

**Village of Skaneateles
Zoning Board of Appeals Meeting
February 28, 2018**

Public Hearing in the matter of the area variance application of Michelle Mashia 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 structure width/lot width; Percentage of open area; Minimum lot width; and Section 225-69D Nonconforming Buildings, Structures and Uses, Extension or Expansion; to construct a 529 SF one-story building addition and to construct a 911 SF addition to an existing patio; at the property addressed as 31 Academy Street in the Village of Skaneateles.

Present: Michael Balestra, 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

Eric Mau, Architect, on behalf of the applicant
Michele Mashia, applicant

Gregg Eriksen, Village Trustee
Bob Eggleston, 1391 East Genesee Street
Michael Fogel, Syracuse
Rick Parcels, 61 West Lake Street
Matt Kerwin, Syracuse
Stacey Albunio, Syracuse
James & Courtney Alexander, 24 Leitch Avenue
Doreen Simmons, 38 West Lake Street
Diane & Scott Buell, 105 Packwood Place
Mark & Teresa McSwain, 26 Leitch Avenue
Ben & Betsy Carter, 8 Leitch Avenue
S. Gusla, 16 Leitch Avenue
A. Hagen, 25 Leitch Avenue
Eric Goetzman, 3150 West Lake Road

Excused: David Badami, Member

At 7:30 pm, Chairman Balestra opened the public hearing in the matter of Michelle Mashia for 31 Academy Street.

Mau – In essence we want to do a 530SF addition for a kitchen and a small casual seating area. That results in just a couple of variances. Actually, there's four of them, three of them being preexisting nonconforming – minimum lot area, minimum lot width, the west side yard set-back -- and minimum open space. The variance for that would be +/- 8.3% which is an increase of the nonconformity by 6.6%. We want to do an expansion of the existing patio of approximately 911 SF and an addition to the existing retaining wall of approximately 86.8 SF. Those are both on the east side.

Zapata – I feel like I'm really there; these pictures.

Balestra – Why the need for two patios?

Mau – There should be only one. You are probably looking at an existing plus the expansion.

Balestra – I have a proposed patio here, and a proposed patio here.

Mau – Yes. They just want to extend it to the front and to the rear.

Zapata – The white is there.

Balestra – Oh, so the white is existing; so it's one massive patio plus the walk. I've got to tell you, as proposed it looks like a fine project, but we have to take into account (1) whether the variances and hardship are self-created and (2) we have to grant the minimum variance necessary to achieve the purpose. I think this patio and the walk in front of the house here, which is new, really drive up the degree of the variance so it's now 8.3% nonconforming. I have a hard time justifying a 'yes' vote for this as it is. I think you can probably do better to consolidate this; to minimize that variance a little bit more. It seems unnecessary from my perspective.

Mau – I think the walkway is necessary; just to get from the front of the house to the side entry.

Balestra – Those are just windows there; on the outside of the eating nook. That's the only thing that sticks out in my mind. Anyone else have comments?

Zapata – I know this property pretty well; it's on the same street that I live on. I think it is a pretty private side yard there; I don't think that there's much interference. It really just goes to their back yard. I really don't have a problem with it.

Wopperer – And all the neighbors have signed off on it.

Balestra – Just from a coverage perspective I've still got an issue with it, because it seems to me that it can certainly be made smaller.

Wopperer – I have a question on drainage. Are there any additional downspouts or aspects of drainage that might play into this?

Mau – There wouldn't be any additional downspouts, probably just a reconfiguring of them.

Wopperer – I would request that the downspouts be able to go onto the Mashia's property, so additional drainage is not going into neighbors' yards. Mike, can you talk a little bit more about your concern?

Balestra – Yes, we have to consider whether or not variances are substantial. I think this is a substantial deviation from the 85% minimum open space. I think it is not necessary for this patio to be as large as it is and the hardship is certainly self-created. So, I look at those 3 elements that we have to consider under the code.

Wopperer – We are at 82% right now?

Balestra – It is currently at 83.3% coverage, proposed is 76.7% whereas 85% is required. That's really the extent of my issue with it. If there aren't any other comments from the Board, I'll open it up for comments from the public. Is there anyone here to speak in favor of the application? [No one desired to be heard.] Is there anyone to speak in opposition to the application? [No one desired to be heard.]

Chairman Balestra, "Then I'll move to close the public hearing." Member Carroll seconded the motion. Upon the unanimous vote of the members present, the motion was carried 4 – 0.

Member Wopperer, "I will make the motion that we accept the area variance application of Michelle Mashia 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 structure width/lot width; Percentage of open area; Minimum lot width; and Section 225-69D Nonconforming Buildings, Structures and Uses, Extension or Expansion; to construct a 529 SF one-story building addition and to construct a 911 SF addition to an existing patio; at the property addressed as 31 Academy Street in the Village of Skaneateles on the condition that downspouts are routed onto the applicant's property. This is a type 2 action under SEQRA and approval is based on plans dated 12/21/2017. The applicant shall have one year to complete." The motion was seconded by Member Carroll. Voting 'aye' were members Carroll, Wopperer and Zapata. Voting 'nay' was Chairman Balestra. The motion was carried 3 – 1.

This matter was concluded at 7:38 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards

Village of Skaneateles
Zoning Board of Appeals Meeting
February 28, 2018

Public Hearing in the matter of the Special Use Permit requested in the matter of the application of Gary Dower for development of new lodging structures comprising 21 bedrooms in 3 buildings on a lot to be subdivided as part of the proposed Mirbeau Gateway development project at the corner of Fuller and West Genesee Streets in the Village of Skaneateles.

Present: Michael Balestra, Chairman (*Recused*)
Gerald Carroll, Member
Maureen Wopperer, Member, Acting Chair
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
Stacey Alburnio, on behalf of the applicant

Gregg Eriksen, Village Trustee
Michael Fogel, Syracuse
Rick Parcells, 61 West Lake Street
Matt Kerwin, Syracuse
James & Courtney Alexander, 24 Leitch Avenue
Doreen Simmons, 38 West Lake Street
Diane & Scott Buell, 105 Packwood Place
Mark & Teresa McSwain, 26 Leitch Avenue
Ben & Betsy Carter, 8 Leitch Avenue
S. Gusla, 16 Leitch Avenue
A. Hagen, 25 Leitch Avenue
Eric Goetzman, 3150 West Lake Road

Excused: David Badami, Member

At 7:39 pm, Chairman Balestra opened the public hearing in the matter of Gary Dower for the Mirbeau Gateway development project, acknowledging that he is recused in this matter and that Member Wopperer will be acting chairman.

Wopperer – Are there any comments from the Board? Any questions that the Board has?

Eggleston – I would like to give a presentation so that those here have an opportunity to see the project. First, we did the annexation where we took land that was in the Town and annexed it into the Village. There were some issues about drainage and the water quality pond that were resolved -- and Gary Dower has agreed to fix that drainage problem on the Town swale that will improve things. It will be done as part of this project when we do the water quality pond. The second step was the zoning district. When they did the annexation, they just made all the land A-2. The Trustees have approved a zoning amendment to the map; this was A-3 (residential that allows lodging), this is now going to be A-2, and we only left this little bit in exchange put it back into A-3. Right now the A-3 boundary is here, the A-2 boundary is there. We actually converted 11,251 SF from A-3 to A-2 and only 10,836 SF from A-2 to A-3. We then proceeded with a subdivision application that is ongoing. It proposes a lot line relocation that takes some land from Mirbeau and putting it into lot 7, that we are calling the lodging lot. The balance that was remaining in A-2 will be an open space subdivision that will create 5 residential lots plus an open space no-build lot there. That is going on concurrently with the Planning Board.

Eggleston – What we are here for is a special permit for the use of this lot, subject to the approval of the subdivision to use it for lodging, a special permit use. The lodging is a permitted use in the A-3 zone. Mirbeau currently was the only property within A-3 and has 80-some rooms, a spa facility, a restaurant; all the things allowed in the A-3 lodging use category. We were originally looking to do a different use; it was the Planning Board that highly recommended use as lodging, as an expansion of the Mirbeau facility. We are proposing three individual buildings. Each building will have 3 levels and 3 suites – one suite on each level, a total of 7 bedrooms in each building. We meet the A-3 density control schedule requirements for set-backs, for 80% open area. This will be a little different from the individual rooms that Mirbeau currently has.

Wopperer – Those 3 buildings; were those originally A-2 and transferred into A-3?

Eggleston – Most of the land was A-2. This piece of land was A-2 as of the annexation. So the bulk of this lot was already A-3. We have taken just a little bit, less than we are giving to A-2.

Wopperer – And the Village Trustees approved it.

Eggleston – It is all approved; done deal. The elevations will use the stucco and rough sawn wood and the details of Mirbeau. So basically they will look like Mirbeau buildings. You will have the road here and a bridge that basically comes over to the middle level. The upper level will be accessed by stairs. This is one suite. It will have two bedrooms in it, with two bathrooms and a housekeeping area of living area, dining area and a kitchenette. The middle level is two bedrooms very similar to the third level. It will be handicap accessible. The lower level is a suite with 3 bedrooms and the living, dining and kitchenette. The bottom level allows anyone in the building to access the lower level grounds. We have 21 parking spaces, one per bedroom, which is required by code. The bridges come across. One can circulate in the building up or down, down leads you to a very small common use patio that the building occupants can share. We will have sidewalks running along the parking; Mirbeau does not have a sidewalk to connect to the western gateway sidewalk, so we are adding a sidewalk that brings people from the street into Mirbeau. This is the existing service road that goes back to the spa, that will serve as access

for the lodging units. These people will be guests of Mirbeau and will have access to the spa, the restaurants. It is just another facility expanding Mirbeau. Housekeeping, maintenance and check-in will be provided by Mirbeau, so there will be the 24 by 7 management that Mirbeau already has in place. While this is a separate lot, it is separate for financing reasons only. Once the construction financing is complete, it could be merged in with Mirbeau. Mirbeau will be the owner of both lots.

Eggleston – The drainage was looked at exhaustively through the annexation and through the SEQR process. The area has doubled in size; Stacey can talk more to that if you have questions. This will be one of the first things that gets done on the project; improving this swale, as we have promised, creating this drainage basin, and then we'll use this fill that we cut out of this area for grading along here and grading the houses. Mirbeau will own the open space lot and be responsible for maintenance of that storm water quality pond. The Planning Board encouraged us to keep the vegetation here; this used to be a trailer park and there are some very nice mature trees in here. That will be untouched. We will be adding landscaping and planting around the perimeter to help buffer the lodging use from the residential use. We will be adding more evergreen trees in this area; we will be filling in this little hole in the evergreens here, to add appropriate landscaping and buffers to the residential area.

Eggleston – We were asked to do some perspectives. View 1 is from this driveway, View 2 is from Genesee Street, View 3 just up the hill a bit, and View 4 is looking from the shared driveway of the residential portion of the property. [Mr. Eggleston then commented on the drawings]

Carroll – Can you give me a sense of the height of these new buildings relative to the existing Mirbeau structure?

Eggleston – They are shorter than the main Mirbeau structure, which is actually 4 stories in the back. Let's go to the landscape plan. We have some Norway spruce in this area. We will be adding a few more where they seem to be lacking here. We have evergreen trees in here and are putting trees along the bank here. The pond itself will be a naturalized pond. It's not going to look like the Bombard water quality pond at all.

Albunio – At the top of the pond it is going to be a manicured look to maintain the access way to get to the pond. As it slopes down it will be more of a wet meadow type of feel, using a lot of native species to help promote naturalized feel for it; let it go free a little bit with as little maintenance as possible. It might require mowing once or twice a year on the slopes to maintain the type of vegetation that we are looking to achieve.

Eggleston – The concept of the water quality pond is that there is always water in it. When storm water comes in from Mirbeau or the Town property above, any turbidity or silt settles out. There is a fore-bay, a main pond and all that. There is a couple of feet of height; in a storm this holds back the water and it is released at a rate slightly better than the predevelopment rate. It will take all the water that was previously coming into this pond and not being handled very well and also take all the water from the residential area. On the other side of the exit pipe, the water will come out slower than it does currently.

Wopperer – So the drainage issues that they have had at Mirbeau are being taken care of by that specific piece of land?

Eggleston – Yes.

Wopperer – And, even in a storm the rainwater runoff will be retained, held back, so the people on Fuller Street should not have a concern?

Eggleston – The concern the people on Fuller Street should have is the unchecked water coming down Fuller Street and the unchecked water coming down Genesee Street. We can't do anything about that. They will have less water from us, which should help the situation.

Wopperer – So you are saying it will be at the two or three feet level so it retains the water within the property?

Eggleston – Yes, and lets it out slowly.

Wopperer – How is it going to let it out slowly?

Eggleston – It's the size of the orifice.

Albunio – Correct. Eventually the water has to exit the pond so it depends on the size of the pipe that we specify to dictate how quickly that water will flow out.

Wopperer – And that will go directly into the storm sewers?

Albunio – Correct.

Eggleston – To answer some of the special use permit criteria...

Carroll – Let's go through all of them.

Eggleston – I was going to go through them after the public hearing, but I just wanted to mention that we are paying a water/sewer impact fee. Because the lodging use will add 21 bedrooms at 110 GPD, that's 2,310 GPD we are adding – and that's a max, coldest day of the year kind of number – so we will be paying \$12 per gallon, so that's about \$24,000 - \$26,000 one time fee that we pay for the inflow and infiltration fee. In my packet I gave you a narrative; I went through all the criteria.

Carroll – Just a question now. The parking relative to the existing parking, can you give me a sense for the percentage of the new spaces? You are adding 21 and there are now how many?

Eggleston – Do you recall? We have it hidden in the paperwork someplace. There's about 150 to 200 parking spaces. I can get you that number, but the parking requirements for the lodging is

1/room, the restaurant is 1/3 seats, the spa is so many per SF. We did the calculations and we are over the number of spaces required.

Carroll – I was thinking more of the traffic; to make sure that we are adding a small percentage, and it sounds like you are. You called it a service road in front of the structures. Fire, police that's all fine? I'm not familiar with the road.

Eggleston – It's the existing road. It's a 20 foot wide paved area, so it is two-way traffic. It takes trucks, because it goes back to the service area of Mirbeau. It is where people coming just for the spa and employees park. Any other questions on the proposed project?

Zapata – No.

Wopperer – Any other questions from the Board? At this time we'll open it to the public. Is there anyone who would like to speak in favor of the application? [There was no one desiring to be heard.] Is there anyone against? [There was no one desiring to be heard.]

Member Carroll, "I will move to close the public hearing." Member Zapata seconded the motion. Upon the unanimous vote of the members present and voting, the motion was carried 3 – 0.

Carroll – Ric, two questions if I could? G & H in 239 regarding notice to applicant, county planning agency; that's all taken care of?

Galbato – Yes. County Planning commented on the subdivision and special permit all on April 19, 2017.

Carroll – And similarly H, we are in compliance with Standard Environmental Quality Review Act?

Galbato – SEQR was completed by the Planning Board. The Planning Board requested to act as lead agency, this Board received notice of their intent to act as lead agency, as did other agencies. No other agency as well as this Board objected to the Planning Board acting as lead agency. They did so in consultation with the Village Engineer and a negative declaration and SEQR resolution adopted October 5, 2017.

Carroll – Thank you.

Wopperer – I would like to discuss I, such conditional use and site development plan are in harmony and will not impede orderly development of the district...or discourage the development and use of adjacent lands.

Eggleston – The proposed 3 lodging buildings will comply with the required density control schedule and will have access to the existing Mirbeau service road. The new lodging buildings will have sidewalks that tie into the Mirbeau sidewalks and the Village sidewalk system. Existing trees and vegetation in the open space land to the east of the units will be maintained to

the greatest extent feasible to provide a natural buffer to the residential area in the A-2 residential district.

Wopperer – There was an email sent to Dennis Dundon addressed to the Board from Mary Smith dated 2/20/2018 which stated that the ‘extended stay potential for noise and lighting disturbances, 42 people vacationing, celebrating, music conversations, etc. Increased noise drifting over areas below – vacationers come and go, consider the permanent residents. It goes on to say how will residents of the subdivision feel about that activity going on above them.’ I’m not going to answer that because the subdivision is not before this Board. Drainage issues we talked about. I may reach out to Mary Smith.

Eggleston – You have an existing facility, you have an existing management. It is the same managers, so there will be the same type of control that we have with the existing Mirbeau. If you look at the distance of the existing Mirbeau building to the residential properties, we are further away from the current. We do have new residential units and they will buy knowing that this is here, and we have looked carefully at the plantings to maintain the separation. I don’t want this to be confused with the previous lodging issues that were going on where it was not controlled and unchecked. We have a history here. It is appropriate to take an existing facility and expand it, rather than put a new one in someplace else in a different neighborhood.

Wopperer – are there any further questions from the Board? [There were none.]

Galbato – If the Board is going to entertain a motion I would recommend that it be contingent upon the pending subdivision approval and Critical Impact Permits that are pending before the Planning Board, for the open space subdivision, and the Board of Trustees. I would also recommend that it be contingent upon satisfactory proof of on-site supervisory management required under the amended lodging definition in our code. The definition of Lodging was amended by Local Law #4 of 2015 and now reads (Section 225-4), “A building or group of buildings whether detached or in connected units on a single lot containing individual sleeping units intended primarily for transient travelers containing six or more rental units (rooms) with on-site supervisory management at all times. Accommodations incidental to such occupancy may be provided including dining rooms, gift shops, personal services, a bar where non-alcoholic and alcoholic beverages may be served for on-premises consumption, meeting rooms, lounges, swimming pools, and physical fitness rooms to accommodate the residents and invited guests and the general public.” The reason why you should emphasize on-site supervisory management in your motion is because the proposed lodging facilities are on a separate parcel from the current Mirbeau complex. It has been represented that ownership will be in the name of the same legal business entity that owns the Mirbeau facility.

Member Carroll, “I will make the motion that we approve the Special Use Permit application of Gary Dower for development of new lodging structures comprising 21 bedrooms in 3 buildings on a lot to be subdivided as part of the proposed Mirbeau Gateway development project at the corner of Fuller and West Genesee Streets in the Village of Skaneateles, subject to and contingent upon pending subdivision approvals, all Critical Impact Permits and ongoing proof of on-site supervisory management pursuant to Section 225-4 of the Code, which defines Lodging, and that there shall be no drainage

issues imposed upon West Genesee Street or Fuller Street. In connection with that motion, the Board makes the following findings pursuant to Section 225-39: (a) that we are in compliance with 225-39G notice to applicant and County Planning Agency; (b) that we are in compliance with 225-39H SEQRA; (c) with respect to 225-39I, it is the finding of the Board that (1) there is no unreasonable detrimental effect by the establishment of the conditional use upon any other building, structure or use, actual or permitted within the District – it being our finding that the proposed special use is already part of an existing business, the Mirbeau Inn & Spa; (2) the conditional use and site development plan are in harmony with and will not impede the orderly development of the District and the location, nature and height of buildings, structures, walls, fences and parking areas will not discourage the appropriate development and use of the adjacent lands. It being our further finding that the buildings will comply with the required density control schedule, have access from the existing Mirbeau service road, and that sidewalks will be tied in as appropriate to the Mirbeau property and Village public sidewalks; (3) the water supply, sewage disposal and surface drainage systems shall be adequate to serve the conditional use, all said systems being redesigned to accommodate the new structures or are otherwise currently adequate; (4) the flow, control and safety of traffic in the District will not be adversely affected to an unreasonable degree by such conditional use, the Board finding that the addition of 21 parking spaces and therefore that limited additional traffic will not impede the flow of traffic in the Village nor pose any safety problems; (5) the plans for the conditional use provide that all structures, equipment and materials shall be reasonable and accessible for police and fire protection, the Board finding that the service road, location of the buildings and the flow of traffic through the area is reasonably accessible; (6) the plans for such conditional use contain reasonable provision for open spaces and recreational areas appropriate to such conditional use; and (7) the plans for such conditional use meet the prescribed requirements of Chapter 225, inclusive of the requirements of the district in which located and all standards within the code, ordinance rule or regulation. The plans are dated February 1, 2017.” The motion was seconded by Member Zapata. Voting ‘aye’ were members Carroll, Wopperer and Zapata. The motion was carried 3 – 0.

This matter was concluded at 8:22 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards

**Village of Skaneateles
Zoning Board of Appeals Meeting
February 28, 2018**

Continuation of Public Hearing in the matter of the area variance application of Scott & Diane Buell to vary the strict application of Section 225-58B(8)(a) for driveway set-back at the property addressed as 105 Packwood Place in the Village of Skaneateles.

Present: Michael Balestra, 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

Scott Buell, applicant
Diane Buell, applicant

Gregg Eriksen, Village Trustee
Michael Fogel, Syracuse
Rick Parcells, 61 West Lake Street
Matt Kerwin, Syracuse
James & Courtney Alexander, 24 Leitch Avenue
Doreen Simmons, 38 West Lake Street
Mark & Teresa McSwain, 26 Leitch Avenue
Ben & Betsy Carter, 8 Leitch Avenue
S. Gusla, 16 Leitch Avenue
A. Hagen, 25 Leitch Avenue
Eric Goetzman, 3150 West Lake Road
Bob Eggleston, 1391 East Genesee Street

Excused: David Badami, Member

At 8:24 pm, Chairman Balestra opened the public hearing in the matter of Scott & Diane Buell for 105 Packwood Place.

Balestra – So what happened is you built this driveway and this was discovered after the fact, right?

D Buell – Correct.

S Buell – The water issue on the other side of the house.

D Buell – That's what started it is that we were asked to move the whole house 5 feet over because of drainage issues on the other side of our house that impeded the Syracuse water easement. So when Shannon asked us to do that, we complied with the Village and moved it over – moved everything over, not realizing this. Our turn radius is very tight.

Balestra – This is a situation where something was built, it wasn't conforming to the code but it wasn't caught until after the fact and nobody was trying to do that. Is this survey, October 28, 2015, is that the accurate? This was the as built of the driveway? And it actually encroaches a little bit there?

D Buell – They have come since then. They did a new survey, probably for lot 34. They put the posts and ran a string and I don't see any encroachment – but it is on the lot line.

Balestra – We can't approve an encroachment, that's really a neighbor thing, but we can approve a variance up to the lot line. Does anyone have any questions about this?

Wopperer – Could you point out what you pointed out to Mike so I can understand what you are talking about?

S Buell – The first page is from the Planning Board special meeting, November 16, 2017. The gist of it is the Planning Board recommended a two foot variance to permit a one foot area on each side of the property line to construct. By doing that, the recommendation is that we would lose a foot of our driveway. If you take a look at the second page, in the highlighted area, the swale comes down the centerline between the two and then it empties onto our driveway. By trenching it next to the current driveway I was able to mitigate. It seemed to work out; there wasn't any standing water and we didn't have any on the driveway. Page 3 shows that it is centerlined on one of the utility boxes, so that puts it centered on the box, the Time Warner cable box. You don't have much distance between that cable box and the power box too. Page 5 gives you an idea of what I trenched down the side. My request is to be able to keep our driveway and for me to trench it a shovel's width and fill it with stone. I would maintain it.

Balestra – The trenching would be on your lot?

S Buell – It would actually be right on the line.

Balestra – A variance approving what exists; that's what you are looking for?

D Buell – Correct.

S Buell – You are going to have to move power boxes to do what it says on the plan. I don't think that's in anyone's best interest. Doing what I am requesting releases the water 15 feet higher. It is trenched down the side and it releases right there.

Chairman Balestra, “Is there anyone here to speak in favor of, or just generally about this application?” [There was no one desiring to be heard.] “Then I would make a motion that we close the public hearing.” The motion was seconded by Member Zapata. Upon the unanimous vote of the members present, the motion was carried 4 – 0.

Chairman Balestra, “I will make the motion that we grant the area variance application of Scott & Diane Buell to vary the strict application of Section 225-58B(8)(a) for driveway set-back at the property addressed as 105 Packwood Place in the Village of Skaneateles. Specifically, this motion is to grant a variance for the conditions already in existence on the site which are shown on a survey dated October 28, 2015 and made a part of the application. This variance allows the driveway to abut the property line as it currently does and no more. This is a Type 2 action under SEQRA.” The motion was seconded by Member Zapata. Upon the unanimous vote of the members present, the motion was carried 4 – 0.

This matter was concluded at 8:33 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards

**Village of Skaneateles
Zoning Board of Appeals Meeting
February 28, 2018**

Continuation of the 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; Section 225-15A(9) for height of accessory building; and Section 225-69D Nonconforming Buildings, Structures and Uses, Extension or Expansion; to construct a 33 by 24 foot 2-car detached garage with attic storage and rec room in the basement; 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: Michael Balestra, 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
Matt Kerwin, Esq., on behalf of the applicant

Gregg Eriksen, Village Trustee
Michael Fogel, Syracuse
Rick Parcels, 61 West Lake Street
Doreen Simmons, 38 West Lake Street
James & Courtney Alexander, 24 Leitch Avenue
Mark & Teresa McSwain, 26 Leitch Avenue
Ben & Betsy Carter, 8 Leitch Avenue
S. Guske, 16 Leitch Avenue
A. Hagen, 25 Leitch Avenue
Eric Goetzman, 3150 West Lake Road

Excused: David Badami, Member

At 8:34 pm, Chairman Balestra opened the public hearing in the matter of 63 West Lake Street.

Balestra – Mr. Eggleston, there have been some changes, some alternative designs, some options; did you have hard copies of those?

Eggleston – We have Matt Kerwin, attorney here. You wanted to make a statement first?

Kerwin – Yeah. I know Bob had submitted some information over the last day or two to the Board relative to some different designs for the garage as was discussed at the last ZBA meeting we attended. I just want you to know that based on discussions with our client, he, our client, has decided to withdraw the portion of the variance application relative to the garage at this time. So the only variance applications before you are relative to the boathouse and the existing cottage.

Balestra – OK; thank you. That will make this shorter.

Chairman Balestra, “The public hearing is still open, and we left it open in case anyone had comments. Is there anyone here who wishes to discuss specifically work to be performed on the existing cottage at 63 west Lake Street or the boathouse?” [There was no one desiring to be heard.] “Having heard nothing, I make a motion that we close the public hearing.” Member Carroll seconded the motion. Upon the unanimous vote of the members present, the motion was carried 4 – 0.

Galbato – Do we have drawings showing no garage?

Balestra – So why don’t we pump the brakes for a second and find the right drawings. We’ll just ignore the garage.

Kerwin – You can just disregard what was submitted within the last two days.

Balestra – Right. I’ve got drawings dated July 25, 2017. Were there drawings of the boathouse elevations?

Eggleston – Elevation drawings, no. We didn’t know there was going to be a variance. I do have; I have written in blue the heights of the various pieces, we can put a new date on this. We can note that the garage will not be over 11 feet.

Balestra – I’m just going to call this Exhibit A, and date it today. OK, the garage is off.

Eggleston – The height; we are not asking for a 19 foot height variance.

Kerwin – The variance is off the table.

Balestra – That was the only variance required for the garage, so the garage is no longer part of this application.

Eggleston – It will be less than or equal to 11 feet. Which complies with code.

Wopperer – So all we’re talking about is the boathouse.

Eggleston – The variance is the boathouse, correct. The cottage was cited as being an existing nonconforming structure; the only thing we are doing is replacing the exact location of the patio with new materials and the French doors. That does not create any change to the cottage, but it was noted as nonconforming.

Simmons – I know the public hearing is closed, but my name is Doreen Simmons and I represent Adam Weitsman, who just purchased the property next door. I heard you say that you had withdrawn the application for the garage, but you are not; you are still intending to proceed with construction?

Eggleston – Nope, nope.

Kerwin – Our client is evaluating their options right now, but the variance for the garage as previously applied for is off the table.

Eggleston – The variance application is withdrawn for the garage.

Kerwin – And that was the only variance that was required.

Balestra -- So they could, theoretically, build a conforming garage. That would have nothing to do with us.

Simmons – I just understood that it was being fully withdrawn, but then we heard withdrawn but not withdrawing the application.

Wopperer – So my question is 63 West Lake Holdings is no longer the owner of the property?

Zapata – No, no.

Balestra – The adjacent property has since changed hands. 63 West Lake Holdings is still the owner of the parcel that we are talking about. They wanted to make some alterations to the patio and raise the height of...

Wopperer – So 63 West Lake south was sold.

Zapata – No. Nothing with 63.

Dundon – No, 61 was sold.

Eggleston – I have produced a drawing of the cottage which was submitted earlier. I have consolidated and I have shown how I came up with the 11 foot height. So that might be of value.

Balestra – You are what, residing the cottage?

Eggleston – We are residing it to blend with the house on 63 south.

Balestra – But there is no expansion? It's the patio that's expansion.

Eggleston – There is no expansion of the patio, it's a repair. Same size, different upgraded materials.

Wopperer – So all we are talking about is the boathouse height, and repair of the patio, right?

Eggleston – The variance is for the height of the boathouse.

Simmons – Just a clarification then, Mr. Eggleston. So, as you know our desire is that there be a discussion regarding a different location for the garage – so what you are saying is your client is exploring various options?

Kerwin – this is purely a private conversation. What I can say to the Board is what I have said previously – we have withdrawn our application for the variance relative to the garage and our client is exploring their options.

Balestra – There is nothing more for us to do on the garage.

Chairman Balestra, “I would move that we grant the 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; Section 225-15A(9) for height of accessory building with respect to the proposed boathouse expansion upward; to install drainage, repair boathouse foundation increasing its height; and replace/repair cottage patio as it exists at the north property addressed as 63 West Lake Street in the Village of Skaneateles referencing Exhibit A dated February 28, 2018. I note in this motion that the Section 225-15A(9) variance that was requested to construct a garage on the parcel has been withdrawn by the applicant. This is a Type 2 action under SEQRA that was previously considered as an unlisted action under SEQRA by the Planning Board and resulted in a negative declaration. Applicant shall have one year to complete.” Member Zapata seconded the motion. Upon the unanimous vote of the members present, the motion was carried 4 – 0.

This matter was concluded at 8:46 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards

**Village of Skaneateles
Zoning Board of Appeals Meeting
February 28, 2018**

Request of Courtney Jones - Alexander for additional extension of previously extended area variances for Side yard set-back, left, Both side yards combined, Percentage of open area and expansion of a nonconforming building at the property addressed as 24 Leitch Avenue in the Village of Skaneateles. *These variances were granted by the Board on February 25, 2014, and were subsequently extended by Board action to February 25, 2017, then to January 25, 2018 and then to February 28, 2018.*

Present: Michael Balestra, 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

James & Courtney Alexander, 24 Leitch Avenue

Gregg Eriksen, Village Trustee
Mark & Teresa McSwain, 26 Leitch Avenue
Ben & Betsy Carter, 8 Leitch Avenue
S. Guske, 16 Leitch Avenue
A. Hagen, 25 Leitch Avenue
Eric Goetzman, 3150 West Lake Road

Excused: David Badami, Member

At 8:46 pm, Chairman Balestra opened the discussion in the matter of variance extension for 24 Leitch Avenue, noting that the Board had discussed this matter at its January meeting and had granted an extension until tonight in order to provide for notification of neighbors that the matter is being discussed and to have an opportunity to comment. He went on to note his understanding that construction is moving along.

Mr. Alexander stated that Courtney has furnished CEO Crompt and the Board with schedules of the work that has been done in the house, calling it “substantial progress”, reminding the Board that the delays had been the result of financing requirements and restrictions. They are seeking a six month extension – projecting that the exterior work will be completed in 2 months and “great

progress” has been made on the interior, which he expects to be completed within 4 months. The six month request is to accommodate any unforeseen delays.

Chairman Balestra asked if there was anyone who wished to speak? There was no immediate response. CEO Crompt stated that he has been visiting the location regularly and can verify that the project is moving along well. Ms. Marshall asked if the intent was to finish the back? Mr. Alexander confirmed that they will, Ms. Jones-Alexander added that there will not be expansion to the rear of the house.

Mr. McSwain said that he just wants to see it finished, especially the exterior. He still has concerns about maneuvering past the porch steps to get around to the garage, but that he supports the project. Ms. Guske asked if this were to be the last extension? Chairman Balestra responded that everyone wants to see this project completed. The ZBA makes a concerted effort to limit projects to one year or less because (a) neighbors like to see construction projects completed, and (b) as a planning issue the Board wants to give neighbors the ability to plan thus minimizing the impact on neighborhoods. But he can't say that it is the final extension – because what is the option – not finishing? Member Zapata added that, in this situation, the ZBA wanted to make sure that neighbors were aware of the requested extension and were granted the opportunity to speak.

Mr. Carter stated that he just wanted to see the project get done. Ms. Marshall said that she was dismayed that this was going into the 5th year of this project and that the ZBA was not respectful to the neighbors. Member Zapata disagreed with that characterization. Chairman Balestra stated that the Board has shown no disrespect to anyone, and noted that it had taken special effort to ensure notification was given to neighbors, even though the Board was not required to do so. Mr. McSwain recalled that last year's interactions with the Board had been somewhat argumentative.

Chairman Balestra, “I move that we grant a 6 month extension of these variances, with the sincere hope that it is the last time.” Member Zapata seconded the motion. Upon the unanimous vote of the members present, the motion was carried 4 – 0.

The Board acknowledged the annual training requirements of 4 hours per year.

This matter was concluded and on motion of Chairman Balestra, seconded by Member Carroll, the meeting was unanimously adjourned at 9:00pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards