Village of Skaneateles
Planning Board Meeting
February 6, 2020

Area Variance recommendation in the matter of the application of Chris & Katie Grilli 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; percentage of structure width/lot width and Minimum open area; Section 225-14 C. (2) (c) front yard parking; and Section 225-69D Nonconforming Buildings, Structures and Uses, Extension or Expansion; to construct a 20.7 by 20 foot family room addition and to construct a 12 by 16 foot deck at the property addressed as 51 Leitch Avenue in the Village of Skaneateles.

Present: Doug Sutherland, Deputy Chairman
Brian Carvalho, Member
Stephen Hartnett, Member

Riccardo Galbato, Attorney for the Planning Board
John Cromp, Code Enforcement Officer
Dennis Dundon, Clerk to the Boards

Bob Eggleston, architect, on behalf of the applicants
Chris Grilli, applicant

Gregg Eriksen, Village Trustee
Katie Hess, 34 State St
Paul DiSalvo, 34 State St
Sue Dove, 9 E Lake St
Bill Murphy, 3 Fennell St

Excused: Bruce Kenan, Chairman
Mike Perrone, Member

At 7:30 pm, Deputy Chairman Sutherland opened consideration of the Grilli matter for 51 Leitch Avenue.

Mr. Eggleston said the Grillis have lived on Leitch Avenue for several years and family additions are driving the expansion of the house. They are proposing to do an in-fill addition on the back of the house nestled in among some existing elements of the home for additional living space. Additionally, they are proposing to remove the existing patio and replace it with a deck positioned just above ground level. The addition will be less nonconforming than the existing house with a 10.9 foot side yard set-back versus the existing 8.9 feet. The proposed deck is completely conforming. Located at the back of the property is a swimming pool with a

permeable flagstone patio surrounding it. Open area is proposed to be reduced from the existing 74.4% to 72.3% as a result of the addition.

Addressing any potential drainage concerns, Mr. Eggleston said that the swimming pool acts as a retention pond and will hold storm water. The existing gutters already have a connection into the storm sewers; the addition will be similarly tied in. The addition will keep with the vocabulary of the existing building. It will utilize a gable roof and the shingle siding will be maintained.

Member Carvalho asked if the addition will have gutters? Mr. Eggleston said that gutters will be put on the new structure and will be tied into the same storm sewer connection. He pointed this out on the photographs.

Member Hartnett, "I move that we recommend approval by the ZBA for the variances required for this project, based on drawings dated 1.8.20." Member Carvalho seconded the motion. Upon the unanimous vote of the members present in favor of the motion, the motion was carried on a vote of 3 – 0.

This matter was concluded at 7:35 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards

Village of Skaneateles
Planning Board Meeting
February 6, 2020

Area Variance recommendation and interpretation recommendation in the matter of the application of Patrick & Adrienne Capuano to vary the strict application of Section 225-A5 Density Control Schedule for Minimum open area and Section 225-58 B. (8) (a) for driveway within 3 feet of side lot line; and Section 225-69D Nonconforming Buildings, Structures and Uses, Extension or Expansion; to vacate an agreed-to condition by the previous owner to remove a minimum of 239 SF from the driveway and to permit continued encroachment by the driveway into the required side yard at the property addressed as 104 Sinclair Street in the Village of Skaneateles.

Present: Doug Sutherland, Deputy Chairman
Brian Carvalho, Member
Stephen Hartnett, Member

Riccardo Galbato, Attorney for the Planning Board
John Cromp, Code Enforcement Officer
Dennis Dundon, Clerk to the Boards

Bob Eggleston, architect, on behalf of the applicants

Gregg Eriksen, Village Trustee
Chris Grilli, 51 Leitch Ave
Katie Hess, 34 State St
Paul DiSalvo, 34 State St
Sue Dove, 9 E Lake St
Bill Murphy, 3 Fennell St

Excused: Bruce Kenan, Chairman
Mike Perrone, Member

At 7:35 pm, Deputy Chairman Sutherland opened consideration of the Capuano matter for 104 Sinclair Street.

Mr. Eggleston said that this property is in the Parkside subdivision, and the Capuanos are the new owners. It first received a building permit in 2011. It is located on what is essentially a corner lot since Sinclair Street makes a 90 degree turn at the property. The location of the curb cut in the eastern corner and the Parkside design standards that discourage front-facing garages somewhat dictated the development plan. The garage doors are located on the northside. The plans for the house were approved and built. The as-built survey shows the driveway located

within 3 feet of the property line, and in one area actually touching the property line. At least 30 feet of maneuvering room is required to get a 90 degree turn into the garage.

Mr. Eggleston continued saying that the original owners decided to sell the property, and the second survey is the as-built as it was updated in 2019. The title company asked about a City of Syracuse easement and the structures built on it. It turned out that those improvements had been made without the previous owner obtaining a building permit. As a condition of the sale, the previous owner was required to get a building permit issued. The Codes Office determined that in order for the building permit to be issued, that the back patio would have to be removed and that the portions of the driveway within 3 feet of the property line would have to be removed. Also, the previous owners had added a paved turnaround area at the end of the driveway, most of which was to be removed to meet the open area requirements. The previous owners were granted the building permit and the Capuanos agreed, in writing, to accomplish the removals in better weather conditions – in order to effectuate a rapid closing.

Mr. Eggleston continued saying that now that the Capuanos are in the house they are facing a 7.1.20 deadline to accomplish these removals that were a condition of closing. The driveway would be reduced to 10 feet wide at its narrowest. The previous owner had planted blue spruce along the property line. The Capuanos would prefer to remove only the back patio and to leave the encroaching driveway and the turnaround areas as they are. They are requesting variances to do so.

Mr. Eggleston said that the definition of open space includes paved surfaces used as access to required parking but not areas used for parking of any kind. With regard to the determination by CEO Cromp that large paved turnaround areas are to be considered as lot coverage, Mr. Eggleston asserted that it was an arbitrary and capricious determination and differed from his conclusions. He repeated the arbitrary and capricious charge twice more as he attempted to explain his understanding of the Village Zoning code and his reason for requesting an interpretation by the ZBA on the issue of excessive driveway not being coverage. He also argued that the Town's Zoning code was superior in its treatment of open area and coverage.

CEO Cromp asked to comment. He said that he personally has a single lane driveway that requires him to back out onto Genesee Street. So, backing out can be done. He continued that he has a signed agreement by the buyer and seller that was executed in order to get the house sold. He said that there is nothing in the code that establishes a turnaround as open area. He said that Mr. Eggleston had omitted the second sentence of the open area definition which says certain areas *may* be counted as open area, rather than *shall* be counted.

Mr. Dundon asked to comment and said that he could not leave a charge of arbitrary and capricious behavior to stand unanswered on the record. He said that CEO Cromp is wholly consistent in his determinations on all similar applications, which is the direct opposite of being arbitrary or capricious.

CEO Cromp said that he has consulted with a previous codes enforcement officer who indicated using a similar standard for years.

Mr. Eggleston stated that he disagrees that this determination has been applied right along. He said he respectfully submits that only within the last year has excess parking and turnarounds been counted as lot coverage. He asserts that the code requires maneuverability space.

CEO Cromp said that turnarounds are not required parking. Mr. Eggleston said that required parking is not open area. Attorney Galbato asked rhetorically if blacktop is not a structure?

CEO Cromp said that maneuverability is a luxury. Mr. Eggleston said that every such space shall have direct access. He then went on to cite the width of maneuvering lanes referred to in the code. CEO Cromp said that concept applied to parking lots.

Member Carvalho noted that the paved turnaround area was not on the approved plan or the original as-built survey that is on the record; it was built afterward without obtaining a building permit.

Mr. Eggleston said that his clients are prepared to honor their commitment to make reductions if they must, but that they want to pursue a variance while they have the time to do so.

Member Hartnett, "I move that we forward this application for consideration by the ZBA without recommendation or comment. If the ZBA finds a need for Planning Board input the Board will consider it when so requested." Member Carvalho seconded the motion. Upon the unanimous vote of the members present in favor of the motion, the motion was carried on a vote of 3 – 0.

This matter was concluded at 8:02 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards

Village of Skaneateles
Planning Board Meeting
February 6, 2020

Further consideration of the Site Plan Review (Demolition) in the matter of the application of Christopher Richards to demolish an existing barn/garage and to construct a new, larger garage in the rear yard at the property addressed as 22 West Austin Street in the Village of Skaneateles.

Present: Doug Sutherland, Deputy Chairman
Brian Carvalho, Member
Stephen Hartnett, Member

Riccardo Galbato, Attorney for the Planning Board
John Cromp, Code Enforcement Officer
Dennis Dundon, Clerk to the Boards

Gregg Eriksen, Village Trustee
Katie Hess, 34 State St
Paul DiSalvo, 34 State St
Sue Dove, 9 E Lake St
Bill Murphy, 3 Fennell St
Bob Eggleston, 1391 E Genesee St

Excused: Bruce Kenan, Chairman
Mike Perrone, Member

At 8:03 pm, Deputy Chairman Sutherland opened consideration of the Richards matter for 22 West Austin Street.

CEO Cromp said that he has received no further information from the applicant or his architect in response to the Board's requests made at its January 14, 2020 meeting.

Member Hartnett, "I move that we adjourn this application and further continue it to the Board's next meeting scheduled for March 5, 2020." Member Carvalho seconded the motion. Upon the unanimous vote of the members present in favor of the motion, the motion was carried on a vote of 3 – 0.

This matter was concluded at 8:03 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards

Village of Skaneateles
Planning Board Meeting
February 6, 2020

Recommendation to the Code Enforcement Officer on the matter of the license renewal application submitted by Katie Hess for continued operation of a bed and breakfast homestay at the property addressed as 34 State Street in the Village of Skaneateles.

Present: Doug Sutherland, Deputy Chairman
Brian Carvalho, Member
Stephen Hartnett, Member

Riccardo Galbato, Attorney for the Planning Board
John Cromp, Code Enforcement Officer
Dennis Dundon, Clerk to the Boards

Bill Murphy, architect, on behalf of the applicant
Katie Hess, applicant
Paul DiSalvo, on behalf of the applicant
Sue Dove, on behalf of the applicant

Gregg Eriksen, Village Trustee
Bob Eggleston, 1391 E Genesee St

Excused: Bruce Kenan, Chairman
Mike Perrone, Member

At 8:04 pm, Deputy Chairman Sutherland opened consideration of the licensing for 34 State Street.

CEO Cromp said that the license renewal application was submitted and all information is up-to-date. DZI O'Sullivan performed the fire inspection and found it satisfactory. He sees no reason for not granting renewal.

Member Hartnett, "I move that we recommend that the Code Enforcement Officer grant renewal of the license to operate a bed and breakfast homestay at 34 State Street for 2020." Member Carvalho seconded the motion. Upon the unanimous vote of the members present in favor of the motion, the motion was carried on a vote of 3 – 0.

Mr. Murphy stated that the applicant has a special use permit for operation as a bed & breakfast. Even if the property were to change hands, the permit for that use would go with the property? It was confirmed that it does. Mr. Murphy asked if the license is treated the same? It was

confirmed that the license is specific to the owner. Mr. Murphy asked if the minutes serve as the proof of granting? Attorney Galbato said that it is typically the minutes.

CEO Cromp added that he has been sending a statement of license to the licensees. He added that it is the responsibility of the licensees to submit their renewal applications by end of year.

This matter was concluded at 8:11 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards

Village of Skaneateles
Planning Board Meeting
February 6, 2020

Recommendation to the Code Enforcement Officer on the matter of the license renewal application submitted by Katherine Burke for continued operation of a bed and breakfast homestay at the property addressed as 10 State Street in the Village of Skaneateles.

Present: Doug Sutherland, Deputy Chairman
Brian Carvalho, Member
Stephen Hartnett, Member

Riccardo Galbato, Attorney for the Planning Board
John Cromp, Code Enforcement Officer
Dennis Dundon, Clerk to the Boards

Bob Eggleston, architect, on behalf of the applicant

Gregg Eriksen, Village Trustee

Excused: Bruce Kenan, Chairman
Mike Perrone, Member

At 8:11 pm, Deputy Chairman Sutherland opened consideration of the licensing for 10 State Street.

CEO Cromp said that the license renewal application was submitted and all information is up-to-date. DZI O'Sullivan performed the fire inspection and found it satisfactory. He sees no reason for not granting renewal.

Member Carvalho, "I move that we recommend that the Code Enforcement Officer grant renewal of the license to operate a bed and breakfast homestay at 10 State Street for 2020." Member Hartnett seconded the motion. Upon the unanimous vote of the members present in favor of the motion, the motion was carried on a vote of 3 – 0.

This matter was concluded and on motion of Chairman Sutherland, seconded by Member Carvalho, the meeting was unanimously adjourned at 8:14 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards