

Village of Skaneateles  
Zoning Board of Appeals Meeting  
July 31, 2019

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Public hearing in the matter of the area variance application of Donald Torrey to vary the strict application of Section 225-14C(3) for height of fence, to construct an 8 foot high privacy fence in the rear yard at the property addressed as 2 Sachem Drive in the Village of Skaneateles.

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Present: Michael Kowalski, Member  
Michael Stanczyk, Acting Chairman  
Maureen Wopperer, Member

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

Donald Torrey, applicant  
Linda Torrey, on behalf of the applicant

Gregg Eriksen, Village Trustee  
Evan Whitney, 169 E Genesee St  
Brian Sevey, 90 E Lake St  
Brenda Kayn, 2 W Lake St  
R. David Gregg, 2 W Lake St  
Bill Kay, 100 State St  
Dave Mosher, 100 State St  
Bob Eggleston, 1391 E Genesee St  
Dan Suits, 1 Whitegate Dr  
Dominick Giacona, Auburn  
Audrey Van Vode, 62 Fennell St  
Carol Ann Cook, 24 W Austin St  
Ralph Pollock, 4 W Lake St  
Johan Visser, 9 Ashwood La  
Bill Murphy, 3 Fennell St  
Chris Richards, 22 W Austin St  
Mary Price, 66 E Elizabeth St

Excused: Michael Balestra, Chairman  
Gerald Carroll, Member

As the first order of business for the Zoning Board of Appeals meeting of July 31, 2019,  
**Member Kowalski, "I move that we elect Michael Stanczyk as Acting Chairman for**

**tonight's meeting." The motion was seconded by Member Wopperer. Upon the unanimous vote of the members present in favor of the motion, the motion was carried 3 – 0.**

At 7:30 pm, Chairman Stanczyk opened the discussion in the Torrey matter for 2 Sachem Drive. The applicant handed some pictures to the Board, and explained that he needs privacy fence and that 6 feet is not tall enough, so they have requested a variance for an 8 foot high fence. The applicant explained that the property next door is a rental, and at some time past the garage was converted into a separate dwelling unit which is also rented separately. The tenant and the applicant can clearly see each other, as the bathroom window on the neighboring property has a clear view into the Torrey home.

Chairman Stanczyk noted that the plans indicate that the proposed fence will be 3 feet in from the property line. Ms. Torrey said that was incorrect; they desire to install the fence on or adjacent to the property line. Mr. Torrey said they have a letter of support from the one neighbor that is not a rental property which is included in the record. Chairman Stanczyk opened the public comment portion of the hearing. There was no one present who desired to speak either for or in opposition to the application.

**Chairman Stanczyk, "I move to 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 3 – 0.**

The Board had no further questions or comments. **Member Wopperer, "I move that the ZBA approves the area variance application of Donald Torrey to vary the strict application of Section 225-14C(3) for height of fence, to construct an 8 foot high privacy fence in the rear yard at the property addressed as 2 Sachem Drive in the Village of Skaneateles. This is a Type 2 action under SEQRA, pursuant to plans that are part of the application that is dated 6.13.19. Applicant shall have until 10.31.19 to complete. Member Kowalski seconded the motion. Upon the unanimous vote of the members present in favor of the motion, the motion was carried 3 – 0.**

This matter was concluded at 7:35 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards

Village of Skaneateles  
Zoning Board of Appeals Meeting  
July 31, 2019

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Public hearing in the matter of the area variance application of Evan Whitney to vary the strict application of Section 225-A5 Density Control Schedule for Front yard set-back; Side yard set-back, left; Side yard set-back, right; Both side yards combined; Minimum open area; and Section 225-69D Nonconforming Buildings, Structures and Uses, Extension or Expansion to construct a paver patio behind the house at the property addressed as 169 East Genesee Street in the Village of Skaneateles.

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Present: Michael Kowalski, Member  
Michael Stanczyk, Acting Chairman  
Maureen Wopperer, Member

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

Evan Whitney, applicant

Gregg Eriksen, Village Trustee  
Brenda Kayn, 2 W Lake St  
R. David Gregg, 2 W Lake St  
Bill Kay, 100 State St  
Brian Sevey, 90 East Lake St  
Dave Mosher, 100 State St  
Bob Eggleston, 1391 E Genesee St  
Dan Suits, 1 Whitegate Dr  
Dominick Giacona, Auburn  
Audrey Van Vode, 62 Fennell St  
Carol Ann Cook, 24 W Austin St  
Ralph Pollock, 4 W Lake St  
Johan Visser, 9 Ashwood La  
Bill Murphy, 3 Fennell St  
Chris Richards, 22 W Austin St  
Mary Price, 66 E Elizabeth St

Excused: Michael Balestra, Chairman  
Gerald Carroll, Member

At 7:36 pm, Chairman Stanczyk opened the discussion in the Whitney matter for 169 Genesee Street.

Mr. Whitney said his plan is to improve the property by installing a paver patio in the rear yard that will provide outdoor living area and play space for his family. He submitted a drawing which showed the actual paver area in the area that is surrounded by flower gardens. The remainder of that area will be gravel. He intends to handle the construction himself.

Chairman Stanczyk asked what is there now? Mr. Whitney said grass and mud. Member Kowalski asked if this would reduce open area by 4%? Mr. Whitney said “I believe so.”

Chairman Stanczyk opened the public comment portion of the hearing. There was no one present who desired to speak either for or in opposition to the application.

**Chairman Stanczyk, “I move to 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 3 – 0.**

The Board had no further questions or comments. **Member Kowalski, “I move that the ZBA grant the area variances requested by Evan Whitney to vary the strict application of Section 225-A5 Density Control Schedule for Front yard set-back; Side yard set-back, left; Side yard set-back, right; Both side yards combined; Minimum open area; and Section 225-69D Nonconforming Buildings, Structures and Uses, Extension or Expansion to construct a paver patio behind the house at the property addressed as 169 East Genesee Street in the Village of Skaneateles. This is a Type 2 action under SEQRA, pursuant to plans that were submitted 7.31.19 and as part of this application. Applicant shall have until 10.1.19 to complete.” Member Wopperer seconded the motion. Upon the unanimous vote of the members present in favor of the motion, the motion was carried 3 – 0.**

This matter was concluded at 7:40 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards

Village of Skaneateles  
Zoning Board of Appeals Meeting  
July 31, 2019

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Public hearing in the matter of the area variance application of Brian Sevey to vary the strict application of Section 225-A5 Density Control Schedule for Minimum open area; to construct a 12 by 16 foot shed in the rear yard at the property addressed as 90 East Lake Street in the Village of Skaneateles.

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Present: Michael Kowalski, Member  
Michael Stanczyk, Acting Chairman  
Maureen Wopperer, Member

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

Brian Sevey, applicant

Gregg Eriksen, Village Trustee  
Brenda Kayn, 2 W Lake St  
R. David Gregg, 2 W Lake St  
Bill Kay, 100 State St  
Dave Mosher, 100 State St  
Bob Eggleston, 1391 E Genesee St  
Dan Suits, 1 Whitegate Dr  
Dominick Giacona, Auburn  
Audrey Van Vode, 62 Fennell St  
Carol Ann Cook, 24 W Austin St  
Ralph Pollock, 4 W Lake St  
Johan Visser, 9 Ashwood La  
Bill Murphy, 3 Fennell St  
Chris Richards, 22 W Austin St  
Mary Price, 66 E Elizabeth St

Excused: Michael Balestra, Chairman  
Gerald Carroll, Member

At 7:41 pm, Chairman Stanczyk opened the discussion in the Sevey matter for 90 East Lake Street.

Mr. Sevey explained that his plan is to put a small 12 by 16 foot shed in the back yard. His neighbor on the west had expressed concern; Mr. Sevey walked the property with him and wishes to choose an alternate location for the shed that is further east. Mr. Sevey marked up and submitted a revised plan and represented that the neighbor is in favor of the revised solution. CEO Crompt said that the shed should sit no closer than 10 feet from the water easement that runs along the south property line, which should be a condition. In answer to Member Kowalski's question, Mr. Sevey said that the shed will sit on a crushed stone base.

Chairman Stanczyk opened the public comment portion of the hearing. There was no one present who desired to speak either for or in opposition to the application.

**Chairman Stanczyk, "I move to 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 3 – 0.**

The Board had no further questions or comments. **Chairman Stanczyk, "I move that the ZBA grant the area variances requested by Brian Sevey to vary the strict application of Section 225-A5 Density Control Schedule for Minimum open area; to construct a 12 by 16 foot shed in the rear yard at the property addressed as 90 East Lake Street in the Village of Skaneateles on the condition that the shed be placed a minimum of 10 feet north from the water line easement or water line itself located on the south property line. This is a Type 2 action under SEQRA, pursuant to a revised survey plans that were submitted 7.31.19 at this meeting. Applicant shall have until 10.1.19 to complete." Member Kowalski seconded the motion. Upon the unanimous vote of the members present in favor of the motion, the motion was carried 3 – 0.**

This matter was concluded at 7:50 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards

Village of Skaneateles  
Zoning Board of Appeals Meeting  
July 31, 2019

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Public hearing in the matter of the area variance application of Mary Pat Suits to vary the strict application of Section 225-A5 Density Control Schedule for Side yard set-back, left; Both side yards combined; Rear yard set-back; Minimum open area; Percentage of structure width/lot width; Section 225-70 Existing undersized lots; and Section 225-69D Nonconforming Buildings, Structures and Uses, Extension or Expansion to remove an existing deck and construct a family room, smaller deck and small patio at the property addressed as 1 Whitegate Drive in the Village of Skaneateles.

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Present: Michael Kowalski, Member  
Michael Stanczyk, Acting Chairman  
Maureen Wopperer, Member

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

Bill Murphy, architect, on behalf of the applicant  
Dan Suits, on behalf of the applicant

Gregg Eriksen, Village Trustee  
Brenda Kayn, 2 W Lake St  
R. David Gregg, 2 W Lake St  
Bill Kay, 100 State St  
Dave Mosher, 100 State St  
Bob Eggleston, 1391 E Genesee St  
Dominick Giacona, Auburn  
Audrey Van Vode, 62 Fennell St  
Carol Ann Cook, 24 W Austin St  
Ralph Pollock, 4 W Lake St  
Johan Visser, 9 Ashwood La  
Chris Richards, 22 W Austin St  
Mary Price, 66 E Elizabeth St

Excused: Michael Balestra, Chairman  
Gerald Carroll, Member

At 7:36 pm, Chairman Stanczyk opened the discussion in the Suits matter for 1 Whitegate Drive.

Mr. Murphy said that Whitegate had been developed as a cluster subdivision which permitted more densely clustered housing areas on smaller lots to be offset by dedicated open space areas elsewhere. However, the building envelopes were not shown on the final subdivision plat and the set-back rules for house construction cannot be located. Consequently, CEO Crompt concluded that the applicable regulations would be those for the A-1 District. While Mr. Murphy believes that the applicant is seeking minimal variances, there are a number of preexisting nonconforming variances that are also specified.

There is a 20 foot wide utility easement on the property. The applicant is proposing to add a small patio outside the lower level walk-out and take off an existing deck, add a family room and a new smaller deck. Mr. Murphy said that if all the lots were covered to the extent of this proposed coverage, the remaining open area in the subdivision would still be 92%. Imposing the A-1 District requirements means that the property requires all these variances in order to make *de minimus* alterations to the site. Member Kowalski asked if the lot coverage would be slightly more after this project? Mr. Murphy said yes. Chairman Stanczyk asked when the house was built? Mr. Suits said 2 to 3 years ago. Chairman Stanczyk asked if any variances were required at that time? Mr. Suits and CEO Crompt said no. Mr. Murphy noted that all improvements were going toward the open area or conservation land, not toward neighbors. Mr. Murphy said the lots were sized for 100% coverage.

Attorney Galbato said the recorded subdivision map does not have any building envelope shown. CEO Crompt said that it was his recollection that at the Planning Board meeting, Bob Eggleston said the lots could be 100% full with zero lot line setbacks and 30 feet between structures. CEO Crompt said that's how it was set up originally. So basically this needs no variances. Mr. Dundon said that the Planning Board's recommendation was that the ZBA should grant whatever variances they felt were necessary. CEO Crompt said that the Board could certainly grant the variances. Member Wopperer asked about going forward? Attorney Galbato said he hesitates to answer questions on hypothetical situations.

Mr. Murphy requested that the Board grant the requested variances for the A-1 conditions. He said open space would go from 73.9% to 69.6%. Additionally, both side yards would decline by a total of 5.6 feet. There are several other preexisting nonconforming variances for this 12,740 SF lot. He believes the Board needs to grant all variances.

Chairman Stanczyk opened the public comment portion of the hearing. Speaking in favor of the application was Bob Eggleston, who said that his firm had worked on 75% of the houses in Whitegate. This redevelopment should not require any variances. Doing so sets a dangerous precedent. In this type of subdivision, the houses are clustered together on smaller than conforming lots. The normal density restrictions don't apply because of taking the common area into consideration. You can build right up to the property line as long as you are 30 feet away from any other structure. He has also worked on changes to these houses and again no variances have ever been required. There was no one present who desired to speak in opposition to the application.

Chairman Stanczyk asked about the Planning Board action? Mr. Dundon said that the Planning Board felt that the A-1 requirements were not appropriate but were not sure what requirements were appropriate. And they also recommended approval of any variances required.

Chairman Stanczyk asked about precedential value? Attorney Galbato said the applicant has appealed the denial of the CEO and is seeking variances. There is no request for an interpretation. Member Wopperer said that the Planning Board Chairman, Mr. Kenan, suggested that the Board set aside numbers and determine if this is a reasonable expansion that is compatible with the neighborhood. Attorney Galbato set out the options: (i) deny the variances requested, (ii) approve the variances requested or (iii) decide that variances are not necessary.

Chairman Stanczyk said he was inclined to grant the variances. Member Wopperer said she was in favor of approving it without variances. Member Kowalski asked how CEO Crompt would decide the next application? CEO Crompt said that if there were a similar situation in the future he would conclude that no variances are needed and grant a building permit.

**Chairman Stanczyk, "I move to 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 3 – 0.**

The Board had no further questions or comments. **Member Wopperer, "I move that the ZBA approve the project for Mary Pat Suits set forth in plans dated 6.13.19. As the Planning Board, Code Enforcement Officer and Attorney Galbato have suggested, the A-1 variances are not applicable to the Whitegate Cluster Housing Subdivision. Applicant shall have until 7.31.2020 to complete." Member Kowalski seconded the motion. Upon the unanimous vote of the members present in favor of the motion, the motion was carried 3 – 0.**

This matter was concluded at 8:17 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards



Village of Skaneateles  
Zoning Board of Appeals Meeting  
July 31, 2019

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Public hearing in the matter of the area variance application of Patricia Carroll to vary the strict application of Section 225-A5 Density Control Schedule for Minimum open area; and Section 225-14C(5)(a) Distance to rear lot line; to construct a 7.5 by 9 foot addition to the rear of the garage at the property addressed as 7 East Elizabeth Street in the Village of Skaneateles.

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Present: Michael Kowalski, Member  
Michael Stanczyk, Acting Chairman  
Maureen Wopperer, 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

Gregg Eriksen, Village Trustee  
Brenda Kayn, 2 W Lake St  
R. David Gregg, 2 W Lake St  
Bill Kay, 100 State St  
Dave Mosher, 100 State St  
Bob Eggleston, 1391 E Genesee St  
Dominick Giacona, Auburn  
Audrey Van Vode, 62 Fennell St  
Carol Ann Cook, 24 W Austin St  
Ralph Pollock, 4 W Lake St  
Johan Visser, 9 Ashwood La  
Chris Richards, 22 W Austin St  
Mary Price, 66 E Elizabeth St

Excused: Michael Balestra, Chairman  
Gerald Carroll, Member

At 8:18 pm, Chairman Stanczyk opened the discussion in the Carroll matter for 7 East Elizabeth Street.

Mr. Murphy said that the Carrolls have made improvements to their home and wish to add a small potting shed at the rear of the existing detached garage. This will provide work space and

winter storage. The lot has some preexisting nonconforming variances requested, but the open area is to go from 85% required to 83.51% after the addition. The addition will match the details and finishes of the existing garage. The area is already enclosed by fences and is not visible to the neighbors. Chairman Stanczyk asked how they proposed to handle a foundation? Mr. Murphy said the addition would use sonotubes of concrete with pressure-treated posts for support. The starting point for the drawings was the site plan from their 2015 improvements.

Chairman Stanczyk opened the public comment portion of the hearing. There was no one present who desired to speak either in favor of or in opposition to the application. **Chairman Stanczyk, "I move to 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 3 – 0.**

The Board had no further questions or comments. **Member Kowalski, "I move that the ZBA grant the variances for Patricia Carroll to vary the strict application of Section 225-A5 Density Control Schedule for Minimum open area; and Section 225-14C(5)(a) Distance to rear lot line; to construct a 7.5 by 9 foot addition to the rear of the garage at the property addressed as 7 East Elizabeth Street in the Village of Skaneateles. The project is set forth in plans dated 6.13.19. This is a Type 2 action under SEQRA. Applicant shall have until January 31, 2020 to complete." Member Wopperer seconded the motion. Upon the unanimous vote of the members present in favor of the motion, the motion was carried 3 – 0.**

This matter was concluded at 8:22 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards