

**Village of Skaneateles
Zoning Board of Appeals Special Meeting
January 11, 2016**

Continuation of discussion in the matter of the application of Kirsten Ehrich 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; and Section 225-14C(5)(a/b) Accessory Buildings, distance to lot lines or structures to construct an addition to the house, new garage with living space above and lake side accessory structures at the property addressed as 63 West Lake Street in the Village of Skaneateles.

Present: Craig Phinney, Chairman
 Michael Balestra, Member
 Curt Coville, Member
 Larry Pardee, Member

 Riccardo Galbato, Attorney for the ZBA
 Dennis Dundon, Clerk to the Boards

 Robert Eggleston, Architect, on behalf of the applicant
 David Lee, on behalf of the applicant

Absent: David Badami, Member

Chairman Phinney called the matter of Kristen Ehrich for 63 West Lake Street at 7:00 pm, correcting the record from the December 22, 2015 meeting, by stating that the public hearing in this matter had been closed on November 24, 2015.

Eggleston – We had taken your comments from the last meeting to push it back behind the proposed addition. We are now 81 feet back from the street line. Of course you wanted it pushed as far into the lot away from the south property line, but that was of less concern. What we did is we pushed the garage proper, the 22 by 30 foot garage 10 feet away from the property line. One of the problems that we have is the further we keep pushing it back; the original design had the door to the second floor back in the northwest corner. We are now 8 feet above the grade. Before I was bringing grade up around to try to alleviate it. We just got so far back as seen in this newest elevation, that we really impractical to get a door there. What I was able to do is put a 4 foot addition on the south side to allow for the stairs to come up. I didn't want to make it look like an enclosed set of stairs, so I stepped the side addition it add some interest to that north side but not make it look as obvious as what it is. So that is 6 feet; the original request was 5 feet set-back, so we are less than the original variance request. So we are asking for a 6 foot side yard set-back; 10 foot for the main garage itself. In pushing the garage further back we are now 23 feet from the house to the garage, which is the height of the garage, and the required

set-back. So we no longer need that variance. We do have the variance for the open space but we have eliminated the patio that was between the house and the garage, so we are up to 88.2%. So that's only a 1.8% variance that we are requesting.

Phinney – Is that going to be a stone wall or just a small wall in through there?

Eggleston – That will be a stone retaining wall that will go there. What happens is we have pushed back, the grade falls. We wanted to be able to have the storage underneath. We can only go so far. So we have dropped the garage 2 feet from its original location but we can't really drop it too much more, so we had to build the retaining wall. We have maintained the other tree that's in the front side yard. Because we're coming so far back and it's not a straight shot in it is not easy to drive in and back out. So the Ehrichs had requested was a circle so that they have the ability to turn around. So that's one additional item that's added. It saves a tree and it enhances the tree. I sent this out to you New Year's Eve and again this morning. One item that came back and the owners agreed with was about the balcony in the back. It's nice, it's more of a romantic notion. It just breaks up the façade. We thought that in respect to the closeness to the property line that we would eliminate that. We will replace it with windows rather than doors.

Coville – I certainly understand the objection to the balcony out back but I also want to point out that not only is this building visible from the road, but it is also visible from the lake. And with the proximity to the actual village I think; I understand the objection to it, but I want us to consider people on the lake. What I hate is when you look at a property and you can tell it is designed for the road. But you are on the lake. Do you know what I mean? I just want us to consider that the balcony does look nice from the lake side; I want us to take it into consideration. I have no objection one way or the other. It's just that I want to point out; it's kind of like there's two roads – you've got the road to the lake and you've got the road to...

Phinney – I guess your concern Michael was more the neighbors and visibility now that it's back closer to the neighbor's house; was to make it a privacy issue.

Balestra – Why don't I do this now. For the completeness of the record and sake of transparency I emailed Mr. Eggleston and the Board this morning and I'm just going to read the email so it's in the record, "I would like to make one additional comment now and will certainly reiterate it on the record tonight. This has not been raised before, so I wanted to provide Bob with as much notice as possible. It really just occurred to me now in reviewing the drawings again. One of the variances is for the side yard set-back to the south. Screening is a must. However to mitigate the impact of the proximity of the garage to the property line and to adjacent home, I don't think it is appropriate to have a balcony on the east side of the garage. I would like to see it removed. Use of that balcony by the applicants or their guests will only serve to magnify the impact of the location of the garage relative to the neighbor and the impact of the requested variance on the neighbor. To the applicant I would say this, the application contains a beautiful new deck to enjoy the outdoors, including views of the lake and property. The applicant's guests can surely enjoy that. Furthermore the bedrooms above the garage are accessory to the single-family dwelling. My understanding is that they are in lieu of an expansion to the house that would included additional sleeping quarters . The new structure should be used as guest bedrooms as they would as if they were contained in the house. Adding a balcony introduces a new

dimension in the use of this structure (duplicative of what will already exist at the house) in relatively close proximity to the neighbor, and I think is inappropriate given the location of the structure on the lot.” So my comments; I think from an esthetic standpoint if there were a faux balcony, fine. But to the extent that it is an actual useful balcony, I think it magnifies the impact of the variance that we are granting. The proximity of the lot line and the closeness to the other house; I understand that it probably wouldn’t be used very often but the adjacent neighbor in my opinion – let’s say it’s 12:00 and the people who are up there decide to go have a couple of glasses of wine out on the balcony, and he has to listen to this. Now this is happening right near the lot line; and we are allowing it to be built closer to the lot line than otherwise would be allowed and I thought, you know, with that there it really creates a risk of being even more problematic. the adjacent owner has made it clear on the record he doesn’t like this building as it is.

Coville – Very valid points. Would they like to idea of a faux balcony or would you not want to include that in there.

Eggleston – There’s no question that the owner really liked the design and the design had the balcony. Yes I agree with curt that it adds architectural; a third dimension instead of being just a tall façade, which I am very cognizant of. But then carriage barns tend to be very tall. The applicant’s position was they weren’t going to risk granting; getting approval for the variance for the garage for the guest area at the expense of a balcony. Would they like the balcony? I’m sure. Would a faux balcony be acceptable? I suspect so, but they were not willing to risk being granted approval for a balcony.

Coville – Rick, if we were so inclined to approve this, could we approve it with the dimensions of a faux balcony if they so choose to put a faux balcony on? Allow them the option of that?

Galbato, “Right now the amended site plan does not include it. It would have to be amended.

Eggleston – The site plan has never really shown the balcony because it was so high up in the air. I guess we are looking at drawings 4A and 4B which point out the balcony. The Ehrichs don’t want to jeopardize; they are looking at the big picture. The balcony, the detail, is not an absolute necessity.

Coville – Does anyone have an objection to a faux balcony? If that were something they were interested in doing?

Phinney – To me it is an extra cost that they won’t be able to use to please somebody who is riding down the lake on a boat for an esthetic shot. So don’t see why they should have to endure that cost unless they were going to have a practical application for it. If they were going to have any balcony, I’d rather that they have an actual balcony so they could use it.

Eggleston – The only advantage of a faux balcony is that you get more light.

Coville – As somebody who is in the process of building my own house, we have a faux cupola. There is no practical purpose to it, but I like it because it is esthetically pleasing. So I guess if we were so inclined to approve this application...

Balestra – If they wanted to add something like that they could always...

Pardee – Get a building permit.

Balestra – They'd need a variance

Galbato – They'd need a variance.

Balestra – But they could come back and say we want to put a fake balcony on the back. If they wanted it they could do it.

Phinney – I would either go faux balcony or no balcony.

Lee – It's not a structural addition to the building, it's really a glorified railing.

Eggleston – I agree that the French doors and the balcony are an attractive element, but I also respect Mike's suggestion that the balcony may be asking too much.

Coville – If I can, I'll point out County Line Road, there's carriage house there – that if you drive past it's got no architectural detail on the side and it's probably 7 feet of basement and two stories tall. It just sticks out like a sore thumb without any detail and that's what I think it's going to look like on the back side.

Pardee – It's got windows and doors. This is not a big blank wall.

Balestra – It's not like it's on the lake shore either; it's pushed back a ways. I think we should vote on whatever the application is. If they want to come back and make an application to put a new detail on it or change it, they can do that. They can do that after it is built if they want to.

Phinney – How about if we lay it out without a balcony and without a faux balcony and just run with this.

Coville – Sure.

Galbato – I just want to point out that if any type of structural feature is protruding in this case to the east, toward the lake, and the net area after construction is not within the required set-backs that would require an area variance.

Phinney – I'll hear a motion.

Balestra – We should go through the elements again. There is one other thing that we need to discuss, which are conditions. The drawing, screening is a big deal on this one. The applicants

apparently have no objection to it. Bob, it should act as a screen, it should be evergreen. In terms of; you have laid them out on the drawing here and what you have that's good. In terms of height and species, it might be silly to plant a 2 foot arborvitae that's going to take 10 years to actually become a screen, because the concern actually is on the second floor.

Eggleston – I would recommend what I am showing is an arborvitae type evergreen along the driveway. They are placed closer together. What I am showing is more of a Norway spruce or white pine on the east end, which is spaced 10 feet apart which is more appropriate for that type of tree. I don't like rows of arborvitae; to put 6 foot high arborvitae is appropriate. The retaining wall goes from 1 to 3 feet deep. So you'd have 3 feet on screening upon planting and within 4-5 years you'd probably have 6 to 8 feet of screening. The pines would be put in at probably 6 foot high; I know that Norway spruce in the third year will double in size.

Balestra – I wanted to include planting height so thank you.

The Board then reviewed the criteria and commented as follows:

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

Balestra – In discussing this with the Board I had a lot of reservations the last time that we met. I have been to the property several times since that meeting and have really looked long and hard at the building and where it is and where it is in relation to the other property to the south and looked at it from the street and tried to envision it there. I am a lot more comfortable with what we see today. I love the fact that we are saving this tree out in front. I believe that the garage is in probably the best place it could be to have a minimal impact on the neighbor, but also to really make it subordinate to the house from the road. When you are driving down west Lake Street you don't want it to jump out at you. Actually, I think when this is all done it's probably going to look pretty sharp – this old farm house with what looks like a carriage house off to the back and to the side. The circular driveway I think is a nice touch. So I had a lot of reservations about whether an undesirable change would be produced or a detriment to nearby properties. I am of the opinion, based on the drawings that we are looking at tonight, that this won't produce an undesirable change in the character of the neighborhood. I understand the neighbor's opinion that any building placed on the lot will be a detriment, but as a practical matter I don't believe it will be. So that's my new view on that.

