

Village of Skaneateles
Zoning Board of Appeals Meeting
October 24, 2018

Public hearing in the matter of the area variance application of Doug Sutherland to vary the strict application of Section 225-A5 Density Control Schedule for Minimum open area; to construct a 70 foot long retaining wall on the east side at the property addressed as 76 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 Cromp, Code Enforcement Officer
Dennis Dundon, Clerk to the Boards

Doug Sutherland, applicant

Cindy Dempsey, 35 Griffin St
Bob Eggleston, 1391 East Genesee St
Johan Visser, 9 Ashwood Lane
Mary Price, 66 East Elizabeth St
Sheila Weldon, 86 East Lake St

At 7:30 pm, Chairman Balestra called for the Sutherland matter for 76 West Genesee Street.

Mr. Sutherland said that his home is at the corner of Orchard Road and West Genesee Street. He is proposing to construct a very low, dry stone wall that will run about 80 feet down the east side of the property. It is not really a retaining wall; it is a decorative landscaping feature. When viewed from #74 Genesee, his property is up a bit higher. Mr. Sutherland showed a series of photographs illustrating the current condition. Currently the property line is a messy garden edge, with lawn going up to his house. He also showed an example of another similar wall on Elizabeth Street as an illustration.

The topping on the wall creates the issue that brings him before the Board. His property is in the A-2 District which requires 85% open area. Construction of the wall would put the lot just slightly under 85%. His neighbors are aware of the proposal and like the idea. The wall will be 6 inches back from the property line. The lot was recently resurveyed and pins set to aid the construction. The wall as proposed is 1 foot wide and 2 feet high.

Chairman Balestra said the variance is miniscule, and opened the public comment portion of the hearing.

Mr. Eggleston spoke in favor, saying that in his practice he has never considered retaining walls and landscaping to be structures counted against open area. In the Village only 15% of structures are permitted; it is a bad idea to have the precedent, and the Board should find that no variance is required. Mr. Sutherland agreed it was a close call. As a member of the Planning Board he felt that he should go the extra step to receive approval for a variance. Mr. Crompt said that according to the Village Code, the wall is a structure.

Chairman Balestra expressed his feeling on the comments; while a structure, the nature of the structure is minimally intrusive. But it has the use and nature of a structure. The Board discussed the applicability of the requirement. Mr. Crompt told the Board that there is a pending application that has many of these walls on the property. Chairman Balestra said it is duly noted and said, **“I move that we close the public hearing.”** Member Carroll seconded the motion. **Upon the unanimous vote of the members present in favor of the motion, the motion was carried 5 – 0.**

Chairman Balestra, “I move that we approve the area variance application of Doug Sutherland to vary the strict application of Section 225-A5 Density Control Schedule for Minimum open area in order to construct a landscaping wall at 76 West Genesee Street. This action is in accordance with plans submitted with the application and dated 5.17.18, it is a Type 2 action under SEQRA, and that the applicant shall have until 5.31.19 to complete.” Member Zapata seconded the motion. **Upon the unanimous vote of the members present in favor of the motion, the motion was carried 5 – 0.**

This matter was concluded at 7:39 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards

Village of Skaneateles
Zoning Board of Appeals Meeting
October 24, 2018

Public hearing in the matter of the area variance application of Albert Giannino to vary the strict application of Section 225-A5 Density Control Schedule for Rear yard set-back and Minimum open area; and Section 225-14 C (5) (a) to construct a 176 SF addition on the rear of the existing garage at the property addressed as 80 West Elizabeth 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
Dennis Dundon, Clerk to the Boards

Cindy Dempsey, 35 Griffin St
Bob Eggleston, 1391 East Genesee St
Johan Visser, 9 Ashwood Lane
Mary Price, 66 East Elizabeth St
Sheila Weldon, 86 East Lake St

At 7:40 pm, Chairman Balestra called for the Giannino matter for 80 West Elizabeth Street, noting that there was no one present to speak for the applicant, who is out of the country. Mr. Giannino welcomed any questions that the Board raised and offered to respond via email. Chairman Balestra said that he prefers to have applicants represented at their hearings. On certain simple and non-controversial matters the Board might decide to hear the matter and decide it without such representation, but in doing so it would not be establishing a precedent nor sending a signal to applicants that attendance is optional. But in this case, that application is pretty straightforward.

Member Zapata noted that in this case there are extenuating circumstances, and that the applicant had made an effort to be responsive. Chairman Balestra cautioned future applicants against relying on the Board's forbearance on representation. The Chairman then opened the public comment portion of the hearing. There was no one desiring to be heard either in favor of or opposed to the application. **Chairman Balestra, "I move that we close the public hearing." Member Carroll seconded the motion. Upon the unanimous vote of the members present in favor of the motion, the motion was carried 5 – 0.**

Member Zapata, “I move that we approve the area variance application of Albert Giannino to vary the strict application of Section 225-A5 Density Control Schedule for Rear yard set-back and Minimum open area; and Section 225-14 C (5) (a) to construct a 176 SF addition on the rear of the existing garage at the property addressed as 80 West Elizabeth Street in the Village of Skaneateles. This action is in accordance with plans dated 5.27.17, it is a Type 2 action under SEQRA, and that the applicant shall have until 10.31.19 to complete.” Member Carroll seconded the motion. Upon the unanimous vote of the members present in favor of the motion, the motion was carried 5 – 0.

This matter was concluded at 7:43 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards

**Village of Skaneateles
Zoning Board of Appeals Meeting
October 24, 2018**

Public hearing in the matter of the area variance application of Peter and Barry McMaster to vary the strict application of Section 225-A5 Density Control Schedule for Side yard set-back, right; Both side yards combined; and Minimum open area; and Section 225-69D Nonconforming Buildings, Structures and Uses, Extension or Expansion to add an 18 by 22 foot deck with stairs to grade on a recently approved addition at the property addressed as 36 Academy 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
Dennis Dundon, Clerk to the Boards

Bob Eggleston, Architect, representing the applicants

Cindy Dempsey, 35 Griffin St
Johan Visser, 9 Ashwood Lane
Mary Price, 66 East Elizabeth St
Sheila Weldon, 86 East Lake St

At 7:44 pm, Chairman Balestra called for the McMaster matter for 36 Academy Street.

Mr. Eggleston reported that the applicants did go back to the Planning Board for consideration of the plan option with the smaller deck. He repeated the conditions of the property including a shared driveway owned by the Delmonicos and a lack of available street parking, which makes the need for on-site parking a requirement. He said that once he had explained the reasoning for the size of the deck, to be able to accommodate a car underneath, the Planning Board agreed to recommend approval of the variances. He noted that the file contains an updated narrative dated 10.11.18.

Member Kowalski observed that the deck was now stepped in. Mr. Eggleston said that it was, as a result of reducing the size by 4 feet, and said that he thought it made it smaller visually.

Member Zapata asked about the existing gravel pad. Mr. Eggleston said that's the same pad which will be under the deck; the deck and plantings will provide screening of the parked cars,

which should improve the condition for the neighbors. Member Zapata disagreed, observing that it is a really tight space being created in very cramped quarters. She continued saying that uncovered parking makes more sense. Mr. Eggleston responded that it is the same condition; just introducing a structure on top. This is a very small house on an average lot; open area will be 83.7% versus the existing 87.3%. He believes it is a reasonable benefit to the applicant to have first-floor living space. The side yard will be 12 feet, but the existing house is already closer. There is no increase in nonconformity other than open area.

Chairman Balestra said he finds the variances to be pretty minimal. He questioned if there were any detrimental impact on the neighbors? Member Wopperer said that the neighbors, by their statements seem to be on board with the proposal. Mr. Eggleston noted that there will be two garage spaces and that there is no driveway to park in since the Demonicos own the driveway; it is important to have the extra space. Member Zapata expressed that while no neighbors expressed opposition, in her view it appears that there is more detriment than benefit to the neighbors and that all the benefits extend to the applicants. Mr. Eggleston said that J.D. Delmonico has signed a letter of no objection and a previous letter from Tara Lynn is in the record.

Chairman Balestra then opened the public comment portion of the hearing. There was no one desiring to be heard either in favor of or opposed to the application. **Chairman Balestra, “I move that we close the public hearing.” Member Zapata seconded the motion. Upon the unanimous vote of the members present in favor of the motion, the motion was carried 5 – 0.**

Chairman Balestra, “I move that we grant the area variance application of Peter and Barry McMaster to vary the strict application of Section 225-A5 Density Control Schedule for Side yard set-back, right; Both side yards combined; and Minimum open area; and Section 225-69D Nonconforming Buildings, Structures and Uses, Extension or Expansion to add an 18 by 22 foot deck with stairs to grade on a recently approved addition at the property addressed as 36 Academy Street in the Village of Skaneateles. This action is in accordance with plans dated 9.19.18, it is a Type 2 action under SEQRA, and that the applicant shall have until 9.30.19 to complete.” Member Carroll seconded the motion. Upon the votes of Members Carroll, Kowalski, and Wopperer and Chairman Balestra voting “Aye”, the motion was carried 4 – 1, with Member Zapata voting “Nay.”

This matter was concluded at 7:54 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards

Village of Skaneateles
Zoning Board of Appeals Meeting
October 24, 2018

Public hearing in the matter of the area variance application of Michael & Cindy Dempsey to vary the strict application of Section 225-A5 Density Control Schedule for Side yard set-back, left; Section 225-14 C (5) (c); and Section 225-69D Nonconforming Buildings, Structures and Uses, Extension or Expansion; and boat storage; to construct a 22 by 30 foot two-story attached garage with master suite above and two-story connector to house at the property addressed as 35 Griffin 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 Crompton, Code Enforcement Officer
Dennis Dundon, Clerk to the Boards

Bob Eggleston, Architect, representing the applicants
Cindy Dempsey, applicant

Johan Visser, 9 Ashwood Lane
Mary Price, 66 East Elizabeth St
Sheila Weldon, 86 East Lake St

At 7:55 pm, Chairman Balestra called for the Dempsey matter for 35 Griffin Street.

Mr. Eggleston noted that Ms. Dempsey was present as well. He then reported that the house next door to the applicants had burned some time ago. The Dempseys purchased the property and tore down the house and merged the lots, which became conforming. There is an area variance requirement because the existing side porch is 12.8 feet off the side yard property line, a nonconforming condition. There was a barn in the back that was in disrepair and came down a couple of years ago. There is also a shed on the property. Before the barn came down, the Dempseys' boat had been stored in the shed. It has recently been stored outdoors, in the rear of the property. That outdoor storage requires a special use permit which is being requested in this application.

Mr. Eggleston continued that they wish to construct a two-story attached garage that will be accessible from the house on both levels. The garage has been designed as a carriage barn with garage and workshop on the first floor and a bedroom on the second level. Ms. Dempsey

remarked that the house had arrived by train and had been assembled as a kit. It had been sourced from Sears or Montgomery Ward.

In response to a question from the Board Mr. Eggleston noted that once the garage is constructed the boat will return to being stored in the shed. Mr. Kowalski asked when the properties had been combined. Ms. Dempsey said in the early 1990s.

Member Zapata said the project looks very nice. Chairman Balestra said that the special use permit is a reasonable condition even if the boat were to be stored in the rear yard even after the garage is erected.

Chairman Balestra then opened the public comment portion of the hearing. There was no one desiring to be heard either in favor of or opposed to the application. **Chairman Balestra, “I move that we close the public hearing.” Member Zapata seconded the motion. Upon the unanimous vote of the members present in favor of the motion, the motion was carried 5 – 0.**

Member Wopperer, “I move that we approve the Special Use Permit and area variance application of Michael & Cindy Dempsey to vary the strict application of Section 225-A5 Density Control Schedule for Side yard set-back, left; Section 225-14 C (5) (c); and Section 225-69D Nonconforming Buildings, Structures and Uses, Extension or Expansion; and boat storage; to construct a 22 by 30 foot two-story attached garage with master suite above and two-story connector to house at the property addressed as 35 Griffin Street in the Village of Skaneateles. This action is in accordance with plans dated 9.20.18, it is a Type 2 action under SEQRA, and that the applicant shall have until 10.30.19 to complete. A condition of approval is that boat storage be confined to the rear yard.” Member Carroll seconded the motion. Upon the unanimous votes of the members in favor of the motion, the motion was carried 5 - 0.

This matter was concluded at 8:04 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards

Village of Skaneateles
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October 24, 2018

Public hearing in the matter of the area variance application of Sheila Weldon 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; and Minimum open area; to construct 7.5 by 7 foot mudroom addition and 8.5 by 8 foot porch at the property addressed as 86 East Lake 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 Crompton, Code Enforcement Officer
Dennis Dundon, Clerk to the Boards

Bob Eggleston, Architect, representing the applicants
Sheila Weldon, applicant

Johan Visser, 9 Ashwood Lane
Mary Price, 66 East Elizabeth St

At 8:05 pm, Chairman Balestra called for the Weldon matter for 86 East Lake Street.

Mr. Eggleston noted that Ms. Weldon was present as well, and bought the house recently as part of downsizing. He noted that the existing house is nonconforming in almost every dimension. Currently, one walks from the garage directly into the kitchen. Ms. Weldon wants to create a mudroom near the garage entry and an 8.5 by 8 foot front porch to enhance the front entrance to the house. Mr. Eggleston stated that the changes do not make any of the set-backs more nonconforming. While open area will remain nonconforming, it will increase from 67.7% to 73.8% as a result of removing a concrete pad in the front of the house which is larger than needed for the addition and removing a small deck off the kitchen.

Chairman Balestra then opened the public comment portion of the hearing. Mr. Visser noted that he is the adjoining neighbor and that there was an agreement to remove an existing shed which encroaches. Mr. Eggleston asked the Board that if the applicant wanted to keep the shed, could it be relocated to be wholly on the Weldon property and 15 feet from the rear property line and 3 feet from the side property line? Ms. Weldon said she is not prepared to take it down right now. The shed would remain the same size, about 8 by 5 feet. Mr. Eggleston and Chairman Balestra

said that if relocated it might make open area about 73.3%. Mr. Eggleston said that the shed could be moved forward and placed in a conforming location. Ms. Weldon said she is in agreement with placing the shed in a conforming location. Mr. Visser noted that the previous owner had said that it was imperative that the shed be relocated to the property if any repair work were to be done to it.

Chairman Balestra said that he still likes the project, but we need the right numbers. He suggested that the Board could approve the variances subject to the recalculation of any variances. Regardless, the open area will still be more conforming.

CEO Crompt said that his office had received a phone call regarding an air conditioner pad that had been put in within 15 feet of the property line. Mr. Crompt suggested that the application be amended to include a variance for the A/C pad. Ms. Weldon noted that all the landscaping is being redone.

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

Chairman Balestra, "I move that we approve the area variance application of Sheila Weldon 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; and Minimum open area; to construct 7.5 by 7 foot mudroom addition and 8.5 by 8 foot porch at the property addressed as 86 East Lake Street in the Village of Skaneateles, by (1) approving variances required for the A/C pad, subject to the condition that it be screened with shrubbery and (2) approving the other required variances. The Board is aware that the exact variances are to be recalculated by the applicant and approved by the CEO and revised accordingly, including the shed and A/C pad. By way of clarification, the variances granted permit the construction of the mudroom and front porch and the relocation of the existing shed to a conforming location. CEO Comp will adjust and recalculate the appropriate variances, and it is those variances that are granted. This action is in accordance with plans dated 9.12.18, it is a Type 2 action under SEQRA, and that the applicant shall have until 10.31.19 to complete." Member Zapata seconded the motion. Upon the unanimous votes of the members in favor of the motion, the motion was carried 5 - 0.

Mr. Eggleston said that he would like allowance to confirm the shed location for a similar size shed of approximately 6 by 8 feet.

This matter was concluded at 8:13 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards

Village of Skaneateles
Zoning Board of Appeals Meeting
October 24, 2018

Public hearing in the matter of the area variance application of Bruce & Jan Wood to vary the strict application of Section 225-A5 Density Control Schedule for Side yard set-back, right; Rear yard set-back; Minimum open area; Section 225-14 C (5) (a/b); and Section 225-69 D Nonconforming Buildings, Structures and Uses, Extension or Expansion to remove an existing garage extension and to construct a 7 by 12 foot addition to the front of the garage at the property addressed as 26 Griffin 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 Crompton, Code Enforcement Officer
Dennis Dundon, Clerk to the Boards

Bob Eggleston, Architect, representing the applicants

Mary Price, 66 East Elizabeth St

At 8:14 pm, Chairman Balestra called for the Wood matter for 26 Griffin Street.

Mr. Eggleston noted that Bruce Wood had recently bought the property and that the existing garage is only 18 feet deep. At some time a 2 foot extension was put on the front of the garage. The Woods would like to remove that extension and construct a 7 foot addition to the garage, which would accommodate both a car and a motorcycle. Coverage with the garage would be 30.7%. The garage will have the same appearance as the existing structure.

Member Kowalski observed that it is just a garage even though it will replicate the existing residential touches of the existing structure. He thinks it seems straightforward.

Chairman Balestra then opened the public comment portion of the hearing. Mr. Eggleston noted the neighbor letters that are in the record. There was no one desiring to be heard either in favor of or in opposition to the application. **Chairman Balestra, "I move that we close the public hearing." Member Carroll seconded the motion. Upon the unanimous vote of the members present in favor of the motion, the motion was carried 5 – 0.**

Member Wopperer, “I move that we approve the area variance application of Bruce & Jan Wood to vary the strict application of Section 225-A5 Density Control Schedule for Side yard set-back, right; Rear yard set-back; Minimum open area; Section 225-14 C (5) (a/b); and Section 225-69 D Nonconforming Buildings, Structures and Uses, Extension or Expansion to remove an existing garage extension and to construct a 7 by 12 foot addition to the front of the garage at the property addressed as 26 Griffin Street in the Village of Skaneateles. This action is in accordance with plans dated 9.13.18, it is a Type 2 action under SEQRA, and that the applicant shall have until 7.1.19 to complete.” Member Carroll seconded the motion. Upon the unanimous votes of the members in favor of the motion, the motion was carried 5 - 0.

This matter was concluded at 8:24 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards

Village of Skaneateles
Zoning Board of Appeals Meeting
October 24, 2018

Public hearing in the matter of the area variance application of Mary Price, MD to vary the strict application of Section 225-A5 Density Control Schedule for Minimum open area; and Percentage of structure width/lot width; to construct 20 by 34 foot swimming pool with 3 foot surround at the property addressed as 66 East Elizabeth 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 Crompton, Code Enforcement Officer
Dennis Dundon, Clerk to the Boards

Mary Price, applicant

At 8:25 pm, Chairman Balestra called for the Price matter for 66 East Elizabeth Street.

Dr. Price said that she wants to build a pool and showed the Board a brochure illustrating the fence she plans to use. The fence will be 54 inches high and will be located 3 feet outside the perimeter of the pool. There is landscaping proposed in the area between the concrete and the fence. Member Carroll asked CEO Crompton about the inherent safety features of the fence and closures for protection of the public, and was assured that they meet the appropriate current standards.

Dr. Price indicated that work is being done by a reputable company. Chairman Balestra noted that the variances are for 3.4% more coverage and 4% greater width.

Chairman Balestra then opened the public comment portion of the hearing. There was no one desiring to be heard either in favor of or in opposition to the application. **Chairman Balestra, “I move that we close the public hearing.” Member Kowalski seconded the motion. Upon the unanimous vote of the members present in favor of the motion, the motion was carried 5 – 0.**

Chairman Balestra, “I move that we approve the area variance application of Mary Price, MD to vary the strict application of Section 225-A5 Density Control Schedule for Minimum open area; and Percentage of structure width/lot width; to construct 20 by 34

foot swimming pool with 3 foot surround and 54 inch high fence at the property addressed as 66 East Elizabeth Street in the Village of Skaneateles. This action is in accordance with a survey submitted with the application and marked as received on 8.16.18, it is a Type 2 action under SEQRA, and that the applicant shall have until 7.31.19 to complete.”

Member Zapata seconded the motion. Upon the unanimous votes of the members in favor of the motion, the motion was carried 5 - 0.

This matter was concluded and on motion of Member Carroll seconded by Member Kowalski the meeting was adjourned at 8:32 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards