

Village of Skaneateles
Planning Board Meeting
December 3, 2009

In the matter (*of the application*) of John & Kim Mezzalingua (*to vary the strict application of Section 225-A5, Density Control Schedule, for percentage of open area,*) Section 225-14c(5)d Accessory uses in the front yard, and ...to construct an (*accessory building and*) tennis court.....the property located at 3 Bobbett Lane in the Village of Skaneateles.

Present: Bruce Kenan, Chairman
 Steve Krause, Member
 William Eberhardt, Member
 Douglas Sutherland, Member

Jorge Batlle, Clerk to the Planning Board
Riccardo Galbato, Attorney for the Planning Board

Andrew Ramsgard, Architect for the applicants
John Mezzalingua, 3 Bobbett Lake
Marc Angelillo, Village Trustee

Absent: Lauren Waite, Member

Note – this is not an application but a matter brought before the Planning Board in response to a letter of complaint from a neighbor concerning lights on the tennis court. They cited Section 225-27 of the Zoning Law. No lighting was indicated on the Site Plan drawings when this matter was presented in October of 2007.

Chairman Kenan opened the meeting at 9:31pm. Andrew Ramsgard representing the Mezzalinguas made the presentation. He said, “there is nothing in the Zoning Ordinance of the Village about tennis court lights. There is something in the Activity Standards about lighting in general. It doesn’t speak to tennis courts or anything. We relocated the tennis courts. We had a permits. We went through the Planning Board and we got all the variances. There were lighting standards on the old tennis court. Our thought was we were relocating the existing tennis court, we had talked about that. We never talked about in any of the Planning Board meeting minutes or the ZBA meeting minutes about lighting. I went back and looked. Jorge went back and looked. In our minds it was just simply a relocation of stuff that was already there.

There was a complaint apparently on the property about glare. So, when I went out and did on November 30th, that was this week, I took 180 light meter readings across the property. I used a ExTech light meter, calibrated to ISO 2720 Standards – 1974 Standards. There were readings at 3 feet and at zero feet. I took reading at 6:05 after sundown. It was a full moon. The full moon matters because the full moon contributes a tenth of a foot-candle. Albeit, it is a little bit stronger in the Summer time. But in the Winter time it’s about a 1/10th of a foot-candle. Then

I also took readings at 6:25, after the tennis court light were on. I took the readings at 25 foot increments around the property, on all the adjacent property lines relative to the tennis court. It will show up on the site plan. There were zero foot candles registered before the lights were on and there were zero foot candles registered after the lights were on.

The tennis court lights were very specific light. They were a copy of the lighting fixtures that were put in place. They are a light fixture that meets the IDA Standards. That's the International Dark Sky Standards for zero light trespass at 90 degrees nadir. What this significant is that there is zero light coming up above into the sky and zero glare above 90 degrees. So, right now, if you look up at these lights, you get glare because you are looking up into them. But as you get from 90 degrees..." "...how high are the poles?" asked Member Krause. Ramsgard said, "they are 20 foot poles." Member Krause said, "the neighbors are complaining because they are not higher than 20 feet, they are down on the ground, right?" Ramsgard said, "the neighbors are actually above 20 feet in elevation. So they are way up about so. The issue is that here's an example of the lights spread of how the lights work. (shows light map) There's very little spread and this is our exact set-up. We have 6 lights and end fencing on both ends of the court. We are fully treed around the outside of the property.

The complaint came from the property to the northeast. So, I took a picture at 6:05 without my flash on and then 6:25 with the flash on. What you can see is that there's zero glare from those light fixtures. What you see is – you see the light where it is supposed to be. Like on the tennis court, and lights on the face of the building. There is no light trespass off of the property line. There is no glare issue. John Mezzalingua is here. Be happy to have you come down on the property and go through the same exercise - keep the lights off – turn them on. There's no glare. There is really no issue."

Member Sutherland said, "it is just basically bright where it didn't used to be bright." Ramsgard said, "you can have a light on on your property and shine it on your house on Christmas or you can shine it on your house all year long. As long as no light is leaving your property and there's glare – I have it with my neighbors in the back of my property. They have a hot tub and they have a spot light that they turn on. I can see them when they turn their spot light on...the glare from that light bulb is right in my eyes because of the direction. It's not a bright light. It's probably a 100 watt bulb. But it just shines the wrong way in my windows. These lights, there is not glare. Down and simple, it's light where it was dark before. It's not all the time. It's very little time of the year the tennis court gets used – in the good weather. It's only when they use it. I think that really just settles the issue. I don't think there is anything else to talk about."

Attorney Galbato said, "I looked at the maps with Jorge yesterday. The lights were not shown on the site plan that this Board recommended the variance requested be approved by the ZBA. The ZBA approved the variances based on the site plan that did not show the lights. The question is, should this go back to the ZBA to re-issue a variance." "But there is no variance to be issued for the lights. There is no variance, we can have lights," said Ramsgard. Galbato said, "you have variances as part of your application back in October of 2007." Ramsgard asked, "what variance are we going to ask for for the lights? What do we have to vary?"

Member Krause said, “this (letter) says that you are going to put shielding on them because you don’t want them to be blinding and intrusive. You’d like to have the matter resolved as quick as possible.” Ramsgard replied, “yes.” Member Krause asked, “has that been done?” Ramsgard said, “no. Before I went out and looked at it, I thought we’d have to do that. But, there’s nothing to be done. There isn’t any glare. Initially I thought when I sent this in, I would go out and see if there’s a problem for one of neighbors.”

Member Krause asked, “where were these lights before you moved them to here?” Ramsgard replied, “the tennis court was here (point on site map) it was in the middle of the property. The driveway originally came down on this side. So, everything was over here. They bought this property (took down the house) and moved the driveway over.” The Chairman asked, “the tennis court was over here? It was lit before?” Ramsgard said, “the tennis court wasn’t lit. The piers were in place but the light never got put up.” Member Krause said, “so these lights are not relocated, these are new.” Ramsgard said, “the lights are new. The piers’ electric was put in and was taken out. The lights were on order at that point. They just never got put in. We acquired the adjacent property.”

Member Krause said, “so it’s not that the lights are closer than they used to be to the neighbors, it’s that they are now there and they weren’t before.” Ramsgard said, “right. But they were always going to be there.”

Chairman Kenan said, “what Rick was saying – I don’t think it’s a matter of needing a variance for lights. But there was a variance granted for a tennis court that didn’t show the lights. Does that variance need to be modified to reflect the lights?” Member Krause said, “because that’s what gives the neighbor the opportunity to object. Without the lights they didn’t have an objection.” Galbato said, “at a public hearing for the ZBA.” Ramsgard said, “granted, they can complain about the lights, but the Activity Standard says that there be no glare from the adjacent properties. There is no glare. There is nothing in the Zoning Ordinance that deals with lighting of any kind. You have to get into the Activity Standards to speak to that.”

Member Sutherland asked, “Andy, what was the variance that was requested.” Ramsgard said, “that the tennis court be in the front yard because a tennis court is not allowed to be in the front yard. It’s a lake front property, so which is the front yard? You don’t want to put it on the Lake side. Even if you put it on the lake side, would that still be the front yard? That was the only variance. It wasn’t a side yard, and it wasn’t a set-back issue or anything like that.”

The Chairman asked, “Rick, what is your thought on a course of action?” Galbato asked, “do we have a map now that shows the lights?” Ramsgard said, “no, but we could amend the Site Plan and show the positions. I can give you an engineered report of the foot candles spread that will show you exactly what my - actual physical measurements will show you.” The Chairman said, “I don’t want to suggest spending money needlessly, but that may be, under the circumstances the appropriate thing to do.” Member Krause said, “most light manufacturers will do that without charge. Show them the layout, the fixture and the pole height and they will do that without charge.” The Chairman said, “and if they come back with something that basically substantiates what the image shows then I think you have established – it’s a very subjective standard *objectionable glare noticeable at or beyond the property line*. If you could substantiate

something like that you probably have met the standards.” Member Sutherland said, “that seem the way to go to me.” The Chairman said, “and that’s probably a better route than modifying the variance.”

Member Krause said, “I was just looking to see if the site plan requires the showing of site lighting. It probably does. But I haven’t found it.” Ramsgard said, “I went and did an on-line search of the Code and the only thing that I could find that covers light comes back to the *Activity Standards*. I couldn’t find anything. It only shows up in the activity standards.” Member Krause asked, “nothing in the requirements for Site Plan?” Ramsgard said, “no.” Member Krause said, “that surprises me.” Ramsgard said, “it’s in the Town and everybody else.” Member Krause said, “it is probably an unintentional omission. But this may sound absurd – but by definition it is a structure. So it has to show up. And set-backs would apply. So, it really should be on the Site Plan.” Ramsgard said, “yes, it is part of another structure. A structure on a structure when you detail a building and you put sighting...” “...are the standards inside of the perimeter of the court?” asked Member Krause. Ramsgard said, “yes.” (Side B)

Chairman Kenan said, “we are talking about this because there was a letter written objecting. So, what does that precipitate? Why is the Planning Board involved?” Member Krause said, “no one else wanted it.” Galbato said, “I don’t know why it went to the Planning Board first. The ZBA is the interpreter of the Code if someone appeals the decision of the Code Enforcement Officer.” Battle said, “the Planning Board has to recommend the ZBA.” Galbato said, “if the Planning Board chooses to go the route of a modification of the prior variances requested because the lights were not shown – the structures were not shown on the Site Plan as part of both approvals of both Boards, it saves the applicant a month to come the here first and then getting it going. The other choice would be what you recommended as well, some additional information and then it could go to the ZBA as a determination if they want to make any ruling on whether they feel it needs a modification, which they will send it back here – or – they just want to determine it to be objectionable under the Code or not.”

The Chairman asked Galbato, “so what is your recommendation? What course of action should we take, if any?” Galbato said, “I think it should go to the ZBA one way or another. We have a complaint. Jorge felt that it was reasonable enough to get this to one of the Boards. This Board’s meeting came up first. Is this objectionable glare under our Code - make their case and kind of rebut what Andy has set forth.” The Chairman asked, “can we save some time by making a recommendation to them for an application that they do not have yet?” Galbato said, “yes, I would save them from coming back here.” The Chairman asked, “so what is it that the applicant would be requesting of the Zoning Board? An interpretation? I don’t know if it has to be initiated by the applicant but is it a question of interpreting the compliance with the *Activity Standards*?” Galbato said, “you could ask them for an interpretation of whether the lights in existence are a violation of the *Activity Standards*.” The Chairman said, “so how about – **in response to a complaint which was forwarded to this Board by the Code Enforcement Officer, in anticipation of it being referred to the Zoning Board of Appeals, we have reviewed information and we would recommend to the Zoning Board of Appeals make a finding that this installation does not violate the *Activity Standards*.**” Seconded by Member Sutherland. The vote was 4-0 in favor of the motion. The Chairman said, “the prudent thing to do is to have one of those studies done. So, rather than the Andy Ramsgard survey – I don’t doubt that you did

it correctly except that something more official and scientific would probably carry the day. Ramsgard said, "you can go out and do it yourself – borrow it." Member Krause said, "I'd rather go home and watch TV." A public hearing on this matter is a decision to be made by the Zoning Board of Appeals.

The meeting was closed at 9:49pm.

email: Galbato, Ramsgard, ZBA

cc email to: Planning Board