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

Balestra – We have talked about that; it can be. This is an odd property; I think in my opinion, this is a better option than the 'no variance' option that we discussed before that would kind of plop this in the middle of the property and be more of an awkward place for it. So the answer to the question is yes, but under these circumstances I don't think that avoiding a variance is necessarily the best option.

[3] Whether the requested area variance is substantial;

Balestra – I don't believe that any of the variances being requested including the other additions and structures are substantial for many of the reasons that I have already talked about.

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

Balestra – I think this will fit in nicely. I don't think it will be too detrimental to the nearby properties. Currently we have a 6 foot set-back off the south property line but as the drawing notes it is 46.5 feet away from the adjacent house. That's a lot farther away than many, many buildings in the village are from each other. I don't believe that any of the variances will have an adverse effect on the physical or environmental conditions in the neighborhood or district nor have we heard any reasons why we should be concerned that they would.

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

Balestra – This alleged difficulty is self-created as pretty much all of them are. It's certainly not dispositive for us, but for the record, I don't think anyone disputes that this is self-created. I don't know if any of you have other comments on the elements that we are to consider here.

Coville – I think the only thing we might want to add on the record as far as the variances being substantial – we have approved similar projects all throughout the Village of Skaneateles. There is no differentiation in code for lakefront property versus any other property in the village I agree with you. There aren't any substantial variances being asked for.

Phinney – I have to say the applicant has addressed every concern that we have brought up over the course of 3 to 4 meetings as well.

Galbato – The findings Mike has expressed; are those the same findings as you guys are making?

Pardee – I am.

Phinney – Yes.

Balestra – We also talked about conditions. Two conditions I want to talk about. The first is screening; we just discussed it on the record. Mr. Eggleston talked about arborvitae along the driveway here that are spaced relatively closely together. I would impose as a condition to granting the application that arborvitae 6 feet high at 6 foot spacing as shown on this drawing (1A of 6 dated 12/30/15) are planted in that location. The other screening is to the southeast of the proposed garage. The same drawing shows 3 what are to be evergreens spaced 10 feet. When planted they are to be 6 feet high and a species that will grow to 20 to 25 feet. I would impose that as a condition. Another condition is this. I propose making it a condition. I don't believe it will be an issue. Already the applicant, through her representative, has stated on the record that this is not going to be a short term rental, though it was a concern of the neighbor. That is now defined in our code and I will adopt that definition. This is not going to be a place where for barter or trade or for compensation people can go rent these two bedrooms and a bathroom and stay there like a hotel. The code does not allow them to in my opinion. This is an

accessory—the garage the bedrooms and the bathroom are accessory to the single family dwelling. If they were to use it as lodging or hotel, that an accessory use of a single family dwelling and would be forbidden therefore by the code. And this is not a supplemental apartment; it is not a dwelling unit. I would like to make it a condition nevertheless, that this is not to be used as a short term rental just to get it out there on the record so there is absolutely no ambiguity whatsoever.

Eggleston – I'd like to review the most recent dates on the drawings 1A and 1B are December 30, 2015. 2 and 3 are September 21, 2015. 4A and 4B is January 11, 2016. 5 and 6 are September 18, 2015. The narrative is December 30, 2015.

Chairman Phinney, “I would move the based off the findings as articulated by Member Balestra, that we accept the application based on the drawings dated as Mr. Eggleston has clarified. Specifically that we accept the application of Kirsten Ehrich 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; and Section 225-14C(5)(a/b) Accessory Buildings, distance to lot lines or structures to construct an addition to the house, new garage with living space above and lake side accessory structures at the property addressed as 63 West Lake Street in the Village of Skaneateles. This is a Type 2 action under SEQRA. This approval is subject to two conditions (1) that arborvitae 6 feet high at 6 foot spacing as shown on this drawing (1A of 6 dated 12/30/15) are planted in that location. The other screening is to the southeast of the proposed garage. The same drawing shows 3 what are to be evergreens spaced 10 feet. When planted they are to be 6 feet high and a species that will grow to 20 to 25 feet. (2) Another condition is this; already the applicant, through her representative, has stated on the record that this is not going to be a short term rental, though it was a concern of the neighbor. That is now defined in our code and I will adopt that definition. This is not going to be a place where for barter or trade or for compensation people can go rent these two bedrooms and a bathroom and stay there like a hotel. The applicant will have 2 years to complete.” Member Pardee seconded the motion. Upon the unanimous vote of the members present in favor of the motion the motion was passed 4 – 0.

Upon motion of Chairman Phinney, seconded by Member Pardee the meeting was adjourned at 7:34 pm.

Respectfully submitted,
Dennis Dundon, Clerk to the Boards