

Village of Skaneateles
Zoning Board of Appeals Meeting
June 24, 2020

Pursuant to Executive Order 202.1, this meeting was conducted by video conference call.

Public Hearing in the matter of the Special Use Permit application of Meryl & Gregg Eriksen to construct a chicken coop and house chickens in the rear yard and Area Variance application by Meryl & Gregg Eriksen to vary the strict application of Section 225-A5 Density Control Schedule for front yard set-back; side yard set-back, left; Minimum open area; Minimum lot area; Minimum Livable floor area; and Percentage of structure width/lot width; and Section 225-69D Nonconforming Buildings, Structures and Uses, Extension or Expansion; to construct a second story addition and construct a rear deck and trellis at the property addressed as 11 West Elizabeth Street in the Village of Skaneateles.

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

Gregg Eriksen, Village Trustee
Patrick MacDonald
Polly Davis, Hannum St
Andy Ramsgard, E Genesee St
Adrienne Drumm, E Genesee St
Doreen Simmons, W Lake St
John Meyer, Boston, MA
Rick Parcels, Michigan
Ed Evans, W Lake St
Richard Andino, Syracuse
Linda Roche, W Lake St
Bill & Miki Mahood, W Lake St
Holly Gregg, CPCS, Jordan St

At 7:32 pm Chairman Balestra opened the Eriksen public hearing for 11 West Elizabeth Street, after first describing the Board's process for conducting this meeting by conference call.

Mr. Eriksen said that the two applications were intended to be separate; he would present the Special Use Permit application and that Mr. Murphy would cover the Area Variance application. He said that the coop is depicted in the materials submitted to the Board, it is identified as the Resort model. The coop consists of an enclosed run, the coop and two attached nesting boxes and is approximately 35 SF overall. It will be placed at the rear of the barn. They intend to raise 6 chickens – hens only, just for eggs. Chairman Balestra asked if they will run free? Mr. Eriksen said they will be in the run they will not be free in the yard, they will only be out with supervision. A small fence will be erected on the east property line.

Member Wopperer noted that a letter had been submitted by the neighbor on the east side. She asked if the plan had been discussed with the neighbor to the west? Mr. Eriksen said it has been discussed but no letter submitted. He continued that it is less of an impact to that neighbor since a privacy fence is already in place between the properties, plus trees and underbrush.

Member Carroll stated that in considering a special use permit the Board must determine whether there will be a detrimental effect on the neighborhood and whether the plan is in harmony with the orderly development of the district, so the Board must consider not only whether one property with chickens would cause a detrimental effect and not be in harmony, but whether each village property could have chickens absent any way to distinguish this particular property from other similar requests and how that would not cause a detrimental effect and not be in harmony with the district, and he asked Mr. Eriksen to address those issues. He pointed out that applications for several homes with similar plans would likely not be in harmony. Mr. Eriksen said that they have plenty of backyard space and that West Elizabeth Street is not as dense as some other neighborhoods in the Village. The coop can be tucked discreetly behind the barn. He has a compost area on the lot already that can be used for disposal of waste; that will be mixed with other materials. There will be only 6 chickens, just hens no roosters, so noise will not be an issue. Based on having the space and capability to accommodate a small number of hens, it will be in harmony. This has been the only application made to the Village in quite some time.

Member Kowalski said that there are two letters in support of the application and no one in opposition. He asked what will happen if there is a problem after it is installed? Mr. Eriksen replied that any potential problem will first be a problem to his family, but he is open to any discussion of mitigation if it is necessary. We are just here for eggs, not to drive our neighbors crazy. Member Wopperer asked Mr. Eriksen to describe how the waste will be handled. Mr. Eriksen said that they already have a compost area on the property. There is a limit to how much waste is produced by a small number of chickens; this is not an industrial operation. The waste will be removed to the compost area where it will be mixed with grass and leaves.

Chairman Balestra suggested that for any future applications that a ban on roosters is reasonable, that a plan for addressing waste and smell be in place and that sight be considered. In this case, while the structure is unconventional, it is to be placed behind the barn. The Board should also

consider the detrimental impact of encouraging predators. As a condition, he suggests that the chickens must stay inside or be physically enclosed fully by another fence. Mr. Eriksen said that would probably make sense.

Chairman Balestra opened the public comment portion of the hearing. Mr. Dundon reported that no one had requested the opportunity to comment. **Chairman Balestra, "I move that we close the public hearing." Member Wopperer seconded the motion. Upon the unanimous vote of the members present in favor of the motion, the motion was carried 5 – 0.**

Attorney Galbato said that the Board is required to consider SEQRA. He recommended that the Board classify this as an unlisted action that is receiving uncoordinated review. Based on the criteria he suggests that the Board make a negative declaration on the basis of no adverse environmental impact. **Chairman Balestra, "I move that the Zoning Board of Appeals (ZBA) declares itself lead agency under SEQRA and that the proposed project is an unlisted action under SEQRA which will not receive coordinated review. The ZBA issues a Negative Declaration, in that the proposed action as proposed will not result in any significant adverse environmental impacts, and authorizes the Chairman to sign the SEAF as completed by the applicant and now Part 2 by the ZBA." Member Wopperer seconded the motion. With Members Kowalski, Stanczyk, and Wopperer and Chairman Balestra voting Aye and Member Carroll voting Nay, the motion was carried 4 - 1.**

Chairman Balestra, "I move that the Board grants the Special Usage Permit application of Meryl & Gregg Eriksen to construct a chicken coop and house chickens in the rear yard at the property addressed as 11 West Elizabeth Street in the Village of Skaneateles. This approval carries the following conditions: (1) that the chickens at all times stay in the coop or in a fully enclosed portion of the rear yard that is out of sight from the street; (2) that the applicants either properly compost the waste or remove the waste from the property; and (3) that the approval is limited to 6 or fewer hens and no roosters. Applicant shall have one year to complete." Member Kowalski seconded the motion.

Chairman Balestra said that the Board would consider the criteria for granting a Special Use Permit.

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 this is a permitted use subject to granting of a Special Use Permit. Member Carroll said that this use is not part of the permitted use chart. Chairman Balestra said that it is a conditional use that is recognized in Section 225-38 of the Code. Member Kowalski asked if the approval could be for a reasonable amount of time to assess any problems?

Chairman Balestra said that a trial period is not part of the Code, the Board must either grant it or not. Attorney Galbato said the approval will run with the land. Member Stanczyk suggested the possible inclusion of a condition prohibiting noise or odor. CEO Crompt said that both are covered in the Code. Mr. Eriksen agreed that there are Code provisions and stated that “if the chickens are bothering the neighbors, they will be bothering us first.” He will address any complaints that arise. CEO Crompt explained that the process is complaint driven. Member Stanczyk said that the code appears adequate.

(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 said that he sees no issue with use or development of adjacent land and the District is pretty much fully developed. On the issue of harmony, in the absence of many similar applications he believes that life on West Elizabeth Street will probably not be impacted.

(3) The water supply, sewage disposal and surface drainage systems shall be adequate to serve the conditional use.

Chairman Balestra said these had been addressed in the conditions.

(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 said there would be no impact.

(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 said that this proposal will cause no obstruction,

(6) The plans for such conditional use contain reasonable provision for open spaces and recreational areas appropriate to such conditional use.

Chairman Balestra said that the chickens will have room to exercise.

(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.

Chairman Balestra said that the Board is OK on this criterion.

The Motion having been made and seconded the Board voted. With Members Kowalski, Stanczyk, and Wopperer and Chairman Balestra voting Aye and Member Carroll voting Nay, the motion was carried 4 - 1.

This portion of the matter was concluded at 8:14 pm and the Board moved on to consideration of the area variances.

Mr. Murphy read from his narrative which is part of the record, saying that this is a small house with some faults that the owners wish to address by constructing a new second floor structure (to house a master bedroom suite among other improvements) towards the rear of the house, enclosing the side porch, and adding a deck and trellis. There are several variances for preexisting nonconforming issues – minimum lot area, minimum lot width, rear yard and side yard to the east. There are no increases in those conditions. Open area is decreased to 81.8%, where 85% is required. That level is similar to neighboring Village lots. Chairman Balestra asked if the east yard set-back is being decreased? Mr. Murphy said that there is a porch in that location and they are constructing on the same footprint. Member Stanczyk said that it looks good, but asked if there is an addition to the height? Mr. Murphy said no; the ridge lines are the same height, but for appearance they will be lifting the eave up. Member Wopperer asked if there are any drainage issues and asked about gutters? Mr. Murphy said that the lot is pretty flat. There are no gutters on the house now and they are not proposing any. Mr. Eriksen said that there are no significant drainage issues.

Chairman Balestra opened the public comment portion of the hearing. Mr. Dundon reported that no one had requested the opportunity to comment. **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.**

CEO Crompton noted that based on the approval for the chicken coop, open area will be decreased slightly to 80.32%, so the variance needed becomes 4.68%. He asked if there was to be habitable space in the attic? Mr. Murphy said the proposal is for a storage loft.

Chairman Balestra, “I move that the ZBA grant the area variances for front yard set-back; side yard set-back, left; Minimum open area; Minimum lot area; Minimum Livable floor area; and Percentage of structure width/lot width; and Section 225-69D Nonconforming Buildings, Structures and Uses, Extension or Expansion; to construct a second story addition and construct a rear deck and trellis at the property addressed as 11 West Elizabeth Street in the Village of Skaneateles, noting the amendment to the open area calculation. The approval is subject to the condition that the third floor not be or become habitable space without further approvals. This action is pursuant to plans dated 5.14.20, is a Type 2 action under SEQRA, and is to be completed by 10.31.21.” 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 8:32 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards

Village of Skaneateles
Zoning Board of Appeals Meeting
June 24, 2020

Pursuant to Executive Order 202.1, this meeting was conducted by video conference call.

Public Hearing in the matter of the Area Variance application by Colin & Corrie Carroll to vary the strict application of Section 225-A5 Density Control Schedule for Minimum open area; and Minimum lot area; and Section 225-69D Nonconforming Buildings, Structures and Uses, Extension or Expansion; to replace existing deck, porch and sidewalks at the property addressed as 7 East Street in the Village of Skaneateles.

Present: Michael Balestra, Chairman
Gerald Carroll, Member
Michael Kowalski, Member
Michael Stanczyk, Member
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
Patrick MacDonald
Polly Davis, Hannum St
Andy Ramsgard, E Genesee St
Adrienne Drumm, E Genesee St
Doreen Simmons, W Lake St
John Meyer, Boston, MA
Rick Parcels, Michigan
Ed Evans, W Lake St
Richard Andino, Syracuse
Linda Roche, W Lake St
Bill & Miki Mahood, W Lake St
Holly Gregg, CPCS, Jordan St

At 8:33 pm Chairman Balestra opened the Carroll public hearing for 7 East Street.

Mr. Murphy read from his narrative which is part of the record, saying that the front stoop requires maintenance and the applicants do not wish to replace it as is. The applicants wish to modernize the look of the entry by replacing it with a concrete sidewalk-style patio having turf grass inserts in some places and extending to the front and side doors. Additionally, the timber retaining walls are deteriorating and will be replaced. Mr. Murphy said that the minimum lot area needs a 3,511 SF variance, and that the minimum open area after the project will be 83.85%, where 85% is required.

Chairman Balestra remarked that the application seems straight-forward and he opened the public comment portion of the hearing. Mr. Dundon reported that no one had requested the opportunity to comment. **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.**

There were no further questions or discussion by the Board.

Chairman Balestra, “I move that the ZBA grant the area variances for Minimum open area; and Minimum lot area; and Section 225-69D Nonconforming Buildings, Structures and Uses, Extension or Expansion; to replace existing deck, porch and sidewalks at the property addressed as 7 East Street in the Village of Skaneateles. This action is pursuant to plans dated 4.13.20, is a Type 2 action under SEQRA, and is to be completed by 10.31.21.” Member Wopperer 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 8:37 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards

Village of Skaneateles
Zoning Board of Appeals Meeting
June 24, 2020

Pursuant to Executive Order 202.1, this meeting was conducted by video conference call.

Continuation of the Public Hearing in the matter of the Area Variance application by Polly Davis to vary the strict application of Section 225-A5 Density Control Schedule for front yard set-back; side yard set-back, left; both side yards combined; Minimum open area; Minimum lot area; and Percentage of structure width/lot width; and Section 225-69D Nonconforming Buildings, Structures and Uses, Extension or Expansion; to construct a second story addition with a new roof design, extend the existing garage, and construct a new front porch at the property addressed as 14 Hannum Street in the Village of Skaneateles.

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

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

Andy Ramsgard, architect, on behalf of the applicant
Adrienne Drumm, architect, on behalf of the applicant
Polly Davis, applicant

Gregg Eriksen, Village Trustee
Patrick MacDonald
Doreen Simmons, W Lake St
John Meyer, Boston, MA
Rick Parcels, Michigan
Ed Evans, W Lake St
Richard Andino, Syracuse
Linda Roche, W Lake St
Bill & Miki Mahood, W Lake St
Holly Gregg, CPCS, Jordan St

At 8:57 pm Chairman Balestra opened the Davis public hearing for 14 Hannum Street.

Mr. Ramsgard displayed the amended site plan and explained that it was modified to move the garage 5 feet forward and closer to Hannum Street which makes it 17.5 feet from the tree of concern. It allows for retaining existing windows and a couple of additional windows in order to dress up the north façade of the house. Mr. Ramsgard then explained the ANSI A300 standards for tree protection and how the calculations are made using tree diameter to determine the canopy and tree root zone. Encroachment within that zone of up to 25% is permissible for protection of a tree of that species. Using the 22 inch diameter of the black walnut tree of concern Mr. Ramsgard demonstrated the calculation of 1.3% encroachment given the revised garage location.

Member Wopperer said “good job” and asked if there has been any further input from the City of Syracuse? Mr. Ramsgard said that he had not heard anything. Member Wopperer said that we have adequate tree information in the record. Member Kowalski said that the change looks good and it addresses the Board’s concerns.

Chairman Balestra opened the public comment portion of the hearing. Mr. Dundon reported that no one had requested the opportunity to comment. **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.**

Member Carroll, “I move that the ZBA grant the area variances for front yard set-back; side yard set-back, left; both side yards combined; Minimum open area; Minimum lot area; and Percentage of structure width/lot width; and Section 225-69D Nonconforming Buildings, Structures and Uses, Extension or Expansion; to construct a second story addition with a new roof design, extend the existing garage, and construct a new front porch at the property addressed as 14 Hannum Street in the Village of Skaneateles. This action is based on drawings dated 6.23.20, is a Type 2 action under SEQRA, and is to be completed by 10.31.21.” Chairman Balestra 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 9:08 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards

Village of Skaneateles
Zoning Board of Appeals Meeting
June 24, 2020

Pursuant to Executive Order 202.1, this meeting was conducted by video conference call.

Continuation of the Public Hearing in the matter of the Area Variance application of Adam Weitsman to vary the strict application of Section 225-A5 Density Control Schedule for Front yard set-back, Side yard set-back, right, Rear yard set-back, and Minimum open area; Section 225-14C(2)(c) for front yard driveway/parking; Section 225-14C(3) Fences and Walls; Section 225-14C(5)(d) Accessory Buildings and Uses; Section 225-20 D for development within 50 feet of Skaneateles Lake; 225-58B(8)(a) and (b) for front yard driveway/parking; to merge two lots, demolish an existing single-family residential dwelling unit and to construct a swimming pool, hot tub, 89 by 48 foot pool deck with storage and mechanical space below, plus appurtenances (temple w/ roof, trellis and fence), driveways, walkways and retaining walls at the properties addressed as 61 West Lake Street and 45 West Lake Street in the Village of Skaneateles.

Present: Michael Balestra, Chairman *Recused*
Gerald Carroll, Deputy Chairman
Michael Kowalski, Member
Michael Stanczyk, Member
Maureen Wopperer, Member *Recused*

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

Doreen Simmons, Esq., on behalf of the applicant
John Meyer, architect, on behalf of the applicant

Gregg Eriksen, Village Trustee
Rick Parcels, Michigan
Ed Evans, W Lake St
Richard Andino, Esq., Syracuse
Linda Roche, W Lake St
Bill & Miki Mahood, W Lake St
Holly Gregg, CPCS, Jordan St

At 9:11 pm Chairman Carroll called for the Weitsman hearing for 45/61 West Lake Street.

Ms. Simmons thanked the Board for its continued attention to this matter, and noted that all three members are required to approve any action. She continued saying that the applicant took into account the comments of Member Stanczyk from the last meeting and the amended design for the trellis area means that the applicant no longer needs the lake yard and rear yard variances. But there are some variances that remain. The applicant's objective was to construct a pool that will complement the existing structure on the property. To achieve compliance with the Zoning Code, the proposed pool structures were moved at least three times. The landscaping plan has likewise been modified a number of times. As a result of the proposal and the owner's offer of a deed restriction, a significant amount of street frontage will be open to views of the lake.

Mr. Meyer said that the original plan had open area of 80% rather than the 90% that is required. Even with the addition of the property at #61, compliance was unobtainable. The original open area was 80.1%, the proposal reduces it only to 80%. They were careful to stay out of set-backs. Only the south-end driveway markers encroach and they were reduced to 3 feet in height in a spirit of cooperation. The proposal now has 93% open area in the lake yard. Chairman Carroll asked if the width and height of the trellis are unchanged? Mr. Meyer replied that the height is lower. Member Kowalski said that the explanation and the revised drawings are very helpful. Member Stanczyk said that the revisions are very agreeable to him and he likes the new plans that restrict the trellis from the lake yard. Mr. Meyer also noted that the front yard coverage was reduced from 7.9% to 3.6%

Ms. Simmons said that she wished to review the criteria used by the ZBA in its considerations. Regarding an undesirable change, the open area is only a 0.1% change. The applicant has received many compliments on the design and there is great acceptance among the neighbors. A great deal of lake yard open area has been preserved. 15 neighbors have expressed their support. There is 3.6% less coverage in the front yard with this proposal.

Ms. Simmons said that the variance for the stone wall is for height and is driven by the natural slope of the property. Chairman Carroll asked about the highest part the retaining wall? Mr. Meyer said that the highest part of the wall is 5.5 feet, to eliminate any steps in the pool deck itself. The wall is necessary because of the natural grade and he does not see any detriment.

Ms. Simmons continued by addressing alternatives to the variances and said that the applicant has demonstrated a willingness to minimize the variances sought and to minimize the number of variances required. On the issue of substantiality, she said a 0.1% decrease in open area and a 3.6% improvement in front yard are not substantial variances. The applicant has provided safeguards against adverse physical or environmental impacts. The drainage, the landscaping plan, and the recycling of the water have been reviewed by the Planning Board and any concerns noted and addressed by experts. The issue of a self-created variance solely arises from the applicant's desire to put in a pool using an adjacent parcel that is small compared to the neighborhood. In summary, Ms. Simmons said that in determining the balance in this matter, she believes that the Board must determine that the benefit to the Weitsmans outweighs any minimal potential detriment to the neighborhood, and that this project will greatly enhance their use of the property and benefit the neighborhood.

Chairman Carroll opened the public comment portion of the hearing. Mr. Dundon reported that only the Mahoods had requested the opportunity to comment.

Mr. Mahood said that they are pleased about the revision to the trellis and have provided the Board with written comments regarding their remaining issues: (1) the undefined view scape corridor. He asserts that the drawings were supposed to show it. He submitted an overlay. (2) He believes the temple is within the set-back and requires a variance. He asked the Board for its specifications and plans. (3) a ban on parking on the new part of the driveway, and (4) he would like construction management rules worked out. Chairman Carroll asked CEO Crompt if his determination included a variance for the temple? CEO Crompt said he could not recall. Mr. Meyer said that it is just an enhancement that is similar to a traditional gazebo. It sits 9 feet below street level and stands 10.5 feet high and is below eye level. It is just a lawn decoration. When the neighbors can build a garage on the lot line, does this need to be 25 feet away? It is located 23 feet from the line. Mr. Meyer said that he and CEO Crompt may be able to make it conforming. Mr. Mahood sought to comment. Chairman Carroll said site plan approval is not before the ZBA. No part of any approval by this Board will alter the specific approvals and conditions imposed by the Planning Board. Further, unless a variance is needed for the temple, that's not before the ZBA. Compliance and conformance enforcement is not before the ZBA. Member Stanczyk agreed saying the ZBA is reviewing the application that is before it; Mr. Mahood has made a statement, now the Board can move forward on what's before the Board. Ms. Mahood asked what height the trellis is now proposed to be? [Unintelligible reply.]

Chairman Carroll, "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 3 – 0.

Chairman Carroll, "I move that the ZBA approve the application to vary the strict application of 225-A5 Density Control Schedule for minimum open area to allow for an open area of 80% in accordance with plans dated 1.3.20 and modified by the trellis redesign dated 6.16.20 . The Board finds, under Section 225-75B(5), that the proposed open area does not represent an undesirable change nor a detriment to nearby properties. There is no other method to achieve the relief other than a variance. The level of 80% is not a substantial variance given the history and similar variances elsewhere in the Village. It will not create an adverse impact on the physical or environmental conditions in the neighborhood. The variance may be self-created but that fact is not dispositive. This application received coordinated review by the Planning Board as lead agency and resulted in a negative declaration on or about 7.11.19. Applicant has until 6.24.22 to complete." Member Kowalski seconded the motion. Member Kowalski said that this project has received many comments during the application process and that he appreciates the amount of time and effort that the applicant's team has devoted to minimizing the magnitude and numbers of the variances. The design and craftsmanship appear to be beneficial to the neighborhood in his opinion. Member Stanczyk said he wished to echo the sentiments expressed by Member Kowalski, and he also appreciates the effort to minimize the variances so as to allow the Board to meet its statutory duty. He continued, for the record, the demolition of the house currently on the property is not before the ZBA; the

Planning Board has already decided that. We are ruling on the specific variances based on the factors in the Zoning Law. Upon the unanimous vote of the members present in favor of the motion, the motion was carried 3 – 0.

Chairman Carroll, “I move that the ZBA approve the application to vary the strict application of 225-14C(3) and approve the area variance application to vary the strict application of Section 225-A5 Density Control Schedule for front yard setback and side yard setback right, to allow for the driveway pillars at the size and locations shown on the 1.3.20 plans. The Board finds, under Section 225-75B(5), that the proposed pillars do not represent an undesirable change; in fact pillars are quite common on West Lake and will enhance the property and will fit the character of the neighborhood. There is no other method to achieve the relief other than a variance. The variance requested is not a substantial variance. There will be no adverse impact on the physical or environmental conditions in the neighborhood. The variance may be self-created but that fact is not dispositive. This application received coordinated review by the Planning Board as lead agency and resulted in a negative declaration on or about 7.11.19. Applicant has until 6.24.22 to complete.” Member Stanczyk seconded the motion. Upon the unanimous vote of the members present in favor of the motion, the motion was carried 3 – 0.

Chairman Carroll, “I move that the ZBA approve the application to vary the strict application of 225-14(C)(2)(c) which requires that no more than 25% of any front yard may be paved or used for driveways, to allow for 28.6% of the front yard to be paved or used for driveway pursuant to plans dated 1/3/20. I further move that we do not vary the strict application of 225-58(B)(8) which provides that no parking is permitted in front of the principal structure, and a condition of this approval is that no parking be allowed on the portion of driveway being approved tonight. The Board finds, under Section 225-75B(5), that no undesirable change in the character of the neighborhood nor detriment to nearby properties will be created. There is no other method to achieve the relief other than a variance. The variance requested is not a substantial variance. There will be no adverse impact on the physical or environmental conditions in the neighborhood. The variance may be self-created but that fact is not dispositive. This application received coordinated review by the Planning Board as lead agency and resulted in a negative declaration on or about 7.11.19. Applicant has until 6.24.22 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.

Chairman Carroll, “I move that the ZBA approve the application to vary the strict application of 225-14(C)(3), which requires that stone, brick, or formed concrete fences or walls in excess of 3 feet above natural grade are prohibited, to allow for the pool and deck walls pursuant to the plans dated 1.3.20. The Board finds, under Section 225-75B(5), that the proposed wall height does not represent an undesirable change in the character of the neighborhood or a detriment to nearby properties. There is no other method to achieve the relief other than a variance. The variance requested is not a substantial variance. There will be no adverse impact on the physical or environmental conditions in the neighborhood. The variance may be self-created but that fact is not dispositive. This application received coordinated review by the Planning Board as lead agency and resulted in a negative declaration on or about 7.11.19. Applicant has until 6.24.22 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.

Chairman Carroll, “I move that all approvals granted by the ZBA herein are contingent upon the applicant’s compliance with all terms and conditions of the Planning Board’s Site Plan approval and Critical Impact approval made as part of the Planning Board’s resolution dated 4.2.20 and all other conditions required in the minutes of the Resolution of the Planning Board dated 4.02.20; it being the intent of this Board to approve only variances and in no way to alter site plan or critical impact approvals, conditions, or covenants pursuant to those approvals or any other conditions or requirements imposed by the Planning Board in the action it has taken in this matter. This application received coordinated review by the Planning Board as lead agency and resulted in a negative declaration on or about 7.11.19. Applicant has until 6.24.22 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.

Ms. Simmons thanked the Board on behalf of Kim and Adam Weitsman. She complimented and thanked John Crompt and Beth O’Sullivan for their hours of work in reviewing the various applications.

This matter was concluded at 10:00 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards

Village of Skaneateles
Zoning Board of Appeals Meeting
June 24, 2020

Pursuant to Executive Order 202.1, this meeting was conducted by video conference call.

Brief discussion with Trustee Eriksen.

Present: Michael Balestra, Chairman
Gerald Carroll, Deputy Chairman
Michael Kowalski, Member
Michael Stanczyk, Member
Maureen Wopperer, Member

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

Gregg Eriksen, Village Trustee

At 10:01 pm Chairman Balestra called on Trustee Eriksen.

Trustee Eriksen explained that the Village Board is transitioning to in-person meetings. It is encouraging the other Boards to make their own decisions about meeting options, which he outlined. He said that for now the Planning Board is going to stay remote. Trustee Eriksen has spoken with the NYCOM General Counsel who urges that the Village be compliant with the Executive Orders. One of those is a continuing prohibition on in-person public hearings. That is determinative for the ZBA since nearly all of its proceedings are public hearings.

Chairman Balestra said that the ZBA will stay virtual at this point.

This matter was concluded and on motion of Chairman Balestra, seconded by Member Kowalski the meeting was unanimously adjourned at 10:20 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards

