in opposition? [No one]

**Chairman Balestra, “Then I’ll move that we close the public hearing.” Member Carroll seconded the motion. Upon the unanimous vote of the members in favor of the motion, it was carried 5 – 0. Chairman Balestra, “I’ll make a motion that we grant the area variance application of Nancy McDowell to vary the strict application of Section 225-A5 Density Control Schedule for Front yard set-back; and Side yard set-back, right; and Section 225-69D Nonconforming Buildings, Structures and Uses, Extension or Expansion to construct a 4 foot extension of an existing deck using a cantilever construction technique at the property addressed as 30 Hannum Street in the Village of Skaneateles. This is a Type 2 action under SEQRA and approval is based on survey map dated July 27, 2013. Applicant shall have until 12/31/2017 to complete. Member Badami seconded the motion.**

This matter was concluded at 8:02 pm.

Respectfully submitted,  
Dennis Dundon, Clerk to the Boards

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

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Public Hearing in the matter of the area variance application of Christopher Kozub on behalf of John Michel to vary the strict application of Section 225-A5 Density Control Schedule for Side yard set-back, left; Both side yards combined; and Percentage of open area and Section 225-69D Nonconforming Buildings, Structures and Uses, Extension or Expansion to construct a new 2.5 car garage addition, enclose an existing porch and to construct an addition over an existing one-story portion of the existing structure at the property addressed as 43 East Elizabeth Street in the Village of Skaneateles.

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

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

Chris Kozub, Architect, on behalf of the applicant

Gregg Eriksen, Village Trustee  
Bonnie Dries, 10 Orchard Rd  
Bob Eggleston, 1391 E Genesee St

Chairman Balestra called for the matter of Chris Kozub for John Michel at 43 East Elizabeth Street at 8:03 pm.

Kozub – I'd like to enter a 'no objection' letter into the record, please.

Balestra – The record contains a letter from Paul Torrisi, Jr., 41 East Elizabeth Street which is the neighbor directly to the west, which is really the only neighbor impacted?

Kozub – Correct.

Wopperer – He is not in favor of this?

Balestra – It says, "We are writing this letter in support of the proposed project at 43 East Elizabeth Street, and we recommend the ZBA approve the requested variance."

Kozub – As you can see it is fairly straightforward. The plan on your left; the orange shows an existing driveway. Essentially what we are going to do for the addition is come right off the back of the house towards the rear of the lot, taking up that paved area and taking a little bit of the side yard in order to construct that addition; enclose the porch that you drive by between the school access and the edge of the property; and then create a little bit of an addition, raising the roof above what is an existing family room that they are turning into a master bedroom on the first floor. In order to accommodate their family, their kids, give them a little space and get the cars out of the weather. The net result is in area just under a 2% decrease in open space that is currently on the lot. We are also going to take out a small shed located in the rear of the property and shown in red. There are a number of preexisting nonconforming issues with this lot as you have gone through this evening.

Balestra – When you calculated the open space, did you include in the coverage the driveway?

Kozub – I did originally, and I believe John [Cromp] made an adjustment to my calculations.

Balestra – I just want to make sure the math is right. Now since you are adding a two-car garage, the parking spaces are in there, so none of the driveway would actually be a part of the open space calculation. John, have you double-checked the math on all that so now we are good?

Cromp -- Yes.

Kozub—Yes, that was definitely a nuance in the zoning that I didn't pick up on. That's what we are asking to do, if you have any more questions, I'd be happy to answer.

Balestra – Looking at this, it looks very nice and I don't think it is inappropriate for that lot. The obvious impact is on that neighbor and what they thought of it. The ironic thing is, you could but a detached garage 3 feet from the lot line, as long s it is 10 feet from the house, and it would be even more imposing.

Kozub – Right.

Balestra – So if the neighbors are for it and considering that fact...

Kozub – And functionally it works better obviously for the family it works better – just in and out with groceries.

Balestra – Are there; I'm just thinking if drainage is going to be a concern?

Badami – Torrisis are on the same level, but in the other side it slopes down to the school proper.

Kozub – They are up probably 4 feet from the entrance of the school drive line to where this addition would be. It is wooded for the majority of that; the first 60 feet of that is grass.

Balestra –And most of what you are building on is impermeable currently. The neighbors are in favor of it; I assume that are not having any big drainage problems.

Kozub -- I am calling for gutters on the front and the back, so we will pipe the water and direct it toward their lot, not the neighbor's. They have a pretty deep lot. That would mitigate any issue with drainage for the neighbor and I don't see any issue with the school, even where the existing driveway is now.

Balestra – You really can't make the driveway any smaller to access the garage; it looks pretty reasonable. I am always conscious of the open area and this is not too far off the mark. It is in line with what we usually grant.

Kozub – We are grabbing a little more driveway for turnaround space to make it feasible and functional. Try to keep that as minimal as possible and try to be in line with the open space requirements.

Badami – I really don't mind it because there is no neighbor to the other side.

Zapata – It's tight back there.

Kozub – And you want a little space to push snow in winter.

Balestra – Anyone to speak in favor? [no one] Anyone opposed? [no one]

**Chairman Balestra, "Then I will make a motion to close the public hearing." Member Zapata seconded the motion. Upon the unanimous vote of the members in favor of the motion, it was carried 5 – 0. Member Zapata, "I will move that we grant the area variance application of Christopher Kozub on behalf of John Michel to vary the strict application of Section 225-A5 Density Control Schedule for Side yard set-back, left; Both side yards combined; and Percentage of open area and Section 225-69D Nonconforming Buildings, Structures and Uses, Extension or Expansion to construct a new 2.5 car garage addition, enclose an existing porch and to construct an addition over an existing one-story portion of the existing structure at the property addressed as 43 East Elizabeth Street in the Village of Skaneateles. This is a Type 2 action under SEQRA and approval is based on plans dated June 26, 2017. Applicant shall have until July 31, 2018 to complete. Chairman Balestra seconded the motion. Upon the unanimous vote of the members in favor of the motion, it was carried 5 – 0.**

This matter was concluded at 8:12 pm.

Respectfully submitted,  
Dennis Dundon, Clerk to the Boards



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

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Public Hearing in the matter of the area variance application of Dana Dries to vary the strict application of Section 225-A5 Density Control Schedule for Front yard set-back; Side yard set-back, left; and Percentage of open area; and Section 225-69D Nonconforming Buildings, Structures and Uses, Extension or Expansion; to remove existing front porch, construct 8 x 20 foot porch, remove back porch, construct a 2-story addition at rear of house and construct a second-story addition over existing 1-story house at the property addressed as 10 Orchard Road in the Village of Skaneateles. *These variances were previously recommended by the Planning Board and were granted by the Zoning Board of Appeals at its meeting of May 24, 2016. The variances expired on May 23, 2017.*

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Present: Michael Balestra, Chairman  
David Badami, Chairman  
Gerald Carroll, 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  
Bonnie Dries, on behalf of the applicant

Gregg Eriksen, Village Trustee

Chairman Balestra called for the matter of Dana Dries at 10 Orchard Road at 8:12 pm.

Eggleston -- I can speak on behalf.

Balestra – Let me ask; the exterior alterations have been completed?

Eggleston – The exterior alterations are completed. One of the problems is that Dana is doing a lot of the work himself. That's why it is taking him longer. The sheetrock is complete, they are installing cabinets. He's also paying cash as he goes along so that slows things down too. I believe on the exterior, there are some finish details on the porch. It is my understanding that he had to put a new sewer line in; that happened yesterday, so now he can get the lawn graded and seeded. He has a day job, which is why it is taking longer.

Balestra – How much more time is being requested?

Eggleston – The reality is he'd like to have a couple months; he'd love to have 6 months, but seeing how he's not very good at getting back. I'd like to see him have a year.

Balestra – This is a comment for the Board. Normally, my main consideration is disruption to neighbors. In fact, one of the neighbors wrote us a letter saying 'can they do this after Labor Day because we are having guests in town?' But if it is mostly finish work that's going on inside, I don't anticipate that there is much disruption to the neighborhood going on. As I sit here tonight, if he wants to take his time to finish the inside...

Badami – I don't have a problem because it is the inside, he's doing it as he can and paying for it as he goes, he's doing it himself...

Wopperer – Maybe from a wifey standpoint, we'll give him a year but tell him he's got 6 months.

Eggleston – The trouble is if he had a wife, it would be done.

Carroll – John, please educate me. The Board has already approved the variance. Is this more a permitting time frame issue?

Balestra – It expired.

Cromp – You weren't on the Board, but this exact same thing happened across the street at the Drakes. Everything expired, they had to come in and do the application all over again and pay the variance fee.

Carroll – The variance is the variance; it's granted, it's granted. But from a permitting issue do you have a concern here?

Cromp – I will issue a new building permit with the date that you are going to give him.

Balestra – Technically these variances are no longer variances. We have to regrant the variances.

Galbato – Because it expired by its own terms.

Balestra – What I am inclined to do is modify our previous; modify the motion that was passed from May 24<sup>th</sup>, 2016, to just extend the completion date and in so doing grant the application. Otherwise, everything stays the same.

Carroll – Are you good with a year, John?

Cromp – Yeah. This issue with the neighbor was with the neighbor to the east. Any issues with construction will be on the front of the house, and there are other neighbors doing stuff to the fronts of their houses too. I think there will be minor distractions for the neighbors until he gets it done, and everything else is interior.

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

**Chairman Balestra, “Then I will move that 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 5 – 0. Chairman Balestra, “I’ll make a motion that we grant the application of Dana Dries to vary the strict application of Section 225-A5 Density Control Schedule for Front yard set-back; Side yard set-back, left; and Percentage of open area; and Section 225-69D Nonconforming Buildings, Structures and Uses, Extension or Expansion; to remove existing front porch, construct 8 x 20 foot porch, remove back porch, construct a 2-story addition at rear of house and construct a second-story addition over existing 1-story house at the property addressed as 10 Orchard Road in the Village of Skaneateles. In so doing, we will modify the Board’s prior motion which was passed on May 24, 2016, to extend the date of completion of that application. The new date for completion will be July 26, 2018. Otherwise all of the conditions of the prior application are incorporated in this motion, the entirety of that application is incorporated in this motion and remains the same.” Member Zapata seconded the motion. Upon the unanimous vote of the members in favor of the motion, it was carried 5 – 0.**

Mr. Eggleston thanked the Board and speculated on what would happen if the variances were not granted again. Members Carroll and Badami seem to think that the applicant is entitled to rely on approvals granted by the Board. He then went on to lecture the Board on his vision of how limiting variances could be replaced with a process similar to that used by the Town of Skaneateles. The Board has heard these arguments previously in the Drake situation. Chairman Balestra suggested that if applicants return to the Board before the expiration date, the Board is in a position to take the appropriate action. That did not happen in this case. The Board grants these variances on the basis of existing conditions, on the basis of the comments of the public at the time. If 18 months, 24 months goes by and you have a new neighbor, something new is built, something changes – the Board is the entity that grants variances and the CEO should not have to make the call on whether it is extended. Maybe the need to come back here will light a fire under somebody. It is happening less often.

This matter was concluded at 8:24 pm.

Respectfully submitted,  
Dennis Dundon, Clerk to the Boards



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

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Continued discussion on the referral by the Planning Board to the Zoning Board of Appeals, in the matter of the Mirbeau Gateway proposed development, of the question as to the Board's willingness to grant the variances necessary for the construction of one-family homes on proposed lots 1 through 5, including the specific set-backs necessary to provide the appropriate building envelope, in advance of the subdivision in question being approved by the Planning Board. The properties are located at the corner of West Genesee and Fuller Streets in the Village of Skaneateles.

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Present: Michael Balestra, Chairman -- *Recused*  
David Badami, Chairman  
Gerald Carroll, Member  
Maureen Wopperer, Member  
Kathleen Zapata, Member

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

Greg Eriksen, Village Trustee  
Bob Eggleston, 1391 E Genesee St

Chairman Balestra called for the matter of the Planning Board referral of issues regarding the proposed Mirbeau Gateway development at 8:25 pm, noting his continued recusal in this matter and that Member Badami would chair this discussion.

**Chairman Badami, "Between our last meeting and today, we had proposed a draft response to the Planning Board that all members have read already. So, I will move that the Board approve the formal response from the Zoning Board to the Planning Board as read by Member Carroll."**

**Member Carroll, "The motion is that the Zoning Board of Appeals resolve that in response to the question referred to the Zoning Board of Appeals by the Planning Board in its meeting on May 4, 2017, regarding the ZBA's willingness to grant the variances necessary for the construction of single family homes on proposed lots 1 through 5, including the specific set-backs necessary to provide the appropriate building envelope, in advance of the subdivision in question being approved by the Planning Board, it is the ZBA's interpretation of Chapter 190, Subdivision of Land, that the Planning Board is authorized to approve subdivisions of land in accordance with that chapter, which includes the**

**authority to approve final subdivision plats per Section 190-6 and to vary the strict application of Chapter 225, Zoning, per Section 190-21. Further, Section 225-75(B)(2)(b) states that the proper exercise of the ZBA's power shall be construed as requiring that "[t]he jurisdiction of the Planning Board shall not be infringed upon by action of the Zoning Board of Appeals in any matter, including matters which involve the approval of a plat." The ZBA, therefore, does not have the authority to grant variances in advance of the subdivision being approved by the Planning Board. The approval of such variances, if appropriate under the standard set forth in Section 190-21, is vested with the Planning Board as part of the subdivision process and its approval of final subdivision plats." Member Zapata seconded the motion. Upon the unanimous vote of the non-recused members in favor of the motion, it was carried 4 – 0, with Chairman Balestra recused.**

Chairman Badami asked that Mr. Dundon transmit the Board's findings in this matter formally to the Planning Board.

**Chairman Balestra, "I'll make a motion that we adjourn the meeting." Member Wopperer seconded the motion. Upon the unanimous vote of the members in favor of the motion, the meeting was closed at 8:29 pm.**

Respectfully submitted,

Dennis Dundon, Clerk to the Boards