

Village of Skaneateles
Zoning Board of Appeals Meeting
April 24, 2019

Administrative matters.

Present: Michael Balestra, Chairman
Gerald Carroll, Member
Michael Kowalski, Member
Michael Stanczyk, Member

Riccardo Galbato, Attorney for the ZBA
John Crompton, Code Enforcement Officer
Dennis Dundon, Clerk to the Boards

Bill Murphy, 3 Fennell St
Suzanne Pittard, 40 Leitch Ave
Anne Buehler, 19 Orchard Road
Pat Gridley, 14 E Elizabeth St
Chuck Gridley, 14 E Elizabeth St
Mark Marsden, 16 E Elizabeth St
Amy Marsden, 16 E Elizabeth St
Nancy & Guido VanderVen, 36 Leitch Ave
Robert Eggleston, 1391 E Genesee St
Robert Pohl, 23 Orchard Rd

Excused: Maureen Wopperer, Member

At 7:30 pm, Chairman Balestra opened the meeting of the ZBA for April, 24, 2014. Chairman Balestra introduced Mike Stanczyk as the newest member of the Zoning Board of Appeals, and welcomed him to the Board.

Chairman Balestra acknowledged that former Member Kathleen Zapata had resigned to assume her seat as Village Trustee. The Chair expressed the Board's appreciation to Ms. Zapata for her years of diligent and excellent service on the Board.

Chairman Balestra noted that Ms. Zapata had been deputy chair of the Board and said, **"I move the nomination of Member Gerald Carroll to be Deputy Chairman of the Board."** Member Kowalski seconded the motion. Upon the unanimous vote of the members present and

voting in favor of the motion, the motion was carried 3 – 0, with Member Carroll abstaining.

These matters were concluded at 7:32 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards

Village of Skaneateles
Zoning Board of Appeals Meeting
April 24, 2019

Public Hearing in the matter of the area variance application of Rob & Lauren Pohl to vary the strict application of Section 225-A5 Density Control Schedule for Sideyard set-back, left; Percentage of structure width/lot width; and Minimum open area; and Section 225-14C(5)(c) parking in front yard; Section 225-69E restoration and repair; and Section 225-70 existing undersized lots to construct a new single family dwelling with 4 bedrooms, 2 ½ baths, 2 car garage, porch, deck and driveway at the property addressed as 21 Orchard Road in the Village of Skaneateles.

Present: Michael Balestra, Chairman
Gerald Carroll, Member
Michael Kowalski, Member
Michael Stanczyk, Member

Riccardo Galbato, Attorney for the ZBA
John Crompton, Code Enforcement Officer
Dennis Dundon, Clerk to the Boards

Robert Eggleston, Architect, on behalf of the applicant
Robert Pohl, Applicant

Bill Murphy, 3 Fennell St
Suzanne Pittard, 40 Leitch Ave
Anne Buehler, 19 Orchard Road
Pat Gridley, 14 E Elizabeth St
Chuck Gridley, 14 E Elizabeth St
Mark Marsden, 16 E Elizabeth St
Amy Marsden, 16 E Elizabeth St
Nancy & Guido VanderVen, 36 Leitch Ave

Excused: Maureen Wopperer, Member

At 7:32 pm, Chairman Balestra opened the public hearing in the Pohl matter for 21 Orchard Street.

Mr. Eggleston explained that this was a lot on which a fire had claimed the dwelling unit. After considering rebuilding, the owners had decided to sell the lot to their neighbors, the Pohls. The Pohls arranged to tear the damaged house down and turn the site into a vacant lot. Even if

combined the two lots owned by the Pohls are not conforming as to lot area. Chairman Balestra said that he agreed that no variance is required for minimum lot area.

Mr. Eggleston continued that he had originally submitted a design for a house in the bungalow style. The Planning Board had requested that the garage design for that house be inset a bit more from the front of the house. In developing that design, Mr. Eggleston found it necessary to move the garage back 11 feet from the front of the house, which required a change to a two-story Craftsman style. The Planning Board has recommended approval of the variances. He continued saying that those variances include parking in the front yard. The driveway had been narrowed down to 19 feet making it 25% of the front yard. Under the code he is required to have a 15.2 foot side yard; given the relative positions of the adjacent homes, they chose to place the variance for 10.8 feet on the south side in order to fit best. The siding will be cement board in 6 over 1, to be installed with the smooth side out. Mr. Eggleston said the variances are consistent with the neighborhood. Chairman Balestra said that a car can be parked on a driveway, so long as the driveway doesn't take up more that 25% of the front yard. He continued saying that he believes that the use of 225-69E is appropriate for set-back relief, and as he had stated before a variance from 225-70 is not needed, since that section does not apply in this circumstance, since combined with the adjacent lot under common ownership would still not result in a conforming lot.. Chairman Balestra said he thought the design picked the correct side yard for the variance; and while he becomes concerned when open area variances approach 10%, in this application he believes it represents an overall improvement.

Chairman Balestra asked about gutters? Mr. Eggleston said that there are gutters and they will tie into the storm sewers. Mr. Dundon told the Board that he had furnished Mr. Eggleston with a copy of DMO Harty's comments on the project. Mr. Eggleston noted that the rear elevation includes egress windows in the lower level and that the grading ad revised rear entrance location will keep water from entering the basement.

Chairman Balestra opened the public comment portion of the hearing. There was no one desiring to be heard in favor of the application. In opposition to the application, Ms. Buehler, the neighbor to the south, asked where the driveway was proposed to be located? Mr. Eggleston said that the project will eliminate the existing driveway next to her lot. Ms. Buehler expressed her delight and said she supports 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 4 – 0.**

Chairman Balestra called the project a "pretty good improvement" and said the Board would review the area variance criteria.

**In making such determination the Board shall also consider and determine:
[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;**

Chairman Balestra said that it is a positive improvement and that the property to the south is not detrimentally affected. He believes that there are no negative impacts. Member Carroll concurred.

[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;

Chairman Balestra said that while it may be possible to build a completely conforming house, but the proposed house is in keeping with modern standards of living. He said he is not bothered by the variances. Member Kowalski concurred.

[3] Whether the requested area variance is substantial;

Chairman Balestra said that it is not substantial – the side yard set-back is a reasonable approach, there is no issue with the adjacent neighbor and that the open area variance is about 10%. Member Stanczyk concurred.

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

Chairman Balestra said that it will have a positive impact on esthetics, drainage will be addressed, and no one has raised environmental concerns and that the drawings have addressed the physical conditions. All members concurred.

[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.

Chairman Balestra acknowledged that the hardship is self-created, but it is not an issue. Member Carrol concurred.

Chairman Balestra briefly discussed conditions for approval, noting that storm water will be routed to the Village storm drains, that utility connections be in accordance with DMO's requirements and that the drainage comments have been incorporated into the plans.

Chairman Balestra, "I move that the Board grant the area variances as listed in the agenda [Side yard set-back, left; Percentage of structure width/lot width; and Minimum open area; and Section 225-14C(5)(c) parking in front yard; Section 225-69E restoration and repair; and Section 225-70 existing undersized lots] except for Section 225-70 which is not applicable. This action is in accordance with plans submitted with the application variously dated March 6 and March 20, 2019 and is a Type 2 action under SEQRA. The applicant shall have one year to complete." Member Kowalski seconded the motion. Upon the unanimous vote of the members present in favor of the motion, the motion was carried 4 – 0.

This matter was concluded at 7:51 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards

Village of Skaneateles
Zoning Board of Appeals Meeting
April 24, 2019

Public Hearing in the matter of the Special Use Permit application (supplemental apartment) and area variance application of Chuck & Pat Gridley to vary the strict application of Section 225-A5 Density Control Schedule for Side yard set-back, left; Both side yards combined; Percentage of structure width/lot width; and Minimum lot area; and Section 225-15A(9) Height of structure to demolish an existing detached garage and construct a larger detached garage with supplemental apartment above at the property addressed as 14 East Elizabeth Street in the Village of Skaneateles.

Present: Michael Balestra, Chairman
Gerald Carroll, Member
Michael Kowalski, Member
Michael Stanczyk, Member

Riccardo Galbato, Attorney for the ZBA
John Crompton, Code Enforcement Officer
Dennis Dundon, Clerk to the Boards

Bill Murphy, Architect, on behalf of the applicant
Chuck Gridley, Applicant
Pat Gridley, Applicant

Bob Eggleston 1391 E Genesee St
Suzanne Pittard, 40 Leitch Ave
Mark Marsden, 16 E Elizabeth St
Amy Marsden, 16 E Elizabeth St
Nancy & Guido VanderVen, 36 Leitch Ave

Excused: Maureen Wopperer, Member

At 7:52 pm, Chairman Balestra opened the public hearing in the Gridley matter for 14 East Elizabeth Street.

Mr. Murphy said that the Gridleys have lived here since the early '90s and had a variance for a similar project approved in 2005, but had never pursued the construction. They are requesting the variances necessary to build a 2 car garage with an accessible staircase to an apartment above for Pat's mother. Mr. Murphy said that for lots this size, similar variances are commonly granted, and asked if the Board had further questions?

Member Kowalski asked if the construction would be on the same footprint? Mr. Murphy said primarily yes, that it somewhat larger, but that the front corner is in the same position; construction is all to occur within the buildable portion of the lot. Member Carroll asked what is the height of the existing main house? Mr. Murphy was not sure, but significantly higher than the proposed garage. Member Carroll asked about the height of the existing garage? Mr. Murphy said he guessed the garage is 16.5 feet high; the proposed structure is about 10 feet taller. He said that Mr. Gridley wants to keep his van in the garage, and it is taller than standard. Member Carroll said that it is one of the tallest houses on the street, so he doesn't see an issue with the height of the proposed garage. Chairman Balestra said that the garage will also be well set back from the street and attractively detailed. Mr. Murphy stated that it will be a big improvement over the current structure.

Chairman Balestra opened the public comment portion of the hearing. There was no one desiring to be heard 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 4 – 0.**

Chairman Balestra observed that the project is largely on the footprint of the existing garage and the expansion occurs toward the middle of the lot, not toward the neighbors. He said the Board would review the Special Use Permit criteria.

Basis for determination. Before issuing a special use permit, the Zoning Board of Appeals shall consider the public health, safety, morals and welfare and shall make the following findings:

(1) There shall not be any unreasonable detrimental effect by the establishment of such conditional use on any other building, structure or use, actual or permitted, within the district. Chairman Balestra said that supplemental apartments are a permitted use subject to special use permit. There is no unreasonable detrimental impact associated with the additional living area. Member Kowalski noted that letters of support have been received from many of the neighbors. All members are in favor of this finding.

(2) Such 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. Chairman Balestra noted that the adjacent lands are developed and that this plan is in harmony with the area. The proposed structure is more attractive than the existing garage. All members are in favor of this finding.

(3) The water supply, sewage disposal and surface drainage systems shall be adequate to serve the conditional use. Mr. Murphy noted that the existing house and garage do not have gutters. Chairman Balestra noted that utilities will be tied into the existing house services, so there is no issue with this element. All members are in favor of this finding.

(4) The flow, control and safety of traffic in the district will not be adversely affected to an unreasonable degree by such conditional use. Chairman Balestra noted that there will not be much, if any, additional traffic introduced. Mr. Gridley stated that his mother-in-law is 95 years old and no longer drives. All members are in favor of this finding.

(5) The plans for such conditional use provide that all structures, equipment and materials shall be reasonably accessible for police and fire protection. Chairman Balestra noted that this is continuation of single family residential use and that access will be the same. All members are in favor of this finding.

(6) The plans for such conditional use contain reasonable provision for open spaces and recreational areas appropriate to such conditional use. Chairman Balestra noted that there is no open area variance associated with this application. All members are in favor of this finding.

(7) The plans for such conditional use meet the prescribed requirements of this chapter, inclusive of the requirements for the district in which located and the following prescribed standards, and are not otherwise prohibited by law, ordinance, rule or regulation. All members are in favor of this finding.

A brief discussion indicated that all members concurred that the applicant had met each of the criteria. **Member Carroll, "I move that the Board grant the Special Use Permit for a supplemental apartment and grant the area variances for Side yard set-back, left; Both side yards combined; Percentage of structure width/lot width; and Minimum lot area; and Section 225-15A(9) Height of structure. This action is in accordance with plans dated March 29, 2019 and is an unlisted action receiving uncoordinated review under SEQRA. The Board makes a negative declaration under SEQRA, in that the project will have no adverse environmental impact. The applicant shall have one year to complete." Chairman Balestra seconded the motion. Upon the unanimous vote of the members present in favor of the motion, the motion was carried 4 – 0.**

This matter was concluded at 8:06 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards

Village of Skaneateles
Zoning Board of Appeals Meeting
April 24, 2019

Public Hearing in the matter of the area variance application of Mark Byrne to vary the strict application of Section 225-A5 Density Control Schedule for Side yard set-back, left; Both side yards combined; and Minimum open area; to construct a 30 by 22 foot attached garage with storage above and a 34 by 8 foot porch on the north side of the house at the property addressed as 38 Leitch Avenue in the Village of Skaneateles.

Present: Michael Balestra, Chairman - *Recused*
Gerald Carroll, Member - *Chairman*
Michael Kowalski, Member
Michael Stanczyk, 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

Suzanne Pittard, 40 Leitch Ave
Mark Marsden, 16 E Elizabeth St
Amy Marsden, 16 E Elizabeth St
Nancy & Guido VanderVen, 36 Leitch Ave

Excused: Maureen Wopperer, Member

At 8:07pm, Chairman Carroll opened the public hearing in the Byrne matter for 38 Leitch Avenue.

Mr. Eggleston said that Mr. Byrne had recently purchased the property. It is an Italianate house to which casement windows were added in the 60s, and an addition made which was not well done. In 1998 a similar variance was granted but it was never accomplished. Mr. Eggleston said Mr. Byrne had considered a detached garage, but concluded that would cause clearance issues with 36 Leitch. The house at 40 Leitch sits way back, which would make a side porch feasible, facing a wide-open lawn. An 8 foot width is usable for sitting. Mr. Eggleston said they would like to correct the house design flaws; replacement of windows with a 2 over 2 design is appropriate to the house. The first floor siding is existing wood and will be retained; the rest of the siding will be a new cement board to be installed smooth side out. There is no increase in

any nonconformity from the garage construction; the side porch however is but 6 feet from the property line, but visually has open yard in front of it.

Mr. Eggleston continued, discussing the open area. His calculations showed 79.6% open area; CEO Crompt calculated 79.3% by treating the turn-around differently. So, the variance is for 5.7% from the 85% required open area. Otherwise the setbacks are less nonconforming than existing.

In response to a question, Ms. Pittard said that the structure at #40 was moved to that location from the lake, and was converted to a house in 1970.

Chairman Carroll opened the public comment portion of the hearing. The public reviewed the plans.

Mr. VanderVen said that generally he has no issue with the layout. The house has deteriorated and currently is sitting empty. Mr. Byrne bought it at auction. What is his intent to actually build? Mr. Eggleston responded that his original intent was to move in, though he has now decided to stay at Old Seneca Turnpike. His wife may move in, or he will sell it. His intent is to fix up the house. Mr. VanderVen said that he believes that the variance is part of a marketing ploy – to increase the value for Mr. Byrne to resell it – that the permissions will be part of the marketing. He asked if the variance can be restricted, so it does not transfer with the property? Chairman Carroll said, “No.”

Ms. Pittard said that she is not in favor of the porch addition. If she ever decided to put the porch here in line with everyone else, the new porch would be extremely close, at just 6 feet off the property line. She would not want this approval to cause her to obtain additional variances in the future. In the current configuration, the end of the proposed garage would be at her front door, but her opposition is to the porch.

Mr. VanderVen said, “We are fine with the plans as is.”

Mr. Eggleston told the Board that the porch is not “a deal-breaker” and that any variance has to be considered on its merits. He described that proposal as what a typical family would want and an improvement to the neighborhood.

Chairman Carroll, “I move that we close the public hearing.” Member Kowalski seconded the motion. Upon the unanimous vote of the members present and voting, the motion was carried 3 – 0.

Member Kowalski asked if the applicant had considered a narrower porch? Mr. Eggleston said, “none is better than a less useful porch.” Member Stanczyk asked about the storage area; is it to be finished? Mr. Eggleston said the intent was to provide raw storage space; the house has no attic. The garage will not have insulation nor living space.

Chairman Carroll said the Board would review the area variance criteria.

In making such determination the Board shall also consider and determine:

[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; Chairman Carroll said that the Board has heard the need for improvements to this property, so this should be a positive change. He stated that going from 9.6 feet to 6 feet set-back in the case of the porch, the reduction in side yard set-back is not a substantial detriment to a hypothetical case.

[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; Chairman Carroll said that some variance would be necessary.

[3] Whether the requested area variance is substantial; Chairman Carroll said the changes are not substantial enough as to preclude the Board from granting the variances.

[4] Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and Chairman Carroll said there are no such impacts.

[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. Chairman Carroll agreed that this is self-created, but that is not dispositive.

A brief discussion indicated that all members agreed with his analysis. CEO Crompton reminded the Board that the Planning Board had recommended the use of Hardy board installed smooth-side out, that drip caps should be provided on each window, and that 2 or 3 windows be added to the north side of the garage. Mr. Eggleston said that those elements had all been incorporated into the revised drawings that are before the Board.

Chairman Carroll, “I move that the Board grant the area variances for Side yard set-back, left; Both side yards combined; and Minimum open area. This action is in accordance with plans dated April 16, 2019 and is a Type 2 action under SEQRA. The applicant shall have one year to complete.” Member Kowalski seconded the motion. Upon the unanimous vote of the members present and voting, the motion was carried 3 – 0.

This matter was concluded at 8:32 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards

Village of Skaneateles
Zoning Board of Appeals Meeting
April 24, 2019

Consideration of a recommendation to the Board of Trustees in Public Hearing in the matter of Town Supervisor Aaron's request for the Village's participation on the Town's efforts to seek legislation for Authority on the Lake.

Present: Gerald Carroll, Chairman
 Michael Kowalski, Member
 Michael Stanczyk, Member

Riccardo Galbato, Attorney for the ZBA
John Crompton, Code Enforcement Officer
Dennis Dundon, Clerk to the Boards

Bob Eggleston, 1391 E Genesee St.

Excused: Maureen Wopperer, Member

At 8:33 pm, Chairman Carroll called for consideration of a recommendation to the Board of Trustees in the matter of Town Supervisor Aaron's request for the Village's participation on the Town's efforts to seek legislation for Authority on the Lake.

Attorney Galbato and Mr. Dundon explained the background in which the State's preemption of regulation of the land below the lake line has led to the inability to apply and enforce many aspects of established Zoning. The Town believes that a modification of the legislation could restore some degree of control. Mr. Eggleston spoke to the Board about the Town's inability to gain consensus among neighboring municipalities a few years ago.

However, the Town is now pursuing a legislative rather than an administrative remedy this time. **After some discussion among the Board members, Chairman Carroll said, "I move that we communicate that it is the sense of the Board that it defers to the Village Trustees to do what is in the best interests of Village residents and supports their conclusions in this matter." The motion was seconded by Member Kowalski. Upon the unanimous vote of the members present, the motion was carried 3 – 0.**

This matter was concluded and on motion by Chairman Carroll, seconded by Member Kowalski, the meeting was adjourned at 8:38 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards

