Village of Skaneateles
Zoning Board of Appeals Meeting
October 25, 2017

Public Hearing in the matter of the area variance application of Morgan Moss on behalf of 63 W L Holdings LLC to vary the strict application of Section 225-A5 Density Control Schedule for Rear yard set-back/boathouse; and minimum floor area; and Section 225-69D Nonconforming Buildings, Structures and Uses, Extension or Expansion; to construct a retaining wall and driveway; install drainage, repair boathouse foundation increasing its height; and replace cottage patio at the north property addressed as 63 West Lake Street in the Village of Skaneateles.

Present: 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

Bob Eggleston, Architect, on behalf of 63 W L Holdings, LLC

Gregg Eriksen, Village Trustee
Michael Fogel, Esq., Syracuse, on behalf of Camp Jolly, LLC
Rick Parcells, Michigan, on behalf of Camp Jolly, LLC
Jane Lanshe, Texas, on behalf of Camp Jolly, LLC
Jim Lanshe, Texas, on behalf of Camp Jolly, LLC
Greg Young, 2234 Benson Rd
Emily Young, 2234 Benson Rd
Kathie Dyson, 1 Teasel Lane
L. Schram, 51 E Lake St
Dale Drake, 9 Orchard Rd
Stacy Drake, 9 Orchard Rd
Ron Butchart, 72 W Elizabeth St
Tim Lynn, 50 Academy St

Excused: Michael Balestra, Chairman

Chairman Badami opened the public hearing in the matter of 63 W L Holdings, LLC for 63 West Lake Street at 7:30 pm, explaining to those present that an affirmative vote of three members is required to take action.

Eggleston – Morgan Moss is not able to attend. The property we refer to as north; for some reason there are two adjacent properties that have the same address. There's two applications that we submitted at the same time – one was to construct a garage that was up by the road. It was a two-car garage which has a recreation space/gym in the basement below it. That did not require any variances, only site plan review in that we were disturbing more than 3,000 SF within the lake water zone. We went through meetings with the Planning Board, discussing that, the cottage and the boathouse work. The site plan review was granted at their last meeting. There was a request for an affidavit; we have supplied a rough copy of that to the attorney. He is reviewing that. What is before the Board is a variance for the existing boathouse. We are all familiar with it; it is the iconic second empire boathouse down on the lake. This building has two levels to it. It has two rooms and maybe a closet. There is no plumbing in it. It really is just a day room place. Underneath it has a boat slip for very short people. A few things have been done, modifying it slightly; there was a dock put on the front which is over the water. The current owner wants to restore it back to its original grandeur, which is very much intact as it is. They will be replacing the slate roof that is well over 100 years old. It is very thin and brittle; we will be replacing it exact. We will be replacing the moldings that have rotted and put everything back in shape to make it be able to stand for the next 100 years.

One of the issues we found is the foundation has a stone foundation that is kind of tied into the seawall. There are some cracks in it that were concerning. We had a structural engineer put test strips on the cracks and watched them over a year's period. It was determined that these are not active cracks. We don't have to rebuild the wonderful limestone foundation. We will be jacking up the boathouse in its entirety. We will put a 1 foot deep concrete bond beam on top of the stone foundation that will consolidate the foundation. That way, if there is some future movement in the stone, the stable portions of the foundation will keep it intact. At the same time we will make it plumb and square and level. We will repair any rotted wood; it will be basically restored to its current original condition. Bruce Kenan was kind enough to take a photograph of a photo he has in his house; it is remarkable similar to what's there. Because we are raising the height of the boathouse one foot, John Cromp has determined that we are expanding a nonconforming structure. The structure is nonconforming according to John in that it does not have a rear yard setback. And I guess the side yard is questionable, involving a main building or an accessory building. Regardless, we are here for expansion of a nonconforming structure. In the lakeshore overlay zone, they very specifically talk about boathouses, they want them maintained and to keep them. So in my opinion, this is an allowed structure within 50 feet of the lake.

The cottage itself will just have a simple makeover. We are putting shingles on the new garage and trim, so we will be cleaning up the cottage from its current condition. The only physical change is that we are changing 6 foot French doors to 9 foot sliding French doors so we have a nicer view towards the lake. This is a nonconforming structure in that it is only 589 SF in that a primary dwelling is required to have 1,200 SF. It will be maintained as a one bedroom dwelling, all we a ding is replacing the patio that surrounds it in the same area with a different material.

Badami – So they existing cottage is habitable, it's just cosmetic?

Eggleston – Yeah, these are all cosmetic. It is a seasonal cottage; it is not year round.

Badami – It is not heated, not insulated?

Eggleston – It is not heated and the water system is not protected for winter occupancy.

Wopperer – The French doors are going where, Bob?

Eggleston – On the lake side.

Wopperer – Are you talking the boathouse now?

Eggleston – We are not changing anything except raising the height of the boathouse. The variance is expanding it 1 foot of height. What it helps to do is he entrance on the back side is kind of set in the ground. It should be raised up. We will hold in the concrete 6 inches, so we can face the outside with limestone.

Wopperer – So for the boathouse you are asking for an additional 12 inches of height. And on the cottage the French doors are going to go where?

Eggleston – On the east side. They are 6 foot French doors now with a lot of blank wall space, we are going to make 9 foot doors. That in itself normally doesn't require any zoning approval.

Wopperer – So what are the variances you are asking for on the cottage itself?

Eggleston – I was told that it is a nonconforming cottage because it is less than 1200 SF.

Wopperer – So the variance you are asking for on the cottage is?

Eggleston – I have no idea; it was on the list. We are not expanding it we are just repairing; whatever it is we need we are asking for.

Zapata – It is basically an existing nonconforming structure.

Badami – The boathouse. When you say you are raising it a foot, is it because you are doing the foundation that is pushing the entire structure up a foot or are you adding a foot inside?

Eggleston – It's because we are adding 12 inches of concrete to the foundation. The inside volume of the first and second floor does not change. It's a cool boat slip, you can put kayaks in there. I don't know what the original boats that went in there. It's under the dock.

Wopperer – But there is no access to put a boat underneath?

Eggleston – A conventional boat can't go in there. There's some steps from a closet so you can go down there. OK.

Badami – Anything else?

Eggleston—Do you have any questions?

Badami – I do. The site plan review that the Planning Board approved – originally when this came before us last year, they were going to put a garage on the southside and now it's going on the north side, is that correct?

Eggleston—That's a different property; Brulecreek was proposing to put a garage on the south side of their property. It had two bedrooms and a bathroom in it and storage underneath. Brule creek, in Utah, convinced 63 WL Holdings to buy the adjacent property, so they bought it. As a result they are treating the architecture as a compound, so they are coordinating so the materials are similar and all of that. They have decided that if they get a garage on the 63 WL Holdings property, then they don't need to build the garage that was approved on the Brulecreek property. Also the Brulecreek had proposed a small little cabana down by the lake on 63 south. Because the combined properties now has access to the boathouse, they decided that wasn't necessary. So they have reduced the scope of that. The Planning Board was interested in seeing the revised plan of 63 south at the same time, so they looked at the both of them together and they were satisfied with that at the last meeting.

Badami – One of the issues that concerns me is the garage with the rec center. You call it a garage, but just because you call it a garage, doesn't make it a garage. So we are adding plumbing to it and a rec area to it?

Eggleston – Correct.

Badami – That's not a garage in my opinion. You can call it a garage and dress it up, but it's not a garage, it's something else. What we call it I'm not really sure, but I am not persuaded that it's just a garage. What do we call this and how do we treat it?

Eggleston – Well, lucky for you, that's not before you. That's been approved. As part of the site plan review conditions, we are producing an affidavit that says that the garage will not be used for any residential use; it will not be used as a residence, it will not be used as a bed-and-breakfast, supplemental apartment or any residential use.

Badami – That's all well and nice, but that's not really persuasive to me that it won't. Ultimately if it is sold, it's not binding on them. We all know how that story goes.

Eggleston – And there's enforcement available and the Village seems to be very good at tracking down things that are not being used as approved.

Badami – The Planning Board did not address whether or not a special use permit might be required for either the garage or the cottage, correct?

Eggleston – Um, the discussion was had and it is our position that the primary dwelling it the cottage, ok, and the garage is an accessory two-car garage and… It is not different from many other two-car garages; it has some extra space above or below it that have been built in the

Village. It complies with those zoning set-back requirements and it was determined that it did not need a special use permit.

Badami – Well the small cottage is the living space, the main space.

Eggleston – Correct; that is the primary building.

Badami – I think this Board needs to determine whether a special use permit would be required.

Eggleston – I don't think so; that's the code enforcement job.

Badami – I'm not sure yet, and I'd like us to talk about that as part of this review process.

Eggleston – You're welcome to talk about it.

Badami – You don't have to sit down, I'm not saying we're done. But OK, that's fine.

Eggleston – I'm just sitting because I was tired standing.

Dundon – Mr. Chairman, we have danced around this issue of the ownership of these properties. In September, before the Planning Board, they were separate owners. In October, before the Planning Board according to Mr. Eggleston, related parties; according to Chairman Kenan beneficially owned by the same party. The neighbors seem to think that Peter Erich is the owner, from those I have talked with. So what is it?

Eggleston – These are two separate tax map properties. Whether they are owned by the same person or not is irrelevant to this Board because they are separate properties. Variances are granted to the property. There is the ability that they can be transferred to different parties independently.

Zapata – Do these buildings have no; it doesn't matter how big the lot sizes are for these buildings and how they are being built?

Eggleston – Well, these are existing nonconforming properties, lots, and each has gone through its required review as reviewed by the Code Enforcement Officer, for the improvements that are being made on them, ok. There is no incentive on the part of the owners to combine that properties, ok. There is a relationship between the two, ok, but they are separate and distinct owners, ok. There's Brulecreek, there's WL Holdings. I think the ownership, really, the variances and the zoning applies to the buildings and the property.

Badami – I agree with you on a legal standpoint, Bob, but I think also that when you come before this Board, this Board treats people with respect and it's a two-way street. When we sense that there is an element of disingenuousness on the part of an applicant, it effects my outlook on other representations that they may or may not make. I have heard from a number of people this concern that there was an effort to not disclose who the owners were and say merely that this is LLC A and this is LLC B. Subsequently it came out that they had the same PO box in Utah and

slowly the truth became forthcoming. I'm just going to tell you that I am treating this right now as related parties, was that the terminology that you used.

Eggleston – And I have always maintained that representation unlike what Dennis suggested. My representation of the ownerships have not changed, ok. They are related ownerships, they are separate and distinct owners, they are separate and distinct LLCs that own this.

Zapata – The story changes when it is convenient though.

Carroll – But how is it material to what's before us?

Eggleston – Exactly, it's not material…

Carrol – Excuse me. So what's before us is a requested variance for the boathouse and the cottage. Does the ownership situation somehow implicate the size of the lot or set-backs?

Badami – We may or may not have this 3 foot set-back. If this is one piece of property it's a different story to me or we have different things to consider than if it is two lots. We may or may not have a side yard set-back issue. If it effectively one lot, I might look at it a different way.

Carroll – But the garage isn't before us.

Eggleston – Correct.

Badai – Well…

Galbato – Yes it is.

Carroll – How is the garage before us?

Galbato – It is part of the application. And the Code Enforcement Officer has been looking for interpretation whether that structure is in need; a supplemental apartment in need of a special permit from this Board or is it indeed just a garage, because of the plumbing issues and other related issues that the acting chairman indicated.

Cromp – My determination for that is that since the Planning Board reopened that in October for site plan review for both properties, that the Zoning Board has authority to relook at whatever they want to look at. That's special permit or whatever. That's my determination for you to interpret it.

Eggleston – Well that's not how the law works. The law works that an application is presented to the code enforcement officer. The code enforcement officer makes a determination. Then we make the appropriate applications. We were asked to do site plan review for the garage in that we were disturbing more than 3,000 SF. We were asked to get a variance for the boathouse and I guess, the guesthouse; the primary dwelling cottage of which I can't say I agree with but I chose

not to challenge that. And that's what we have put application before this Board. In my estimation the garage is done and the site plan has been issued. There has been no denial for it based on side yard set-backs or anything like that. And I haven't seen an application for an interpretation before this Board.

Carroll – So has a permit been issued for the garage?

Cromp – No.

Eggleston – We still have the final conditions, the affidavit.

Carroll – But to this point nothing has been denied? Which is why you haven't appealed anything?

Eggleston – Correct, on the garage, relative to variances. So what's before this Board is specifically variances for the expansion of a nonconforming structure, be it the boathouse, and< I guess it was pointed out that a nonconformity of the property is that the dwelling was less than 1200 SF. We are not expanding the dwelling, we are changing windows, we are changing siding, and we are replacing, in the same location, the patio.

Carroll – So John, does the ownership issue in any way impact variances or approvals relating to these?

Galbato – If I might, it does in the sense of hardship. Part of the variance test is talking about hardship, and this Board can say the neighboring property is owned by the same person or the same entity, so it could be relocated or could consider a merger – you can't force a merger, but it is part of the balancing test I would say. In response to the applicant I would say that this Board has the ultimate authority, when reviewing an application such as this, to determine whether that garage is really the main living structure of the property which affects set-backs – or whether he garage is also a proposed supplemental apartment which affects a special use permit. I think John has indicated to you and has indicated to both Boards, that there is some uncertainty there.

Wopperer – That's exactly where I'm at; the fact that there is uncertainty here. There are so many different variables that are at play from my opinion, at I am trying to sort out.

Galbato – And I'd also note that the Code Enforcement Officer has the right by law to amend any determinations he has made in the past, based on representations that have been made at public meetings regarding drawings, the proposal and amendments thereto based on those meetings.

Badami – I think what the Board has to determine, among other things, is which structure is considered the primary structure. If it's the garage, if that's the main structure, then we need a variance for being less than the 25 feet set-back.

Cromp – If that's your interpretation, there's probably going to be several variances.

Badami – For that structure. If it's the cottage…

Eggleston – The cottage; the primary structure.

Wopperer – So we need to know what the primary residence is?

Badami – I think that ultimately we are going to have to determine that as a Board in order to figure out which way we go from there.

Carroll – My thinking is that's John's job, in the first instance, and then we hear appeals from whatever John might or might not decide. I don't know that we sit in review of the plan in the first instance – that's what John does. And I'm just not seeing that the garage is before us tonight. It may be before us in the coming weeks, if Joh decides that it is the primary structure and therefore he's going to enforce the25 foot set-back, and then there's an appeal.

Zapata – That's why you have held off on the building permit, correct?

Cromp – No. Well, even though they were given that back last year, there has been no building permit issued because nobody has asked for a building permit.

Eggleston – I think that's quite untrue, but go ahead. We have made a building permit application, and it was then determined that we needed site plan review. We have gone through the site plan review, we have had extensive conversations, the site plan review was granted, there are conditions. I believe the remaining condition is the affidavit that they have requested. I have submitted an outline of what the affidavit might say to Ric Galbato, so he can determine if that was adequate or what he was expecting. Then we will get that affidavit executed.

Zapata – I personally don't understand where the affidavit comes into play as far as we are concerned, at all.

Eggleston – Exactly. It is a Planning Board condition.

Galbato – You agreed to it, now you are objecting to it?

Eggleston – No. No.

Galbato – I got this at 6:30 tonight via email, and it was hand delivered to me because I didn't see it.

Zapata – To me it has no bearing on any decision we would make; whether people promise or not.

Galbato – This Board does have the right to put in deed restrictions; to put a deed restriction as to that garage because the plumbing on the upper level. You could consider something like that as well.

Carroll – But something has got to be before us, Ric. There's got to be an appeal before us, right?

Wopperer – But I appreciate Ric letting us know what those options are.

Carroll – Sure. Understood.

Eggleston – To address the issue of is the garage a dwelling unit, by NYS building code it is not. I doesn't have the criteria…

Wopperer – Say that again?

Eggleston – According to NYS building code, that garage structure; the drawings presented, it is not a dwelling because it doesn't fit the criteria for a dwelling.

Badami – I agree with you as it stands. How easy is it to modify it after the fact…

Eggleston – Exactly. And you can 't condemn a person for a crime that they haven't committed.

Wopperer -- True, but at the same time it is part of our job to look into what the possibilities going forward might be but at the same time, you know…

Zapata – I think I struggle with, in general, the size of the proposed structure that is to be built versus the primary structure on the property.

Wopperer – I'm still trying to figure out which is the primary residence.

Zapata – I think that just it.

Cromp – If you look at; admittedly tonight Mr. Eggleston said that the cottage is unheated. So how is that going to be a primary structure? That's what I would first look at.

Zapata – But it is seasonal, correct?

Eggleston – It is a seasonal dwelling, correct.

Cromp – So now you are going to have a second structure that's going to be heated, so it can be used all year round. To me, I would say that one is the primary structure and the cottage would be secondary.

Carroll – Well that all needs to be decided and then an appeal taken to us.

Galbato – I would also say that the garage is on the table; you need a variance for that because of 225-69D, because the lot is nonconforming and you are adding a structure to a nonconforming lot.

Carroll – Say that again, Ric?

Galbato – 225-69D of our code; when you are adding new structures or adding onto a structure to a nonconforming lot 225-69D is triggered.

Eggleston – 225-69D exempts lot width and lot area from the nonconformity. In other words, you are allowed to add structures, and we consistently do that. You only need a variance if the structure you are adding onto is nonconforming. John has determined that the boathouse is nonconforming and therefore it requires a variance because it is being expanded. That's what's before you.

Galbato – We can agree to disagree.

Carroll – In my opinion, there is no sense arguing over what's before us and what's not before us. Do we want to wait until it is all settled and then deal with it altogether?

Eggleston – I also want to put on the record, that July 26 – the narrative stated that the existing property has a seasonal cottage with one bedroom that's 586 SF. So that has always been on the table since July.

Carroll – John, in the first instance, needs to look at all these proposals and determine what's the primary and then look at how that impacts the setbacks and everything else, and then an appeal need to be taken to us, seems to me.

Zapata – The boathouse seems to me to be something you could deal with separately.

Eggleston – In all honesty, the owner is not required to maintain it. They would like to maintain it because they feel is if they are a steward of this property and they bought it to preserve that boathouse, and to keep it what it is and not make it anything else. They are not putting plumbing in it, it's just a nice cool place to be during a day in the summer.

Zapata – I applaud it, I think it's great.

Badami – We have not heard from everyone in the room. With that being said I'll open this up for public comment; is there anyone who would like to speak in favor of the project? [No one desired to be heard] Is there anyone here to speak in opposition?

Fogel – I am an attorney with Brown, Sharlow, Duke and Fogel, representing the property owners of 61 West Lake Street, which is directly adjacent to the property that's subject to the application. I thought I was confused before I got here, but now I am definitely more confused. My clients received notice of this hearing earlier this week on Monday; I was retained earlier today, actually. I am glad to see I am not the only one who is struggling with what's going on here. My client has a high level of concern about what is going on next door. I have tried to get up to speed in the short amount of time since I was retained; obviously I have not had the opportunity to review any of the actual plans or submissions or narratives that have been submitted to date. I did take a look at the minutes from the October meeting of the Planning

Board and honestly I am concerned. It does seem like there's a lot of moving parts as to ownership structure of the properties and exactly what's being proposed. I represent applicants, I represent property owners, so I don't want to call anyone into question, but it does seem like maybe there's something going on with the ownership to try to get the benefit of certain favorable lot coverages or other types of dimensional requirements. What we are trying to do is to try to peel bac the curtain on this a little bit and try to get an understanding of what is going on, so we can meaningfully comment on the application and so that this Board can have a full record before it.

I have been in front of this Board and I now that his is a well-versed Board with a knowledgeable attorney so I'm not telling you anything you don't now. As you know the area variance requires this Board to balance any benefit that may flow to the applicant against any detriment that may occur to the neighboring property owners. Those findings are required to be made as well as just generally the potential detriment or adverse impact to the neighboring property owner. There is also a standard with respect to whether any of these area variance applications involve self-created hardship. That's sort of what Mr. Galbato was touching on was the fact that these are separate LLCs that are related and there may be some sort of self-created hardship there.

Carroll – I know you are only into it for a day, but under what scenario does the ownership possibly impact setbacks or area variances?

Fogel – I think the fact of whether this is truly should be considered as one lot or as two separate lots.

Carroll – So give me the scenario. In other words there's this building and there's that building and if the owners is a certain way how does it impact?

Fogel – I think that's one of the things we are trying to figure out is to determine whether this should be treated as one lot or two lots and what the impact that may have on any bulk requirements that's in front of this ZBA.

Wopperer – So your client is basically concerned about what is happening next door. They just want to know what's going on and how it is going to impact them.

Fogel – We want to make sure; what could happen is that you have an approval kind of creep. If things aren't looked at comprehensively – if everything isn't considered all at once and we don't answer the question of what truly is the primary residence, it all kind of flows like a set of dominos, so as these approvals are granted this becomes more of a done-deal – when really this should all be looked at comprehensively, including the issue raised by Mr. Cromp. To me those all need to be considered at once because one could have an impact on the Board. The Planning Board has already made certain area variance approvals for certain impacts, and later on it's determined that something else needs an area variance, it could make you go back and decide whether those area variance approvals need to be revisited. I think what's important for my client is that they are looking at something being approved next to them. They are not really sure what it is. Certain aspects of it are being approved in stages. They don't want to end up with something next to them that's permanent without making sure that they have a full understanding

of what's really in front of the Board, and have a full and fair opportunity to comment of the comprehensive project. While they are may have been limited efforts to tell them what was going on, there really wasn't an effort on behalf of the applicant to really let them know comprehensively this is the project. Based on the short amount of notice for this hearing and just hearing some of the issues that have been raised tonight, I am concerned; we just want to make sure all of these issues are comprehensively considered. What we are asking for tonight, at the very least, that the ZBA respectfully consider continuing his public hearing to allow for myself and my client to get a comprehensive understanding of what is truly in front of the Board and to address me of these questions like what is considered a primary residence. That's important; that could be 3 feet away from my client's property forever. We want to make sure that's carefully looked at. So we respectfully request that this Board consider continuing this public hearing to your next meeting and giving us full and fair opportunity to comment, and to consider the other aspects that Mr. Cromp has raised.

Badami – Is there anyone else who would like to speak against this project?

Dyson – I have a great interest in this; my dad used to own the property for starters. I have a little cottage across the street and went through a similar situation. I am concerned that number 1, isn't there a procedure that adjacent properties should get notice with sufficient time to study what is happening? Secondly, with the hardship; I agree with you -- a garage is a garage. When you start adding two more stories, you are adding quite a sizeable structure visually to the neighborhood. I am also very interested in the historic impact; that's an historic cottage, this was the caretaker's house for Roosevelt Hall.

Badami – It is not in an historic district.

Dyson – No it is an historic structure. I would like to see at least consideration to get the moving parts in place to understand it. If I were living next door; if I were going to have this three story structure next to my property I'd want notice to study and to see if indeed the hardship exists. A garage perhaps, but three stories? I'm not so sure. We had a similar thing at 3 Shotwell Drive, right across the street, it was very difficult. We could not establish hardship, but a variance was passed after a great deal of consideration. I think this needs to be given more than we were given.

Carroll – Ric, do you have the notice that went to the neighbors? John do you have a copy?

Badami – Is there anyone else who would like to speak against this project?

Wopperer – Does anyone know when the notice was sent?

Zapata – Dennis is getting it.

Eggleston – While you are waiting, I will add that I had a phone call from Mark Dunn today, asking what the variances were that we are proposing. Relative to the 63 south property…

Wopperer – Who is Mark Dunn and what is his relationship to this property?

Eggleston – Mark done is the owner two doors to the south. He owns the property just south of the 63 West Lake Street south property. During the 63 south he had quite a few concerns and voiced them and this Board decided to grant the variances. There was a condition that when we get ready to do the repair of the seawall which was part of that application, that we coordinate with him. The contractor and I met with him a month or so ago, and he was just confirming that it was exactly the same. I assured him of that and he had no objections to the project.

Badami – I think you distributed a letter from Mr. Lynch?

Eggleston – I don't know that I have seen any letter from Mr. Lynch.

Badami – I'll acknowledge the letter dated October 23, 2017 addressed,to Chairman Balestra, from J. Richard Lynch at 72 West Lake Street expressing his "support for and on behalf of 63 WL Holdings in connection with this application." Correct me if I am wrong but was this the same Mr. Lynch who subdivided this property originally so the record can reflect who this person is.

Eggleston – Also he was the previous owner of the property.

Dundon – I do not have my copy of the notices as mailed, or I can't put my hands on it, but this is the text of the notice as mailed on October 19, 2017. It would have been this text.

Carroll – So no mention of the garage, is that right?

Dundon – Correct.

Badami – Bob, at this point if the Board desires a continuation of this matter to give some of the neighbors time to understand a little better the nature of the project and perhaps reach out to you and meet with you, what is your position on that? Would you be inclined to discuss that with them?

Eggleston – I guess I'm a little concerned with the Board's understanding of what is before them and the due process. Owners have rights and that's why we have zoning law; and the process is that the application is presented to the Code Enforcement Officer and the Code Enforcement Officer makes a determination. The determination was that this was in fact an accessory building, the garage was an accessory building, not unlike others that have been built and approved in the Village. It had the recreation space in the basement, it has raw attic storage above. It is built to look like a carriage barn typical of what you would find on that street. And it was his determination that it did not require a special permit and required a site plan review and that the boathouse, because we were adding the one foot of height to it, required an area variance. We have gone through that process; I know lots of questions have come up, and people are unsure and whatever. Usually a determination is made and then you follow through on that. I don't think we have changed our position at all from the narrative of July 26th; everything has been disclosed as such; we have answered questions, and I'm not sure why we think that we need to revisit things that were determined originally. The primary building is the

existing cottage and this is an accessory structure. We are here for a variance for the expansion of the boathouse. If extending this a month for the Board to determine, fine. Everyone is trying to make something out of it that's not there.

Badami – I'm not sure that we are. But my question again to you is, are you opposed – yes or no – to a simple one month continuation on this, in the hopes that all of this can be resolved, and come back and perhaps narrow the focus of this at our next meeting?

Eggleston – Obviously, the contractor would like to get going on doing this work. Is one month going to make a difference? It is all done on dry land and I suppose that doesn't interrupt…

Wopperer – I'm just going to go ahead and say that as a member of this Board I am confused and I find that there are conflicting variables in this. I am concerned also from the primary residence standpoint, especially the use of the garage if that's the case. I think it has been mentioned by the Board, it has been mentioned by Kathie Dyson, it has been mentioned by neighbors being represented by a lawyer here. I don't see a reason why we cannot push this off for another month.

Eggleston – I would recommend that this get carried over to next month. I also want to be on record of being disturbed that there seems to be wobbling of what this is about…

Wopperer – Understood.

Eggleston – …it should be clear-cut. I don't want the members to be confused.

Wopperer – It's a tough situation but I appreciate your honesty and your candor and your willingness to carry it over.

Badami – So with the applicant's consent…

Eggleston – There doesn't need to be any consent by the applicant…

Galbato – He can state what he wants to state. Go ahead Mr. Chairman.

Badami – You are OK with us proceeding to continue on behalf of your client until next month.

Galbato – We don't need your consent but he is asking you.

Eggleston – I have no objection for your continuing to next month.

Badami – Anyone else need to be heard?

Fogel – Continuation leaves open the public hearing?

Badami – Correct, yes.

Galbato – So you would need a motion to continue the matter and adjourn the public hearing to your next regular meeting.

Badami – Which is?

Wopperer – November 22.

J Lanshe – My brothers and I have an LLC next door for 61 West Lake Street. I am concerned because there's this 4,100 SF structure that's going 3 feet from our property line. This is major. So I am really happy that you are considering the fact that this major structure might be the major structure on this flag lot that is right next to our property, because it is a hardship for us. It has plumbing, it has heat, it has three stories. I have lived in houses that are smaller than 4100 SF. So that is a hardship. It is right out our porch in back.

Badami – You are the identifiable owners of the LLC.

Eggleston – Are we sure?

Fogel – And they are my client.

Member Carroll, "I will move that we continue the public hearing to the Board's meeting on November 29, 2017." 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 8:29 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards

Village of Skaneateles
Zoning Board of Appeals Meeting
October 25, 2017

Public Hearing in the matter of the area variance application of Gladstone B. Adams III to vary the strict application of Section 225-A5 Density Control Schedule for Side yard set-back, right; and Percentage of open area; and 225-69D Nonconforming Buildings, Structures and Uses, Extension or Expansion; to construct a deck addition at the property addressed as 18 Goodspeed Place in the Village of Skaneateles.

Present: 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

Greg Young, On behalf of the applicant
Emily Young, On behalf of the applicant

Gregg Eriksen, Village Trustee
L. Schram, 51 E Lake St
Dale Drake, 9 Orchard Rd
Stacy Drake, 9 Orchard Rd
Ron Butchart, 72 W Elizabeth St
Tim Lynn, 50 Academy St
Bob Eggleston

Excused: Michael Balestra, Chairman

Chairman Badami opened the public hearing in the matter of Gladstone B. Adams, III for 18 Goodspeed Place at 8:31 pm.

Badami – Are you here on behalf of the applicant?

E Young – We are. They are my parents.

G Young – They have an existing deck that the structure is fine but the decking itself needs replacing. It's just old wood, and they want to replace it with composite. While they are doing

that, they want to add a little bit on. They just bought the property and would like a little bigger deck. That's about all of it.

Zapata – It seems like a pretty private back yard back there from what I can tell.

G Young – Yes.

Badami – John, concerns?

Cromp – No. I think the only reason the Adams' had to come to this is because it's an addition and it gets into side yard. I have no concerns about it.

Carroll – What's behind the property here?

G Young – That's just lawn and then it goes into a little bit of forest.

Badami – Gives them a little added area to relax outside? I don't have a problem with that.

E Young – In their retirement.

Badami – Anyone who would like to speak in favor of this project? [There was no one desiring to be heard.] Anyone against? [There was no one desiring to be heard.]

Member Carroll, "Then I move to close the public hearing." Chairman Badami seconded the motion. Upon the unanimous vote of the members present in favor of the motion, it was carried 4 – 0. Member Wopperer, "I move that we accept the application for an area variance for Gladstone B. Adams III to vary the strict application of Section 225-A5 Density Control Schedule for Side yard set-back, right; and Percentage of open area; and 225-69D Nonconforming Buildings, Structures and Uses, Extension or Expansion; to construct a deck addition at the property addressed as 18 Goodspeed Place in the Village of Skaneateles. This is a Type 2 transaction. Applicant will have until October 25, 2018 to complete. The approval is based on drawings dated 5/3/17." Member Carroll 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 8:34 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards

Village of Skaneateles
Zoning Board of Appeals Meeting
October 25, 2017

Public Hearing in the matter of the area variance application of Scott Sayles & Joanne Dusel to vary the strict application of Section 225-A5 Density Control Schedule for Side yard set-back, right; to construct a concrete pad at the property addressed as 151 East Genesee Street in the Village of Skaneateles.

Present: 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

Bob Eggleston, architect, on behalf of the applicants

Gregg Eriksen, Village Trustee
L. Schram, 51 E Lake St
Dale Drake, 9 Orchard Rd
Stacy Drake, 9 Orchard Rd
Ron Butchart, 72 W Elizabeth St
Tim Lynn, 50 Academy St

Excused: Michael Balestra, Chairman

Chairman Badami opened the public hearing in the matter of Scott Sayles and Joanne Dusel for 151 East Genesee Street at 8:35 pm.

Eggleston – They built this house a year ago. It was totally conforming, it met all the required set-backs, it met the open space with more than enough area. When it came to placing the air conditioner pad, the mechanical engineer recommended that it be placed on the east side of the house within the 15 foot set-back as opposed to the west because there is a driveway here. At first we thought we had no issue because set-backs are to buildings and this is a concrete pad not a building. The Code Enforcement Officer determined it required a variance for a side yard set-back, so we are requesting the side yard set-back.

Badami – It can't be tucked in over here?

Eggleston – The trouble with putting it over here is you're close to the driveway.

Badami – Where is the driveway? It would appear there is space in here?

Eggleston – The driveway goes right along the side here.

Badami – You can't put it here or tuck it here? You have to stay away from the house here or the garage?

Eggleston – Exactly.

Wopperer – Who is over here?

Eggleston – That's the Clearwaters. I know that they have talked with the Clearwaters; I don't know that they were able to get a statement from them as they are out of town.

Badami – Is there any shrubbery on this side of the house?

Eggleston – They are planning on putting in shrubbery. And there's a six-foot high privacy fence along there as well.

Cromp – I did speak with Scott Sayles; he says they are definitely going to put some kind of shrubbery around it. They want it too.

Badami – Any questions from the Board?

Zapata – No.

Wopperer – There's a privacy deck there now and obviously the air conditioning unit is not going to stick up past there.

Badami – I will open the public comment period. Is there anyone to speak in favor of this project? [There was no one desiring to be heard.] Anyone against? [There was no one desiring to be heard.]

Chairman Badami, "Hearing none, I move to close the public hearing." Member Carroll seconded the motion. Upon the unanimous vote of the members present in favor of the motion, it was carried 4 – 0. Member Zapata, "I move that we approve the application for an area variance for Scott Sayles & Joanne Dusel to vary the strict application of Section 225-A5 Density Control Schedule for Side yard set-back, right; to construct a concrete pad at the property addressed as 151 East Genesee Street in the Village of Skaneateles. This is a Type 2 transaction. Applicant will have until June 1, 2018 to complete. The approval is based on drawings dated 1st of July 2016." Member Wopperer 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 8:41 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards

Village of Skaneateles
Zoning Board of Appeals Meeting
October 25, 2017

Request that the Board consider an extension of time in the matter of Timothy & Cynthia Lynn to vary the strict application of section 225-A5 Density Control Schedule for Front yard set-back; Side yard set-back, right; Both side yards combined; Percentage of open area; and Section 225-69D Nonconforming Buildings, Structures and Uses, Extension or Expansion; to construct a 24 by 16 foot two-story addition and relocate a 12 by 20 foot patio at the property addressed as 50 Academy Street in the Village of Skaneateles. *The Board granted these variances at its meeting on November 30, 2016.*

Present: 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

Tim Lynn, 50 Academy St., applicant

Gregg Eriksen, Village Trustee
L. Schram, 51 E Lake St
Dale Drake, 9 Orchard Rd
Stacy Drake, 9 Orchard Rd
Ron Butchart, 72 W Elizabeth St
Bob Eggleston 1391 East Genesee St

Excused: Michael Balestra, Chairman

Chairman Badami opened the public hearing in the matter of Timothy & Cynthia Lynn for 50 Academy Street at 8:41 pm.

Lynn – We are moving along with the construction; it's all up, framed and covered. We got the windows Monday or Tuesday. The delay was because the foundation was a problem. When we dug the new foundation the back of the old foundation started to crumble. We started to put in footers but it was just a good idea to take that wall out and put a column in. All of that put us 2 or 3 months behind. Then we ran into winter.

Wopperer – So you are looking for an extension until June 1? July 1?

Lynn – July 1 works.

Eggleston – I'd add that the contractor did a stellar job, facing the adversities that he did.

Lynn – The basement is spectacular. I couldn't be happier with the end result. But they had to take the walls out by hand.

Member Wopperer, "I make a motion to extend the time in the matter of Timothy & Cynthia Lynn at 50 Academy Street until July 1, 2018, with the same set of conditions of approval from the original meeting." 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 8:43 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards

Village of Skaneateles
Zoning Board of Appeals Meeting
October 25, 2017

Request that the Board consider an extension of time in the matter of Dale & Stacy Drake 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 structure width/lot width; and Percentage of open area; and Section 225-69D Nonconforming Buildings, Structures and Uses, Extension or Expansion; to enlarge and replace an existing patio with one 16 by 14 feet, and to construct a 16 foot by 24 foot garage with storage above at the property addressed as 9 Orchard Road in the Village of Skaneateles. *This Board granted the variances on December 23, 2014, and granted an extension of the time to complete which expired November 24, 2016, and a further extension of time which expires December 1, 2017.*

Present: 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

Dale Drake, applicant
Stacy Drake applicant

Gregg Eriksen, Village Trustee
L. Schram, 51 E Lake St
Ron Butchart, 72 W Elizabeth St
Bob Eggleston 1391 East Genesee St

Excused: Michael Balestra, Chairman

Chairman Badami opened the public hearing in the matter of Dale & Stacy Drake for 9 Orchard Road at 8:44 pm.

D Drake – Our project is almost complete; it's been many years. Small family, small contractors, small wallet – but we are 98% of the way there. We just have a deck to finish. We don't have a contractor; we have the plan out to 2 contractors; waiting for their proposals to come back. We hope to do it in early spring, depending on the availability of the contractor.

S Drake – There is no heat and no water; just a one-car garage. Just taking longer than we had hoped. Last year I came before he Board not having realized our permit had expired; so I'm being proactive tonight before the permit expires.

Wopperer – So this deck was approved prior?

S Drake – This plan was 24 October 2014. It was approved December 23, 2014.

Chairman Badami, "I'll make a motion that we extend the time to complete this project for the Drakes at 9 Orchard Rd to July 1, 2018. All previous conditions will apply." The motion was seconded by Member Wopperer. Upon the unanimous vote of the members present in favor of the motion, it was carried 4 – 0.

This matter was concluded at 8:47 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards

Village of Skaneateles
Zoning Board of Appeals Meeting
October 25, 2017

Public Hearing in the matter of the area variance application of Sean O'Keefe 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; and Percentage of open area; and Sections 225-20E(1); 225-20D(3) and 225-19.1; to construct a retaining wall or seawall at the property addressed as 13 Day Lane in the Village of Skaneateles.

Present: 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

Bob Eggleston, architect, on behalf of the applicant

Gregg Eriksen, Village Trustee
Ron Butchart, 72 W Elizabeth St

Excused: Michael Balestra, Chairman

Chairman Badami opened the public hearing in the matter of Sean O'Keefe for 13 Day Lane at 8:48 pm.

Eggleston – Sean had done some work a number of years ago he got variances for improving the house and for building a paver patio down by the lake. He used up the 10% coverage; it was 9.7% for the existing concrete steps, the existing patio and the retaining wall that was in place. Since then he has had issues with erosion and maintain the bank. What he would like to do is put in a two layer limestone rock to make a better barrier from the wave action, and then he can level off the property. As a result we will be adding 154 SF of retaining wall, bringing the total up to 13.5% of the lakefront set-back area. So we are asking for a variance for the lake front set-back area above 10%. Just double stacked limestone quarry rock for erosion control. The Planning Board has reviewed it and they ranted site plan approval and recommended approval by this Board.

Badami – It looks like it actually might improve the run off.

Badami – I will open the public comment period. Is there anyone to speak in favor of this project? [There was no one desiring to be heard.] Anyone against? [There was no one desiring to be heard.]

Chairman Badami, "Hearing none, I move to close the public hearing." Member Carroll seconded the motion. Upon the unanimous vote of the members present in favor of the motion, it was carried 4 – 0. , "I move that we approve the application of Sean O'Keefe 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; and Percentage of open area; and Sections 225-20E(1); 225-20D(3) and 225-19.1; to construct a retaining wall or seawall at the property addressed as 13 Day Lane in the Village of Skaneateles. This is a Type 2 transaction. Applicant will have 1 year to complete. The approval is based on drawings dated 15 September 2017." 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 8:52 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards

Village of Skaneateles
Zoning Board of Appeals Meeting
October 25, 2017

Consideration of the area variance application of John Schram 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 225-15A(2) number of dwelling units on a lot; to construct an 1243 SF addition to an existing carriage house at the property addressed as 51 East Lake Street in the A-1 District of the Village of Skaneateles. In its meeting on October 5, the Planning Board expressed the sense of the board that the requested changes may be recommended by that board based on a detailed design which has not yet been completed. The Planning Board requested that the ZBA consider this application in a similar sense of the board manner, so that the applicant not be required to produce such a design if the ZBA concluded that it is likely to be opposed to the requested variances. Should both Boards be in conceptual agreement, the applicant will complete the remaining aspects of the application and required drawings and submit the complete application to the Planning Board for its recommendation prior to this Board's holding a public hearing on the matter.

Present: 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

Gregg Eriksen, Village Trustee
Ron Butchart, 72 W Elizabeth St

Excused: Michael Balestra, Chairman

Chairman Badami opened the conversation in the matter of John Schram for 51 East Lake St at 8:53 pm.

CEO Cromp explained that the architect for Mr. Schram had to leave due to a conflicting schedule exacerbated by the time consumed by the first hearing.

Chairman Badami, "I move that we continue the application of John Schram to the November 29, 2017 meeting of the Board." Member Carroll 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 and on motion of Member Carroll, seconded by Chairman Badami, this meeting was adjourned at 8:55 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards