

Village of Skaneateles
Zoning Board of Appeals Hearing
December 22, 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: Lisa Banuski, Chairman
John Crompt, Member
Larry Pardee, Member
Craig Phinney, Member
Lee Buttolph, Member

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

Robert Eggleston, Architect for the applicants

Clifford Abrams, State Street
John Langley, Syracuse

Chairman Banuski opened the public hearing at 7:30pm announcing the application of Ronald Butchart and Amy Rolleri for 72 West Elizabeth Street.

Robert Eggleston, Architect for the applicants made the presentation. He said, "a year or so ago we had received a variance for building this garage 5 feet off the sides and 5 feet off the rear yard, where 15 feet is required off the rear yard. Since then they realized that they wanted to build a slightly larger addition for the house. The house addition does not require any variances. What that would do is out the garage too close to the house because we are required to be 18 feet because the height of the garage is 18 feet. We are required to keep the addition of the house and the garage 18 feet apart.

So, the approached the neighbors – Harmony Homes who owns and is constructing a house on Orchard Road and also Steve Bonocore who owns the house at 105 on Orchard Road. Their 2 properties abut the back of the Rolleri property. They offered to purchase land to make the lot bigger. What that would also do is also give them enough lot area so they no longer needed an open space variance in that we now can get this to 87%, so we meet that criteria. Mr. Abieri, Harmony Homes, was very willing and accommodating so we have proposed a subdivision where we will align the east side of 70 West Elizabeth, so they'll acquire a triangle of land that brings them above the required open space area. But Mr. Bonocore was reluctant to sell him the land – didn't want to mess with it. So, we have decided to relocate the garage back so it's one foot off the property line. It's actually just a very short distance that it's only one foot

off the property line. The property that they would be acquiring from Abieri would give them eventually more land. Although it would never quite be 15 feet.

In reviewing this with the Planning Board, they suggested that we acquire a 10 foot easement area to have access to maintain the back of the garage. So, we are talking with Mr. Bonocore relative to that. The only variance we are now requesting is a one foot set-back. This area that we are talking about – the land that we are going to acquire from Abieri, as well as the land that easement and land here is part of a proposed drainage easement given to the Village. So, nothing could be built on this land anyway. Also, we've been requested by the Planning Board to, and we will maintain the original grade and not disturb the grade in this back area.

So, what we are asking for is to have a one foot set-back variance to the garage and then at that point, anything that they do in the future on this property would not need any variances."

Chairman Banuski said, "it may not be relevant, when they were talking about grading that piece of land, I thought that they were talking about actually excavating and making a depression there, so that it served as kind of a basin for excess water. I didn't realize that they were saying you may never grade that land. I thought they were specifically asking could you..." "...you are saying with the current application?" asked Eggleston. Member Crompt asked, "in the Planning Board minutes?" Eggleston said, "my understanding was that – we'll come and dig the foundation. Obviously, we are going to disturb land on the Bonocore and also the land we are acquiring from Abieri. They want us to return it to its original grade." The Chairman said, "oh, I did read it wrong because it's saying that they were suggesting that you take the fill that you remove and make some kind of berm - I see it. OK. I don't have any questions about the rest of it. It looks like it's pretty cut and dried."

Attorney Galbato said, "I would just say that the application for a variance would be conditioned upon preliminary and final subdivision approval from the Village Planning Board." Eggleston said, "and only at that point would the variance that's in place then be null and void. This would succeed the current variance. There's a current variance in place. Obviously, this variance is not good until the subdivision is finished and approved and then this would supersede the current variance."

Galbato said, "I would also add that typically a variance is a Type II action under SEQR. I will recommend to the Planning Board act as Lead Agency because they are going to have to grant the final approval on the project itself. They would do the SEQR Review. You do not need to do SEQR." The Chairman asked, "so this is a Type I? As we make our motion we just...?" "...don't worry about SEQR because the Planning Board is going to consider the SEQR." Member Phinney said, "I thought they declared themselves as Lead Agency." The Chairman said, "they did on the next project's application. But not on this one."

The Chairman opened the floor to anyone wishing to speak in favor of the application. No one spoke. The Chairman opened the floor to anyone wishing to speak in opposition to the application. No one spoke. Eggleston said, "there is a sign up sheet and also, what I wanted to add, we do have the Methodist Church signed off. They are the neighbors to the immediate west." The Chairman said, "these are part of the record. Just list the names Craig." Member

Phinney said, "Robert Phol, President of the Board of Trustees of the United Methodist Church, also we have Helen Mahoney, Ann Pardee, and Ami Klein. *We the undersigned are aware that Ronald Butchard and Ami Rolleri are proposing to build an addition detached garage to their home at 72 West Elizabeth Street. Also, they are making a lot line relocation with 103 Orchard Roadm to enlarge their property. We are aware that this requires a rear yard variance and a lot line relocation subdivision. We have reviewed the drawings of Robert O. Eggleston, Architect dated November 23, 2009 and have no objection to this application.*"

The Chairman said, "I move that we close the public hearing." Seconded by Member Crompt. The vote was 5-0 in favor of the motion. Declared passed.

Member Phinney said, "**I would move that we grant 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. This is conditioned that the Planning Board granting Preliminary and Final Subdivision approval. Per drawings dated 4th of December 2009.**"

The Chairman asked, "how long are you looking at on this?" Eggleston said, "2 years. A clarification, we have removed the wood shed from the application. That would have extended over onto the Abieri property that we are acquiring and they don't want any construction on that." The Chairman said, "just for the record, in the future they could put a shed somewhere – all they would need is a building permit probably."

Seconded by Member Crompt. The vote was 4-0 with Member Pardee abstaining. Motion declared adopted.

The meeting was closed at 7:40pm.

emailed to Eggleston, Galbato, P. Board

cc: Lot. + MJB