

Village of Skaneateles  
Zoning Board of Appeals Meeting  
July 29, 2020

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

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Public Hearing in the matter of the Area Variance application by Ed Coakley on behalf of Dee Vounas to vary the strict application of Section 225-A5 Density Control Schedule for side yard set-back, right; to install a generator at the property addressed as 2 Lakeview Circle in the Village of Skaneateles.

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

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

Ed Coakley, applicant, on behalf of Dee Vounas

Gregg Eriksen, Village Trustee  
Justin Kilz, 36 Orchard Rd  
Alison McCrone, 16 Goodspeed Pl  
J B Allred, Teasel Lane

Excused: Michael Kowalski, Member

At 8:02 pm Chairman Balestra called the Vounas public hearing for 2 Lakeview Circle.

Mr. Coakley said he did not know why a variance was required, but asked the Board if there were any questions? Chairman Balestra said that there is a right side set-back issue. Member Carroll asked if there were any specs on the noise level, noting that the Village Code imposes a limit of 80 dB. Mr. Coakley said he thinks it is between 50 and 60 dB. He checked the specifications and determined that the sound level is 55 dB when the generator is exercising, and 65 dB when it is running under load.

Member Stanczyk noted that it appears that the most affected neighbor has the same setup. Mr. Coakley said that the unit must be mounted 18 inches from the home.

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 Stanczyk seconded the motion. Upon the unanimous vote of the members present in favor of the motion, the motion was carried 4 – 0.**

**Chairman Balestra, “I move that the Board grants the Area Variance application by Ed Coakley on behalf of Dee Vounas to vary the strict application of Section 225-A5 Density Control Schedule for side yard set-back, right; to install a generator at the property addressed as 2 Lakeview Circle in the Village of Skaneateles. This is a Type 2 action under SEQRA, in accordance with information and plans submitted with the application, and the applicant will have until 10.31.20 to complete.” Member Carroll 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 8:05 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards

Village of Skaneateles  
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Public Hearing in the matter of the Area Variance application by Justin Kilz to vary the strict application of Section 225-A5 Density Control Schedule for Minimum open area; to construct a 16 by 16 foot pavilion on an existing wood platform at the property addressed as 36 Orchard Road in the Village of Skaneateles.

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

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

Justin Kilz, applicant

Gregg Eriksen, Village Trustee  
Alison McCrone, 16 Goodspeed Pl  
J B Allred, Teasel Lane

Excused: Michael Kowalski, Member

At 8:06 pm Chairman Balestra called the Kilz public hearing for 36 Orchard Road. There was no one present representing the applicant. CEO Cromp said that the only variance is for open area. That was an existing condition when Mr. Kilz bought the property; there is no expansion of any nonconformity. He is putting an open pavilion on an existing structure. CEO Cromp said the Codes Office found out about it because of a complaint. Chairman Balestra said that he prefers to have the applicant available for questions.

**Chairman Balestra, "I move that we continue this matter until later in the agenda."  
Member Carroll seconded the motion. Upon the unanimous vote of the members present in favor of the motion, the motion was carried 4 – 0.**

At 8:13 pm Chairman Balestra recalled the Kilz matter. Mr. Kilz explained that he is seeking to create a more functional back yard space and that a covered area would provide added utility for his family. Chairman Balestra asked is this a kit? Mr. Kilz said yes, it is. Member Carroll asked about the height of the pavilion? Mr. Kilz said it is 8 ft from the base of the platform to the beginning of the roof. The roof is another 4.5 feet to the peak. So the total overall height is 12.5 feet.

Chairman Balestra noted that the only variance identified is for minimum open area. Member Stanczyk said he noted the wood platform on the survey and he wants to be sure that it is entirely on Mr. Kilz' property. He said that the "our deed line" notation is to a dotted line and the hard line, further over, encompasses the platform completely. Typically, property boundaries are denoted with solid lines. Mr. Kilz said he does not have any specifics regarding the notation, but that that current neighbor is in favor of the project. He bought the property in 2017, the date of the survey. CEO Crompt said he always takes his measurements from the solid line. Member Wopperer asked if he had a letter to that effect? Mr. Kilz said no.

After more discussion among the Board members, Chairman Balestra said that someone messed up the deed description. It is strange and the Board needs to understand the situation. Member Carroll suggested that the Board ask the surveyor to explain to CEO Crompt what we are looking at. Chairman Balestra said his preference is to continue this matter to the August meeting. CEO Crompt said with Mr. Kilz' permission he will contact the surveyor and explain the situation. Mr. Kilz said that it is OK for John to contact the surveyor.

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 the Board continues this matter to its August meeting to gain clarity on the lot lines and recommends that the applicant obtain a letter of support from the neighbor to the south." Member Wopperer 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 8:26 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards

Village of Skaneateles  
Zoning Board of Appeals Meeting  
July 29, 2020

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

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Public Hearing in the matter of the Special Use Permit application of Alison McCrone to harbor pet pig(s) at the property addressed as 16 Goodspeed Place in the Village of Skaneateles.  
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Present: Michael Balestra, Chairman  
Gerald Carroll, Member  
Michael Stanczyk, Member  
Maureen Wopperer, Member

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

Alison McCrone, applicant

Gregg Eriksen, Village Trustee  
J B Allred, Teasel Lane  
Bob Eggleston, 1391 E Genesee St

Excused: Michael Kowalski, Member

At 8:27 pm Chairman Balestra called for the McCrone public hearing for 16 Goodspeed Place.

Ms. McCrone said that her family would like pets. Though she is allergic to dogs and cats, she is not to pigs. She has done substantial research and now would like to move forward. They propose to house 2 pigs of the KuneKune variety.

Chairman Balestra asked about the living arrangements? Ms. McCrone said they will spend time in the house, and will also spend time outside. They will have a shelter within the garage. Chairman Balestra asked about fencing? Ms. McCrone said they are not sure at this point; they don't usually run away.

Chairman Balestra said he also did some research. Pigs are intelligent, and make a tremendous shrieking noise when you pick them up to move them. They are also prone to root in the ground. Ms. McCrone said that this breed has a snub snout, so they do not root as much. Chairman Balestra asked how they plan to handle waste? Ms. McCrone said that small amounts of waste

should not be an issue. This is not like commercial farming. Waste will be managed like a dog's would.

Member Carroll said that the code requires the Board to determine whether the request will be detrimental to neighboring properties and in harmony with the neighborhood. He added that the test is not for a single property, but rather if 6 or 8 owners did the same thing, would that be harmonious? He asked the applicant to address that point. Ms. McCrone responded that she has spoken with all her neighbors and no one has submitted a concern. It is an unusual pet, to be sure. Where dogs can be aggressive, pigs are a prey animal and tend to stay close.

Member Wopperer noted that this property is partly in the Town and part is in the Village. She asked if the applicant has discussed this with the Town? Ms. McCrone said that the house is in the Village. She asked about the estimated weight of 100 to 150 pounds? Ms. McCrone said that there is a range for all animals. They want to get a smaller one, so will look that the parents. This particular breed has been bred similar to dogs, so tend to be a smaller animal.

Member Stanczyk said that Ms. McCrone said that all her neighbors are in favor. He said that the Board had received comments from a Teasel Lane resident whose property backs up to hers, who is most certainly not in favor of the application.

Member Wopperer said that she was concerned that this property backs up to a number of houses and that pigs are not a common animal. Ms. McCrone said that unlike dogs, they will not be running through your yard if they get loose.

Chairman Balestra said that from his research he has concerns that informed authorities seem to believe it is not appropriate to have pigs contained in a typical yard or garden and unreasonable to plan to have them indoors much. He continued that the concern is with using the back yard as a pasture and doing what pigs do. He believes that no area that pigs frequent is a yard that neighbors would like to look at – particularly not without a plan for a fence. Ms. McCrone said that while unusual, they are not always on a larger homestead. If there were containment issues, they would certainly consider a fence. Her property backs up to woods.

Chairman Balestra said that he would like to review the criteria that the Board must use in 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.**

*Balestra – I am not comfortable with a finding that this will not be an unreasonable detrimental effect on neighbors. I understand that the immediate current neighbors may all be in favor of the plan. But once this special use permit is granted it is granted in perpetuity. The next*

*neighbors might come along and not be so keen on this. The way a pig uses the land is not consistent with normal residential use.*

*Carroll – I agree that we can't make that finding. It is not necessarily conclusive how the neighbors currently feel about the project. They won't always be the neighbors. It also has to do with the detrimental effect upon the entire district. To have a pig within a yard in the Village, we cannot conclude that there will not be an unreasonable detrimental effect. I think the same is true for finding Two on harmonious.*

Ms. McCrone interjected, noting that her back yard is in the Town and asking that the Board consider approval for a one-year temporary trial to see how it goes. Chairman Balestra said that this Board cannot grant a trial period. Once the special permit is granted it is permanent. Based only on what he has heard thus far, the applicant would have to change the Board's minds. If the applicant wished to provide the Board with more compelling information, he would be willing to consider an adjournment to next month. Ms. McCrone asked if all the information she provided got to the Board? Chairman Balestra said that the Board has looked at everything that has been submitted. Member Carroll asked if there are pigs already on the property? Ms. McCrone said that they have procured the pigs. They are at camp most of the summer, and the pigs have been there for the most part. However, they have had pigs on the property. Member Carroll said he is very much opposed to a continuance. Chairman Balestra said that to Jerry's point, you can't have them without a permit having been granted. Member Carroll said he has learned everything he needs to learn on the subject. He knows what the Village is and he knows what a pig is.

*Stanczyk – Similar to what Jerry and the Chairman have said, he believes that there will be an effect; there will be an impact on the neighborhood. He cannot say for sure that it will be detrimental, but he is not sure that he can make the finding in subsection 1 either.*

CEO Crompt said that he will send a letter notifying the property owner that the pigs must leave.

Chairman Balestra said this is what I'm going to do and the Board will vote as the Board votes. I'm willing to provide that opportunity to the applicant, though I'm not saying that I will necessarily change the way I feel.

**Chairman Balestra, "I move that we continue this matter to the August meeting in contemplation of receiving additional information from the applicant." There was no second. Chairman Balestra announced that the motion had failed for lack of a second.**

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 4 – 0.**

Chairman Balestra said that he would move on with the first criterion.

*Wopperer – I am an animal lover, but I have a hard time with the pigs. I do agree with Members Carroll and Stanczyk on this.*

Chairman Balestra said that there are not three votes in favor of Section 229-39 I (1). He asked the members if that was correct?

*Stanczyk – That is correct. (1) and (2) are the most important ones in my mind and I’m not sure that I could find for either of those. Chairman Balestra and Member Carroll confirmed their positions.*

Chairman Balestra said that since the Board is not able to make one of the necessary findings in Section 225-39 I, he does not feel it necessary to go through the rest. Attorney Galbato agreed with the Chairman.

**Chairman Balestra, “ With all apologies since this is likely a great disappointment but recognizing the sense of the Board that this is simply not appropriate for the Village, I move that the Board denies the Special Use Permit application of Alison McCrone to harbor pet pig(s) at the property addressed as 16 Goodspeed Place in the Village of Skaneateles, since we cannot find that the application will have no unreasonable detrimental effect on the neighborhood (I (1)) nor that it is in harmony with the orderly development of the district (I (2)).” Member Carroll 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 9:00 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards

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Other matters. -----

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

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

Gregg Eriksen, Village Trustee  
Alison McCrone, 16 Goodspeed Pl.  
Bob Eggleston, 1391 E Genesee St

Excused: Michael Kowalski, Member

At 9:00 pm Trustee Eriksen asked to speak with the Board. There was some informal talk about his experience with acquiring chickens. He asked the Board if they think that the Trustees should take another look at this particular code provision to provide additional guidance and clarity?

[Member Wopperer asked to be excused and was granted permission to leave.]

Member Carroll said that he did not think it appropriate to discuss this with an applicant present who has just recently been denied.

Chairman Balestra read the code provision. Member Carroll then said that this is a code provision that is easily negated by applying the required findings. If the Village wants to take a shot at clarifying or streamlining it that's fine.

Chairman Balestra pointed out some inconsistencies. He said the Board would be willing to consult with the Trustees as desired.

This matter was concluded and on motion of Chairman Balestra, seconded by Member Carroll, the meeting adjourned unanimously (3 – 0) at 9:07 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards