

Village of Skaneateles
Zoning Board of Appeals Hearing
June 22, 2010

In the matter of the application submitted by Gregory & Geraldean Lantier to vary the strict application of Section 225-A5, Density Control Schedule for Left side yard set-back and Both side yards combined, and Section 225-69d, Non-conforming buildings structures and uses, extension or expansion to construct a 3 story addition on the rear and a detached garage 2 story, 3 bay garage on the property located at 32 Academy Street in the Village of Skaneateles.

Present: Lisa Banuski, Chairman
Larry Pardee, Member
Craig Phinney, Member
John Crompt, Member
Lee Buttolph, Member

Jorge Battle, Clerk to the Zoning Board of Appeals
Riccardo Galbato, Attorney for the Zoning Board of Appeals

Andrew Ramsgard, Architect for the applicants
Gregory and Geraldean Lantier. Applicants

Jill Goldstein, 34 Academy Street
Clifford Abrams, State Street
Tim Lynn, Academy Street
Frank Cavaiolo, East Genesee Street

Chairman Banuski opened the proceedings at 8:19pm. announcing the continuation of the hearing for Gregory and Geraldean Lantier at 32 Academy Street.

Andrew Ramsgard, Architect for the applicants made the presentation. He said, "since we met last time we've had several chances to meet with Jill Goldstein, the next door neighbor. What we have tonight is what he had proposed as a compromise scheme which was to move the master bedroom over to the middle of the house. Move the deck away from the side and then also propose a fence along the property line. What they have agreed to – is the Lantiers will build a fence, 6 feet tall to the design style of Jill's taste and then they will also agree on the length and where it will go. There was a lot of discussion on whether it turns the corner or that sort of thing." The Chairman said, "it can't be 6 feet in the front yard." Ramsgard said, "right. It can only be 3 feet in the front side yard to the front set-back. But it can be 6 feet elsewhere, which is pretty much on this property the length of the side of the house, because the set-back is halfway between the front of the house and the sidewalk. So, it could be – if she wants 3 feet, it could be 3 feet all the way or however you feel is appropriate.

The elevations reflect the proposed changes. Also that one of the accommodations was to move the mud room. We redesigned the floor plan to move the mud room down off of the lower level and going to change the staircase around so that they can come up directly into the kitchen off of the mudroom on the lower level. And we flip the bedroom that was on that side over to the other side and move the rec. room into the middle of the house. The other variances that we are talking about remain unchanged from what we had discussed last time. The issue on this property has to deal with the non-conformity of the existing structure relative to the pre-existing side yard set-backs. We are requesting from the Board an extension of the previously existing non-conformity relative to the side yards. We are not making it any closer. We are not infringing any more along those side yards but, rather extending those back toward the rear of the property.

The Chairman asked, "I saw that the stair off of the deck has been moved to the west side. I'm sure from your point of view, Jill, that's a big improvement. But has that been run by the Allises?" Lantier said, "yes." The Chairman said, "Ok, so they that too. I just didn't want to think that we were flipping one. I thought that was a very nice accommodation. I actually like the center bedroom and how that removes it more from the side. I do think that really is – and the mudroom in the basement is a huge accommodation. There is still a driveway there. If I lived there I would unload my groceries at that door. Every time I go – kids in the house, hard to carry babies up the stairs and that kind of thing." Geraldean Lantier said, "the only thing is I have twins. I don't think I can get both doors open on my car..."

Member Buttolph said, "I spent a lot of time up at the property and a couple of things that I had taken away – I drove around and also looked at my own house and how I'm set up with my driveway. I have some pictures here if you'd like to take a look at. I don't like the fence and I don't think it's needed. If you look at where their driveway is going to be, in relation to their property, I don't think the noise is going to be that big of a deal. It's lower than the neighbors – lower than their house by at least half a car. My driveway with both my neighbors is level. I can hear them open the door, close the door but that's about it. It is what you get from a neighborhood. I agree with the neighbors coming and raising it as an issue. My parents did the same thing up at their house a couple of years ago when the neighbors wanted to move the driveway to their side. They didn't like that idea one bit. I think the circumstances were maybe a little bit different in there and they came up with a compromise to keep it on the other side. Personally, I don't think you'll ever see the cars. I don't think you'll ever hear the cars and frankly, I don't think you guys will - you'll want to park down below. I think the mud room down below is a better idea because you are going to park down below anyway. What are you going to do, walk back up the hill and into the mud room? You are going from the back yard in. I think that mud room is better there. I just don't see the problem and I think instead of a big fence which sort of screams *Don't come over here* – I think, and I'm sure they would opt this as better – better bushes. More of a sound barrier to it than a big fence." The Chairman said, "the fence actually isn't up to us one way or the other." Member Buttolph said, "I agree, 100 percent. That would be my concern is I would personally not put the fence there. I don't think you'll ever hear a noise. I think that just putting is some bigger bushes is a much better and a more enforceable option. That's what you are looking for to deaden the noise of people coming in and out. Know I can hear my neighbor's cars from across the street – couple of houses down. Kids are getting in and out and doors are closing. I got used to it and I barely even hear it. That's just my personal observation behind it. You get into the well we promise that we won't park there but it is kind of

like someone puts a pool in their back yard and I promise the kids won't go in there at night. Right – of course they are going to.” Member Crompt said, “we would not be able to enforce that.” Member Phinney said, “to me the fence is almost intrusive. I don't see how it fits into that at all, other than *we don't want you.*”

The Chairman said, “fences are historically are kind of along that way but I really don't want to get into the fence issue because it really is not a matter before us. It's purely between the neighbors and what they want to do. It's not even part of the Zoning code. There are their own little fence rules of height and what-ever else.” Member Buttolph said, “I know that was a big issue. I spent a lot of time looking at the property and I know it was a big issue as part of the compromise. I personally think it's a hard compromise. I think putting in a well landscaped bushes there is a much better alternative. I know keeping the snow off the property – I get a lot of snow on my property from my neighbors' driveway but I don't walk through that area. It doesn't bother me in the slightest. It just sort of comes with the territory. A well manicured, landscaped lawn is a better and more attractive alternative. I don't think you'll ever hear those cars in the slightest, because I don't think that they will want to park there. It's not conducive to how the set up is.”

The Chairman said, “would you like to speak about that or anything else. The public hearing is open. We just have to make sure we talk one at a time.” Battle asked, “is the Board through commenting?” Member Phinney said, “I'm done.” Chairman Banuski said, “I think I am actually. A couple of things actually – lighting I think is something that we might want to take a look at as far as side lights to make sure that they are directed down and not out. Security lights can be very intrusive. You like them for the security but, they should be as unobtrusive as possible and not effect neighbors' property. That was something we actually didn't mention last time and I want to make sure it got mentioned. Then the other thing that occurred to me – when I was looking at the big porches before, it hasn't been on any of the drawings but it would be a concern to me if I was the neighbor, that there not be a hot tub on those decks. That if you are ever going to do a hot tub or pool, that that should be not on those decks where it would really effect the neighbors.” Gregory Lantier said, “that's good with us.” The Chairman said, “those were the questions that occurred to me that I wanted to have brought up. I have to say that this is better. It looks very nice. I think that the compromise is – you have a door there now that you use and there may be some additional use of it. I know that there will be some traffic there. The reality is, all of us on Academy Street have – you have been lucky for a long time. I have a driveways much closer than yours on both sides of me.”

Jill Goldstein asked, “I'm wondering – I'm accepting that the driveway has to be there. But with the big house right behind it that's the combination that's so close. The house is so close. The way the fence came about, when Andy last month suggested a snow fence, and I think we all agree that a fence is better than a snow fence. So, would like to only have a lower fence or a wall, maybe bushes – I don't know if they have room to put bushes up, or are you suggesting that I put bushes up?” Member Buttolph said, “they could go almost anywhere. I know in talking with them a couple of times they seemed very open to compromise. You may be able to work out a compromise to put in some landscaping on that property where you are worried about the snow. Once again, it's not really our issue. I threw it out that landscaping is more forthcoming and nicer than a big fence. My thought on it was that I agree 100% with your concern. I think

you were right to bring it up, having this driveway there. I have lived in a worse situation than what you might be in. I know it's not a problem and I have no landscaping there to catch the noise. And my driveway is single file and they have to park right next to the house. These guys are going to be going down below. I would say almost all the time because once you stop nobody coming in or out, or you park in the street. I agree with your concerns specially having family members that went through the same thing and they worked it out their way. I just don't think it's going to be as big of a problem as you may think, on the surface. I think you can probably figure out some sort of nicer looking than a big fence separating 2 pieces of property."

Goldstein said, "I did write some things to read today and they do talk about the fence and how I really didn't want a 6 foot fence." The Chairman said, "I do think that our comments from what we see of the new plan are done, not that we don't get to talk again. Jill, please go ahead with your comments."

Goldstein said, "I wrote this this afternoon and I'll just read it. Based on our conversations over the last few weeks and the plan that the Lantiers submitted today, I'm requesting that if the Zoning Board is going to approve this variance request, that they at least impose 2 conditions. One is that there be no parking on the driveway from the street to the back of the house. The wording does not have to be what Tom Fucillo suggested. I'm not trying to prevent a tricycle from being parked on the driveway. I told Rick last night that we could change the wording from vehicle to motorized vehicle and I would consider any other wording he wanted to suggest that he felt that would better describe what he has already said about how they would limit parking on the driveway. I also told him there has to be a language that is used in shared driveway situations that might work. Even though the Lantiers have committed verbally to not parking in the driveway, I feel I need some assurance concerning what any future owner might do as well. I don't think this is a lot to ask since it would not effect how the Lantiers have said they intent to use their house. If this condition is unacceptable to the Lantiers, I would also be comfortable with a condition that there be no door on the east side of their house. The can have windows for air and light. Although they want to continue letting their dog out on the east side and I wouldn't object to that. They have doors on the north and south sides and adding a door on the west side in this plan. Also, anyone leaving the house from the east door has to immediately turn north or south. So, it can not be more convenient to use the door on the east side because that is the direction that you want to go. I think asking to use a door on one of the other 3 sides of the house is not unreasonable to give me the assurance I need on how the house will be used in the future. The second condition that I'm asking for is for them to maintain a snow fence every winter as Andy had suggested last month, unless a permanent fence or wall is installed which adequately addresses the snow issue. The snow issue was the original reason for a fence and I think it is to our mutual benefit to have a real fence or wall or a bush, if a bush works as a snow vehicle instead of a snow fence. But, it only needs to be high enough to effectively prevent snow from being pushed onto my property if either the parking or door condition is in place. A 6 foot fence or wall 10 feet from my living room is not a huge concession to me and I hope that things don't turn out such that I feel that is my best option. I think these conditions are reasonable to ask for in conjunction with the plans submitted today. The changes that they have made in the back to move things away from me do benefit me but they are not to the Lantier's detriment. It looks nice even better. The only change that has been made that is to their detriment and to my benefit is the mud room being moved to the back. Of

course, I do appreciate that but I have no assurance that a future owner wouldn't move the mud room back to the northeast corner of the house. This is only one possible way that that the door and parking allowed on the driveway together could be used differently in the future. Adamant among these conditions that I've discussed I would still request denial of the variance based on such factors as a large lot size providing other feasible alternatives and the self-created nature of the hardship. I feel that this project as a whole has a very significant thing for me to be asked to accept.. Even if I have no choice about the driveway and the garage, having a large house put up right next to the driveway makes the situation as a whole significantly worse. I realize the Lantiers feel that I have not compromised enough. But I feel that asking for the variance to only be approved the conditions that I have discussed here, instead of asking for the variance to be denied outright is a huge compromise." Battle asked, "could I have that for the record?" Goldstein said, "it is just my handwriting." Battle said, "that's fine." Goldstein said, "I'll make a copy. I'd like to keep this myself." (*Note: copy was denied to Clerk after end of the meeting*).

Member Phinney said, "I notices something that you mentioned about their large house. As I look at the drawings here, their house will now be the same distance as your house is." Goldstein asked, "the same distance - from what?" Member Phinney said, "the only thing that extends past the end of your house is the porch. Their actual house - the solid portion of the building - will now be the same size as your existing building, as far as to how deep it goes. That would be my first thought. The second question would be, do you ever park in your driveway?" Goldstein said, "no." Member Phinney asked, "you never park ever in your driveway?" Goldstein said, "I have a shared driveway." Member Phinney said, "then you can't, Ok. I park in my driveway all the time. My next door neighbor does and the neighbor next to them and the neighbor next to them and the neighbor next to them. I consider it totally unreasonable to ask someone not to be able to park in their own driveway and going in and out of an existing door - would be my other thought."

Member Buttolph said, "I would feel very uncomfortable living in a house that had those concessions put on it." Member Phinney said, "they are unenforceable." Member Crompt said, "this Board can not put that condition on it." Member Buttolph said, "if you think about it from just a practical standpoint - every time a friend is over, remember when you walk out you have to make a sharp left out of the driveway and make a sharp right. I don't believe you want to live in that environment where you have to watch your neighbors to make sure they are walking in and out - that's what you are asking them to do and you are the one that has to enforce that. Once they start doing it and you don't enforce it now how many years go by and now it's no longer binding, not that we can make it binding anyway. I 100% agree with your concern that you should be bringing it, as I stated earlier. But I don't believe it's a concern. I have a hard time believing someone parking in a driveway is really going to cause the hardship that you think it may, and from just pure neighborliness, I would not want to live next to someone that I had to have that restriction on. I would move or tear the house down and build it in the back. I would do something different than have to have those concessions. When I looked at what are the options, I didn't think that they were very good options, like tearing the house down and putting it in the back where you wouldn't have to come and see us. If they tore the house down and put it in the back they don't need us." Member Phinney said, "actually you could build a second house there with no Zoning requirements at all." Member Buttolph said, "the alternatives to me are much worse than what they are doing today.."

Goldstein said, "... what my concerns are if the conditions that I've come up with aren't appropriate anything." "... the problem with the condition such as the ones you are talking about there is absolutely no way to enforce it," said the Chairman. She continued, "we have actually in the past tried working with some neighbors who had an agreement that it was going to be a certain way and when it wasn't, this Board- we can send a letter and then it's up to the Board of Trustees to decide if they want to take it to court. Historically, it's not going to happen. So a condition like that is unenforceable."

Member Buttolph said, "to me, if you are asking for the condition it would be hey Greg, I'd like to try to work on this noise thing, whether it a fence, I would like a set dollar amount allowance to put it up there. They are obviously spending money on the house." Goldstein asked, "me ask them for money to put up a fence?" Member Buttolph said, "put in some bushes, put in some landscaping, to me that the way." Member Phinney said, "that's neighbor-to-neighbor discussion. What should we do? This is nothing for our Board."

The Chairman said, "it's an issue because what we've looked at, the reason that all this has come up is because to reasonably use their property and to do these improvement to their property, specially as proposed originally, came at a great cost to you. That is something that all of us stumbled over. I think that these concessions allow them, the compromises that they have made – they've moved the stairs, they have relocated a mud room, they have reduced the bulk of the deck by you and moved it – I'm thinking of particularly the outside effect of this – the garage is... they actually can put a driveway where ever they want to put a driveway. The driveway is really not up to us. We are looking at house plans. So, if what we have now is – we can't do the conditions that you suggest. It's just not possible for our Board to do that." Goldstein said, "obviously Tom Fucillo suggested them and thought that you could." The Chairman continued, "we have thought in the past that we could do that too. It doesn't work. We can't do that. So, with those things out of the equation, whether you do the fence, or however that is, that's neighbor to neighbor. What we are looking at is this current drawing, these current plans with some pretty big concessions from their point."

Goldstein asked, "in the future, if a person wanted to change the mud room and put it back within their house, they could do that?" The Chairman said, "yes, they could. There's nothing I can do about that. It could actually be like that in many of our homes probably that people can make a change inside their home. Hopefully we all like it." Attorney Galbato said, "it may need a building permit but not necessarily a variance." The Chairman said, "you may not even need a building permit to do interior work." Battle said, "it depends." The Chairman said, "the reality is someone else could move the mudroom. There is nothing that this Board could do about that either. So, what we are looking at is these revised plans and some still real concerns that you have. Rather than vote on this tonight I'm thinking we all saw a lot of correspondence today. We've seen lots of new drawings today. I think we are looking at something that is probably, I'm guessing, about as far as we are going to get both sides with compromise. So now, this Board, each of needs to look at this make up our minds." Goldstein said, "I do think we did get very close on Friday." Lantier said, "very close." The Chairman said, "neighbor to neighbor, that's the greatest thing to do is to get close and work it out between you. But the issues before this Board, right now, are just do we approve this plan knowing what your objections are? And I

think it deserves us taking some time with each of us and looking again and maybe taking these drawings back up and taking another look and rendering our decision at our next meeting.” Galbato asked, “it’s not going to preclude the parties from a private agreement but the Board is not going to be part of that.”

Goldstein asked, “is the public hearing staying open?” Chairman Banuski said, “no. I would say that this is probably going to be the end of the public hearing.” Clifford Abrams said, “you haven’t opened it yet.” The Chairman said, “it was opened at the last meeting. This is just a continuation of last month.” Galbato said, “my only concern about the public hearing is if her attorney wants to write, defending(?) evidence, review the minutes or after consulting with his client...” “...any new written material can still be submitted and we will render out decision at our next meeting. That’s what my motion will be.” Abrams said, “I would like to say the driveway is pretty narrow and if you have no door on that east side of the house, then all the problems go away. But if there’s a door on the east side of the house, a car is almost 7 feet from mirror to mirror. It comes out 8 ½ feet with a door open – and there can’t be over 9 ½ feet of driveway, so you could not have a drive a door on the east side. Because you could only open one car door at a time.”

The Chairman said, “the current plans call for a door there. There is a door there.” (multiple conversations) Abrams asked, “there is one there now?” The Chairman said, “they are not changing that door, it’s an existing door. It currently goes out to just a lawn.” Member Phinney said, “they have it down as 10.3 feet for the driveway.” The Chairman asked, for any other comments? Member Crompt said, “I agree with you Lisa. We have some new drawings. I’d like to go over there again and look at it and also give the neighbors some time to talk to the Lantiers some more. I think that’s a great idea.”

Goldstein asked, “so the public hearing is closed but if we talk some more?” The Chairman said, “any of the issues about the driveway, about fencing, about who’s going to park where and restrictions like that, those are not issues for this Board.” Goldstein said, “OK, we’ll talk and agree ourselves and you don’t even want to know what we agreed, right?” The Chairman said, “I’d be interested.” (multiple conversations) Galbato said, “I think the Board would like to know if there comes a point in time within the next month, if you withdraw your opposition to the proposal.” The Chairman said, “right. Then obviously it would make our decision making a lot easier. It there were further compromises from anywhere. But the public part of this is open. There are no further considerations for this plant that effect anyone but you as far as a public hearing goes. All of the other neighbors have signed off on this and have no objections. So, I am going to close the public hearing. Your representative is welcome to still submit anything in writing as Greg and Gerald, you are too. We’ll look at that but we are going to consider that this is the application. **I move that we close the public hearing.**” Seconded by Member Crompt. The vote was 5-0 in favor of the motion. We will vote on it next month”

Meeting closed at 8:49pm.

email to: ZBA, Galbato