

Village of Skaneateles
Zoning Board of Appeals Meeting
May 23, 2018

Public Hearing in the matter of the area variance application of Brian & Bonnie Howell 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; and Section 225-69D Nonconforming Buildings, Structures and Uses, Extension or Expansion; to construct a second floor addition at the property addressed as 61 West Genesee Street in the Village of Skaneateles.

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

Riccardo Galbato, Attorney for the ZBA
John Crompt, Code Enforcement Officer
Beth O'Sullivan, Deputy Zoning Inspector
Dennis Dundon, Clerk to the Boards

Janice Miller, architect, on behalf of the applicant

Gregg Eriksen, Village Trustee
Bob Eggleston, 1391 E Genesee Street
Jonathan DalPos, 102 E Genesee Street
Gary Dower, 102 E Genesee Street
Bill Murphy, 3 Fennell Street

At 7:30 pm, Chairman Balestra opened the May 23 meeting and called for Howells for 61 W Genesee St.

Miller -- It's very straightforward; it's a one-story addition off the back which is the kitchen. They want to go straight up. It is an existing nonconforming with side yard set-back. We are not changing that, we are just going straight up. Just under 300 SF.

Wopperer – You are going out 11 feet?

Miller – Yes, which is what that is.

Wopperer – OK. You're going 11 feet; oh, I got it.

Miller – We are not going out further than what’s already there.

Balestra – It doesn’t change the footprint.

Miller – It doesn’t change the footprint, or the height.

Balestra – Anybody have questions?

Wopperer – No issues with the neighbors regarding height or anything like that?

Miller – No. Actually, the way the neighbors are situated; you can see the trees on each side, you can’t even see it. And the lot is forever deep.

Wopperer – The soccer field by the school?

Miller – No, this is down by the Krebs.

Kowalski – So it just cantilevers a small portion past the existing?

Miller – That’s the existing overhang of the roof. So, we just captured that.

Wopperer – What about gutters and drainage?

Miller – I don’t think there’s any drainage issues there. My parents live 3 houses down from there. There’s no drainage problems. I’m not a hug fan of gutters because of the maintenance and given the height of the building, I think that could be problematic.

Chairman Balestra, “If there are no other questions, we will open this up to take comments from the public, one way or the other. With no one wishing to speak, I’ll make a motion to close the public hearing.” Member Wopperer seconded the motion. Upon the unanimous vote of the members in favor of the motion, the motion was carried 5 – 0.

Chairman Balestra, “I make a motion that we grant the application of Brian & Bonnie Howell 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; and Section 225-69D Nonconforming Buildings, Structures and Uses, Extension or Expansion; to construct a second floor addition at the property addressed as 61 West Genesee Street in the Village of Skaneateles. This is a type 2 action under SEQRA and the applicant shall have until February 28, 2019 to complete.” Member Carroll seconded the motion. Upon the unanimous vote of the members in favor of the motion, the motion was carried 5 – 0.

This matter was concluded at 7:33 pm.

Respectfully submitted,
Dennis Dundon, Clerk to the Boards

Village of Skaneateles
Zoning Board of Appeals Meeting
May 23, 2018

Public Hearing in the matter of the area variance application of Scott & Lisa Osiecki to vary the strict application of Section 225-A5 Density Control Schedule for Side yard set-back, left; Side yard set-back, right; Both side yards combined; Rear yard set-back; Percentage of open area; and Minimum lot area; and Section 225-69D Nonconforming Buildings, Structures and Uses, Extension or Expansion; to demolish an existing balcony and to construct a 189 SF addition to an existing deck at the property addressed as 47 East Street in the Village of Skaneateles.

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

Riccardo Galbato, Attorney for the ZBA
John Cromp, Code Enforcement Officer
Beth O’Sullivan, Deputy Zoning Inspector
Dennis Dundon, Clerk to the Boards

Bill Murphy, architect, on behalf of the applicant

Gregg Eriksen, Village Trustee
Bob Eggleston, 1391 E Genesee Street
Jonathan DalPos, 102 E Genesee Street
Gary Dower, 102 E Genesee Street

At 7:33 pm, Chairman Balestra opened the May 23 meeting and called for Osieckis for 47 East St.

Murphy – Before you tonight we have a proposal to essentially remove the existing balcony off the rear of the house and replace it with a little larger deck. A portion of that deck being a covered porch. The main reason for the covered porch is the west-facing sunset and exposure of this elevation. We are trying to create a half room to still let some filtered light in but not totally drown out their furniture and fade it away. They have problems with their floor finishes in that room; it is just such a tough exposure. So we are trying to get a half room out here for them and get them a little protection from the daylight. We are asking for an expansion into the rear yard set-back there, so that variance is new. The other new variance is the minimum open space requirement. So those two variances are changing from what’s there today. The side

yard set-backs that exist and the combined side yard set-back is all in place already. We are not making them any larger in our proposal. Are there any questions of the Board?

Chairman Balestra, "It's pretty straightforward. Is there anyone to speak in favor? Anyone in opposition? [there was no one desiring to be heard] I think that helps to inform the Board a little bit.

Murphy – We also; we are making a couple of subtle tweaks with the posts, extending that middle post down to grade.

Wopperer – I have a question for John Cromp. There is nothing special about the demolition?

Cromp – This application was made before the new local law.

Mr. Murphy, Mr. Cromp and the Board discussed Local Law #3 of 2018.

Chairman Balestra, "I move that we close the public hearing." Member Zapata seconded the motion. Upon the unanimous vote of the members in favor of the motion, the motion was carried 5 – 0.

Member Wopperer, "I make a motion to approve the variance application of Scott & Lisa Osiecki to vary the strict application of Section 225-A5 Density Control Schedule for Side yard set-back, left; Side yard set-back, right; Both side yards combined; Rear yard set-back; Percentage of open area; and Minimum lot area; and Section 225-69D Nonconforming Buildings, Structures and Uses, Extension or Expansion; to demolish an existing balcony and to construct a 189 SF addition to an existing deck at the property addressed as 47 East Street in the Village of Skaneateles. The approval is based on drawings dated April 5, 2018; this is a Type 2 action under SEQRA; and applicant shall have until the end of the year, December 31, 2018, to complete." Chairman Balestra seconded the motion. Upon the unanimous vote of the members in favor of the motion, the motion was carried 5 – 0.

This matter was concluded at 7:38 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards

Village of Skaneateles
Zoning Board of Appeals Meeting
May 23, 2018

Public Hearing in the matter of the Site Plan Review application, Downtown D Design Standards review application, Special Use Permit application, and area variance application to vary the strict application of Section 225-A5 Density Control Schedule for Minimum lot area, in the matter of the application of Richard Charles to change the use from Office, general business C (13) to Dwelling, multifamily A (4), and to construct a four dwelling unit condominium residence at the property addressed as 37 Jordan Street in the Village of Skaneateles.

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

Riccardo Galbato, Attorney for the ZBA
John Crompt, Code Enforcement Officer
Beth O'Sullivan, Deputy Zoning Inspector
Dennis Dundon, Clerk to the Boards

Bill Murphy, architect, on behalf of the applicant

Gregg Eriksen, Village Trustee
Bob Eggleston, 1391 E Genesee Street
Jonathan DalPos, 102 E Genesee Street
Gary Dower, 102 E Genesee Street

At 7:38 pm, Chairman Balestra opened the May 23 meeting and called for Richard Charles for 37 Jordan St.

Eggleston – This was an application that was introduced a few years ago. The changes are *de minimus*. We have gone through the Planning board initial review; they have recommended your approval of the special permit and variance. I have a narrative that was revised May 4 and the drawings are dated May 4. We have been 3 – 4 months developing this between the code enforcement office and Planning Board improving it from what was approved four years ago. Basically we have 4 dwellings in a building. I have gone through the Downtown D design standards which the Planning Board will review again. The design is identical to what it was before. We have provided parking. In that we have 2 dwelling units under 1000 SF, they only need 1 parking space each. We have two units between 1000 and 1500. They require 1.5. that's

5 parking spaces required. We are providing 6 on site. The adjacent building also owned by Richard Charles has 8 parking spaces. Rudy Zona did an auto maneuvering; there was a question as to whether these parking spaces worked. This is not parking for the general public; it is parking for the residents. This drawing is the red lines that's tire tracks, the blue line is the fender. So all the cars can maneuver, and they can maneuver with one backup swoop and then proceed out. So we have improved that by eliminating one parking space. Because Richard Charles would like to make 2 cars available for each unit, we are having an extra car on 39 be assigned by easement so they will have 7 – that's 2 spaces more than required by zoning. We have just submitted a revised plan for 39 showing that there are only 3 required on-site parking spaces; we have 5, so there are 2 parking spaces that can be assigned to that use. The variances are the lot size – in the Downtown D District you have to have 3,000 SF for each dwelling unit; we have just over 9,000 SF. This is a very typical variance in the Downtown D District, in that most buildings with more than one use do require variances, so it's not out of character. I have gone through all the special permit criteria for you. We can go through those or I can answer any questions.

Balestra – Do you have questions at this time?

Kowalski – So this parking is different from what the Planning Board was looking at, is that correct?

Eggleston – The only difference is we rearranged parking spaces 2 and 3. Before they were straight on and had to do a 3 maneuver turn to get out. Now everything is a one backup and out.

Balestra – What's the height of the existing building at 39?

Eggleston – There is a sheet that shows how it ties into the neighborhood. I can pull out a scale and measure it.

Kowalski – Is it the hand sketched one?

Eggleston – Those are renderings [unintelligible]. It might be the last one in your set. [unintelligible]. 45 feet is the allowed height in the Downtown D District.

Balestra – I'm just trying to get a sense of the relationship between the 2 buildings.

Eggleston – That's the relationship between the two buildings.

Wopperer – You mentioned that you are getting approval for an easement onto 37 Jordan?

Eggleston – What it is; this parking space is on 39 Jordan. We would like to it be available to 37. So, Richard Charles is going to give himself an easement to allow this car to belong to that building.

Carroll – John, Ric, what covers our review of fire safety here? I'm focused on the fact that the building is set back from Jordan and we have the one driveway with cars on front of the building.

Cromp – The fire department hasn't looked at this but I don't think there will be an issue with this because you can pull right up to the building with a fire truck.

Eggleston – Also as noted in the narrative, the building will be sprinklered so you have that extra level of protection.

Chairman Balestra, “Is there anyone here to speak in favor of the application? [no one]. Anyone want to speak in opposition or just speak about the application?”

Cromp – Mr. Chairman, I do have some questions, because we have had some changes. Bob, can you tell me how you arrived at your square footage for the units?

Eggleston – The method of measuring is from the outside wall to the centerline between uses. So if there are two units adjacent to each other you go to the center of the wall. And then there is common space which is the stairways in between.

Cromp – So were we wrong in calculating unit B as 26 by 36 or 1,008 SF?

Eggleston – Yes, because it's 24 on one side and 36 on the other. So there would be 24 SF less.

Cromp – The covered patios, should they not count in the calculation?

Eggleston – They should not count because they are exterior space.

Cromp – Would they count if they were screened in?

Eggleston – I don't believe so, not by code in the Village. The New York State building code only would count the heated conditioned space.

O'Sullivan – Under 225-4 Definitions for minimum livable floor area that's where it talks about balconies and things like that. If they have a roof over it, that needs to be counted.

Eggleston –OK; so be it.

O'Sullivan – If you add that square footage area into A, then you end up with 1,044 SF.

Eggleston – So we need one more parking space, which we have on-site.

O'Sullivan – In regards to the parking spots for 39. In 2007 at a Planning Board meeting, a site plan review for change of use from retail to office, licensed professional. The Chairman said 'if you care to make a motion, make it clear that the presumption is that 5 cars are required for this use'. The motion 'I move we approve the change of use for the site plan on the condition that it be required parking of 5 cars rather than the accepted 3 car rebuttable presumption. We recommend to the Village Board of Trustees that they approve the Critical Impact Permit' that was approved February 26, 2007. That is just for that retail space, then you have an additional 1

car for the hotel and then you have 2 cars for the residential. So you have 8 for 39. So that runs into a problem when you are sharing spaces with 37; you can't share spaces with 37.

Eggleston – As I have responded, since 2007 the zoning law has changed. It is now 300 SF for retail and office space. This is office space. In the Downtown D district, non-overnight accommodations are not required to have on-site parking. So basically the 5 parking spaces for the open space are no longer required, and as I mentioned I have submitted a revised Site Plan review for 39 so that can be clarified by the Planning Board.

Cromp – I guess that's our question. Is that variance that was issued back in 2007 still in effect or does that change? Do you need to vary that variance?

Eggleston – That wasn't a variance I don't believe. It's no longer a requirement by zoning, so how could we be held to an old standard when the zoning has changed?

Cromp – I guess that's our question.

Balestra – And the Planning Board is going to look at this?

O'Sullivan – Next month.

Balestra – I tend to agree with Mr. Eggleston on that point.

Cromp – Is there still a sidewalk in front of the cars?

Eggleston – Well, yes and no. We have shown a sidewalk in front of car 3 that comes out enough that the handicap loading area can access a sidewalk. We don't have sidewalk in front of cars 1, 2, 4, 5, and 6. Instead that's planter space.

Cromp – So, if you come out of 4 and 5, you have to walk around the car.

Eggleston – Correct. And this is all within a private driveway.

Balestra – Anyone else acre to speak on the application?

Kowalski -- This dashed in here is the existing steel building relative to the proposed size?

Eggleston – Yes. It is taller than the current steel building. The building height is 29.5 feet for the new building. The existing building in front is shorter.

Balestra – I think something needs to be done on that property; put it to good use. I think this is a good use. I personally would like some more time to make sure it is being done as well as it should be done; I realize that we have reviewed this before. I understand that the Planning Board is going to look at it again. I'd be in favor of taking this up again next month and leaving the public hearing open for now. I have not had a chance since we received the materials to go on the site and wander around.

Chairman Balestra, “I would make a motion that we adjourn the public hearing to next month and continue this matter to our June 27, 2018 meeting. Upon the unanimous vote of the members in favor of the motion, the motion was carried 5 – 0.

This matter was concluded at 7:54 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards

