

Village of Skaneateles
Zoning Board of Appeals Hearing
July 27, 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
John Crompton, Member
Craig Phinney, Member
Lee Buttolph, Member
Larry Pardee, Member

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

Gregory Lantier, Applicant
Andrew Ramsgard, Architect for the applicants

Jill Goldstein, Academy Street
Clifford Abrams, State Street

Chairman Banuski opened the meeting at 7:39pm. She said, "this is not a public hearing but this is the voting on the Lantier application. The public hearing was closed. I asked (Attorney) Rick (Galbato) to draw up a motion going through the criteria for all of this. So, I'll go through that now.

This matter is before the Village of Skaneateles Zoning Board of Appeals ("Zoning Board of Appeals" or "Board") by application dated April 20, 2010 by Gregory and Geraldean Lantier of 32 Academy Street, Skaneateles, New York 13152 Tax Map No. 007.-03-04.0, which requested a variance for the following proposed work: "new addition off of existing residence, new garage & new driveway." And application dated April 27, 2010 by Andrew Ramsgard, Architect for the applicant describing the work proposed as "addition to existing residence & new garage/office with drive." ;

The application included architectural drawings from Ramsgard Architectural Design, dated April 26, 2010. The property is located in the A-2 zoning district.

On May 6, 2010, the Village of Skaneateles Planning Board unanimously passed a resolution to recommend approval of the variances requested.

On May 12, 2010 a Notice of Public Hearing was published in the Skaneateles Journal.

The public hearing was held before the Zoning Board of Appeals on May 25, 2010. Andrew Ramsgard, Architect, presented the project at the public hearing on behalf of the appellant. At the public hearing, the Zoning Board of Appeals heard from the public. On May 25, 2010, the ZBA voted to continue the public hearing to June, 22, and the public hearing was kept open.

On June 22, 2010, the ZBA continued the public hearing and heard from Andrew Ramsgard, Architect for the applicant, and the public. Andrew Ramsgard submitted revised Drawing revised June 22, 2010.

At the conclusion of this meeting, the ZBA closed the public hearing but allowed for additional submissions in writing.

All minutes relating to this application, the drawings, the documents and correspondence including correspondence from the public are made a part of the record of this proceeding.

FINDINGS

The revised drawings submitted by the applicant at the June 22, 2010 meeting do not expand the published variance(s) requested and therefore they did not require re-publication of public notice.

The area variances requested does not have to be reviewed by the Onondaga County Planning Board.

This Board has jurisdiction to consider this appeal under Village of Skaneateles Code including Article XIV, Nonconforming Buildings, Structures, Lots and Uses, section 225-69, and Article XVI, Zoning Board Appeals, Section 225-75, Appeals, variances and interpretations.

Historically the Village of Skaneateles through the Code Enforcement Officer and the Zoning Board of Appeals has not considered a driveway a structure under the Village of Skaneateles Code.

The applicant requires the following:

1. A variance from 225:A5 Density Control Schedule for Left Side Yard set back of approximately 4.7 feet. Both side yards combined of approximately 13.3 feet; and Section 225-69D, Non-conforming buildings structures and uses, extension and expansion.

AREA VARIANCES

Under section 225-75B(5)(b), the Board must balance the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination this Board shall consider and determine:

(1) Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;

All of the members of the Board have personally visited the property. Although the neighbor to the east will be impacted, many other homes in the immediate area have neighboring homes and driveways in close proximity. In addition, original were modified significantly to address this neighbor's concerns. The Board finds a minimal interference of additional blockage of views from the public rights of way.

(2) Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;

Finding: The applicant has worked with the Board to reduce the size of the variance required from the original proposal. In the opinion of the Board the benefit sought by the applicant can not be achieved by some method, feasible for the applicant to pursue, other than using an area variance without adversely effecting the character of the entire neighborhood. The Board finds the request to be reasonable.

(3) Whether the requested area variance is substantial;

Finding: The lot size is approximately 1.16 acres. The applicant has reduced the size of the variance originally requested. Changes made by the applicant have made the area variances less substantial in the opinion of the Board.

(4) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district;

This Board, after review of the Short Environmental Assessment Form submitted by the applicant, is declaring this action to be a Type II action and issuing a Negative Declaration under SEQRA. This property is a large lot within the Village and it is very difficult to develop without decreasing the character of the streetscape.

(5) Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the ZBA, but shall not necessarily preclude the granting of the area variance.

We find that this is a self created but not sufficient reason to deny variance in regards to otherwise developing the property and impacting the streetscape.

I will make a motion

RESOLVED, that the variance applications are a Type II action under SEQRA, requiring no further SEQRA consideration and the Zoning Board of Appeals issues a Negative Declaration, and

FURTHER RESOLVED, that the applicant be granted an area variance from 225:A5, Density Control Schedule, for Left Side Yard set back of approximately 4.7 feet; Both side yards combined of approximately 13.3 feet; and Section 225-69D, Non-conforming buildings structures and uses, extension and expansion with the following conditions: that there be no hot tub or water feature on the decks.

FURTHER RESOLVED that any outdoor lighting be designed to minimally impact neighbors

FURTHER RESOLVED, that the area variance granted is conditioned upon completion of construction within 2 years from this approval, and filing of “as built plans with the Codes Enforcement Officer – plans approved specifically show that the mudroom is in the basement, not on the first level at the east side of the residence..

FURTHER RESOLVED, that the applicant agrees to use all reasonable measures during construction to minimize the impact on the neighborhood. I so move.”

Seconded by Member Phinney. The vote was 5-0 in favor of the motion. The motion was declared adopted. The meeting was closed at 7:46pm.

email: Ramsgard, Galbato, Banuski