

Village of Skaneateles
Planning Board Meeting
December 3, 2009

In the matter of the application submitted by Ronald Butchart and Amy Rolleri to vary the strict application of Section 225-A5, Density Control Schedule, for rear yard set-back and Section 225-14C(5)a, Accessory Building Distance to Lot line to construct a 20x26ft. 2 sty detached garage and 3x10ft wood shed structure for the premises located at 72 West Elizabeth Street.

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

Robert Eggleston, Architect for the applicants

Brody Smith, Syracuse
Marc Angelillo, Village Trustee
Andrew Ramsgard, East Genesee Street
Jackie Keady, East Genesee Street
MarK Abieri, Harmony Homes
Evan Dreyfuss, East Genesee Street
J. Panzarella. East Genesee Street

Absent: Lauren Waite, Member

Chairman Kenan opened the meeting at 8:04pm announcing the application of Ronald Butchart and Amy Rolleri for 72 West Elizabeth Street. This is an application for a subdivision and construction of a house addition and garage.

Robert Eggleston, Architect for the applicants made the presentation. He said, "we have received a variance about a year or so ago to build a free standing garage, 26 by 20 and a 12 by 16 addition to the back of the house, removing a small enclosed porch. They have since reconsidered this addition realizing that they wanted to make it a little bit bigger giving them a mud room and pushing this out about 6 or 7 feet. That would push this too close to the garage for the required set-back. This garage is 18 feet of building height and you need 18 feet between the two. So, in looking at the options, they talked to the adjacent land owners. They back up to 2 lots in Parkside (Subdivision) Orchard Road properties. They talked to both Mark Abieri who is Harmony Homes who currently owns the house under construction at 103, and Steve Bonocore who owns the house at 105 to see if they could acquire some land that would allow them to push the structure back, and give them the required set-back. Then also at the same time, give them

enough area so that their open space would rise above 85%. They were at 84% before and they were approved for a variance for 82.29.

In talking with the neighbors, Mark Abieri was totally willing to sell them a piece of property. Steve Bonocore – he kind of was back-and-forth and decided that he did not want to go through the hassle of this. While he is not opposed to the project, he didn't want to give up that little piece of property. The interesting thing about this, and we have received further information exploring it, in Parkside, everything from 240 feet back is – it used to be an Army Corps Wetlands. But the Army Corp has re-examined it and decided that it was not wetlands. But there is a proposal that this will become drainage easements. All of this land will become Village drainage easement in the next phase when they do the next plat. So, the property is unbuildable as it is.

So, what we have done is come up with an agreement with Mark Abieri/Harmony Homes to purchase this triangular piece of property here and we are going to push the garage back. We were granted a variance for 5 foot set-backs. So, we will have a 1 foot set-back that then expands as we come into this new property area. So, what we are asking for is a lot line relocation and subdivision to acquire this 7372 square feet from Mark Abieri and we will extend the property line from the Mahoney property straight back, so we have a logical addition to the property. Then we will be asking from the Zoning Board of Appeals for a 1 foot set-back to the rear lot understanding that this is easement - but it is a drainage easement and we won't be able to build on that. I see at this point we had added to the application a wood storage area but, and that actually crosses over into it. So, we will have to move that around. We will have to make that modification. We will have to move that around the corner or something.

So, the variances that we had received in the previous application which was a rear yard set-back and open space – we would no longer need open space because we would come up to the 87.54 where 85 is required. And we would just have the one foot rear yard set-back where 15 feet required. In essence, because this is unbuildable it will basically have the same effect that it's protected from encroachment of other properties. And that we would ask that we could proceed to a public hearing with the proper plat plan to acquire this property. We would understand that the easement would be expected in this area as well, unless you've have other ideas relative to that.”

Chairman Kenan asked, “what is the grade condition? Your building elevation show that the grade is all flat. The whole site being level?” Eggleston said, “what happens is this falls down. They actually have prepared the site. They had to take down the trees. They have put in fill in anticipation of this. I might drop down about 2 or 3 feet. So, this area has been built up about 2 to 3 feet. We will do the same thing as we come back, just raise that.” The Chairman asked, “how do you build within one foot of the property line and raise the grade at the same time?” Eggleston said, “we don't have to raise the grade in the back. We just have an exposed foundation at that point. So we really don't have to raise the grade on the outside.” Member Krause asked, “do you have an easement over that property to make the excavation to do that- put the footings in?” Eggleston said, “yes, the footings would be within the property line and all that. Yes, we will talk to Bonocore to just make sure there is no problem.”

Galbato asked, “basically the subdivision that you are proposing is the triangle piece here ?? by 97.2 and 180.4?” Eggleston said, “correct.” The Chairman said, “you need one variance, which is the rear yard set-back and a subdivision approval. Is that it?” Eggleston said, “that’s correct. I think the appropriate thing would be to take the variance to the Zoning Board of Appeals and then we come back. Prepare our plat plan and come back for a public hearing next month, with this Board.”

Galbato asked, “Bob, are you proposing that we go to the ZBA first before we have a motion on the subdivision?” Eggleston said, “yes. We’d need a recommendation from this Board on the variance.” Member Krause asked, “as a practical matter, you wouldn’t be able to build this without disturbing the neighboring property, nor would you be able to maintain it. Are you willing to get an easement?” Eggleston said, “sure. Mark Abieri the property owner will pick up on that. And we will talk to Bobocore about getting a 5 foot easement, a 10 foot easement?” Member Krause said, “you are going to have to excavate to get the footings below frost. Depends on the soil characteristics.” Eggleston said, “so a ten foot easement.” Member Krause said, “yes, that’s more typical.”

Member Eberhardt asked, “so you have a contract to purchase, but you haven’t purchased?” Eggleston said, “correct. It’s conditioned upon approval and getting the subdivision approval.” Galbato asked, “do you know what the area is – we’d want a notation on that plat map that the area, triangle piece to be subdivided or to be added to the applicant’s property that no structure can be placed on it? As a condition, it will be on the plat map.”

The Chairman asked, “anyone care to make a motion – this is a subdivision that involved 2 parcels?” Eggleston said, “this is a lot line relocation.” The Chairman said, “yes, it effects both parcels so they are both impacted by the application.” Eggleston said, “we have made Mark (Abieri) co-applicant.” Member Krause said, “one other thought. Given the drainage problems in the area - I wonder if it wouldn’t be sensible to off-set the area of fill, with some excavation of this acquired property so that we are not just pushing the water problem further on. That whole area is really suffering from lots of water problems.” Member Eberhardt asked, “isn’t there a study going on, on that right now?” Member Krause said, “I am unaware of that. I heard something that they have been hired, but I don’t know who.” Eggleston asked, “for the Parkside 2?” Galbato said, “I was going to ask if thought that our engineer should look at it?” Member Krause said, “I am trying to keep it simple.” Mark Abieri said, “that land is on the high side of West Elizabeth Street - it sits up and all the topography really pitched down toward my property.”

Member Sutherland asked, “Bob, the stream cuts across and then continues on to Skaneateles Creek. Where is that in relation to what we have here?” Eggleston said, “what I have is the ???plat plan which I sure you are intimately familiar with. This is West Elizabeth Street. This is the Rolleri property right here. We are asking to acquire this land here. When they had documented the Army Corps wet lands, they had called this area here. The immediate area there is maybe a ten foot buffer between the Rolleri property – actually a 30 foot – so there’s probably 30 feet before you got into the wet lands. It has since been determined this is not a wet land. We have a letter from Ianuzi from the Army Corps so stating. Then when you get into this proposed plat too, this is the drainage easement. So apparently all of this area was going to be turned over

for a drainage easement to the Village.” Member Sutherland asked, “does the water go this way or is it going that way?” Eggleston asked Abieri to explain. Abieri said, “the water flows this way. There is actually a culvert that’s here. So, really the low lying area is pretty much in this area here. This does sit up higher so water would flow here. Water might flow back into here as well, but that easement is pretty much everything all the way out to West Elizabeth in that 50 foot.”

Member Krause said, “I thought part of the rationale for being so close to the property line was that the land was undevelopable because it was wet lands. Now you are saying that it is not a wet land?” Eggleston said, “It was in the early stages of the Parkside it was listed as a wet land and since then there’s a letter that has come out from Ianuzi and that the Army Corps stating that NO in fact that it is not a wet land. *In light of the recent Supreme Court decision I have reviewed the various maps of the administrative records of the project based on this review, I have determined that the wet lands of 0.1 acres in A & B 1.45 acres on the subject property site are isolated, non-navigable intra-state waters and they are not subject to the regulation under such...*”

Member Sutherland said, “I think those are maybe different things though. The Supreme Court ruled that it’s too small to count as a legal regulated wet land is different from it being a wet land that is just too small to be a legal regulated wet land. I think we’d be concerned about because of all the flooding that we’ve had at the Lessaongang’s and Whoral’s and everywhere else is we are not displacing going to Steve’s comment.” Eggleston said, “we can not change the grade past the original Roller line. That’s not a problem. We just have an exposed foundation wall on that side.” Member Krause said, “that’s already been done.” Eggleston said, “no. It’s been regraded on the property for the original, and they haven’t extended the grade back. And they don’t need to, as we can just have an exposed foundation wall on the backside. We can not change any of the grades in that area.” Member Sutherland said, “it looks like from that, you are still most of 30 feet away from the wet land that the Supreme Court said isn’t a wet land.” Member Krause said, “it just means that your footing have to be deeper.” The Chairman said, “you could not change the grades at all, is that right?” Eggleston said, “correct, within the ...” “...in the initial parcel?” asked the Chairman. Eggleston said, “other than it has already been prepped.” The Chairman asked, “other than that, is there any reason to change the area? Just you will have more foundation wall exposed....anyone care to make a motion?”

Eggleston said, “for the record, we have neighbors who have signed off saying that they have no objection. (Presents document.) That’s from the neighbor across the street on the side and am talking with the Methodist Church.”

Galbato said, “there are 2 thing for the Board to consider if the Board wants to make a recommendation to the ZBA on the variance application. Then if the Board wants to act on the Sketch Plan alone for the proposed subdivision.” The Chairman asked for that to be repeated. Galbato said, “it would be that the Board could make a recommendation to the ZBA on the issue of the variance application. Number 2, would be the Board could take action, if they felt comfortable to approve the Sketch Plan with some additions or some comments on the issue of the Subdivision. The 3rd one would be directing a public hearing at the appropriate time as we move through the process.”

Member Sutherland said, "Bob, you were suggesting that you go ahead first with the variance but it's the variance subject the approval of the... the question then is, doesn't it make sense to do them at the same time if we are comfortable with both of them so that it is a package rather than something depending on something else later." Chairman Kenan said, "you can make a recommendation to the ZBA for the variance. You could approve the Sketch Plan for the subdivision and set a date for the public hearing. You could do all those things, if that's your choice. Then set what ever conditions on the Sketch Plan Approval." Galbato said, "when they are working on their preliminary map."

Eggleston asked, "I guess the only technical thing, and I will shoot myself, this has to go to Onondaga County Planning Board for the lot line relocation or not because we are not creating a lot? In other words, subdivisions have to go, but do lot line relocations have to go?" Galbato said, "I would say yes. The Code say that we should not even grant Preliminary Plat Approval until it has been referred to the County Planning Board." Eggleston asked, "now the Zoning distinguishes between lot line relocations and subdivisions? Does that have to go to the County?" Galbato said, "I would say yes." Member Krause said, "it can't go now because there is no recommendation and there are no maps." Galbato said, "... schedule a public hearing I would leave the date open because I don't think that Jorge should schedule a public hearing and notice it until the appropriate maps are filed to move forward."

Eggleston said, "what I would suggest is - you saying that they shouldn't even make the Sketch Plan approval without the County referral?" Galbato said, "no I didn't say that." Eggleston asked, "would it then be appropriate to make the Sketch Plan Approval with any conditions you want on there? Send the Sketch Plan to the County. I'll get the Plat Plan made up based on your comments so then you can look at the Plat Plan next month. Then schedule a public hearing once you have heard from the County."

Member Sutherland said, "**I would move that we recommend to the ZBA approval of the variances that were requested. That with the understanding that the area in the proposed triangle of new property not be disturbed but for the foundation of the garage remain exposed with out filling the wet land or near wet land area. And that we also approve the Sketch Plan and be prepared to schedule a public hearing for the formal review an approval. And all with the understanding that there wouldn't be additional building development in the triangle. And to obtain easements for construction and maintenance on the property be obtained form Lot 105's owner.**"

Seconded by Member Krause. The vote was 4-0 in favor of the motion. The meeting was closed at 8:25pm.

email 12/8 TO: PB, ZBA, Eggleston, Galbato
cc: Lot 3 & MSB