

Village of Skaneateles
Zoning Board of Appeals Hearing
October 26, 2010

In the matter of the application submitted by Alvin Poppen to vary the strict application of Section 225-A5, Density Control Schedule for Percentage of open area and Left and right side yard set-backs, Percentage of structure width and Section 225-19.1(2) for Site Plan Approval (3000 sqft in Watershed Overzone to construct a new home at 22 Lakeview Circle in the Village of Skaneateles

Present: Craig Phinney, Acting Chairman
John Crompton, Member
Larry Pardee, Member
Lee Buttolph, Member

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

Robert Eggleston, Architect for the applicants
Alvin Poppen, Applicant

Mona Smalley, Lakeview Circle
M/M Hartz, Lakeview Circle
John Carnes, Lakeview Circle

Absent: Lisa Banuski, Chairman

Acting Chairman Craig Phinney opened the public hearing at 7:45pm announcing the application of Alvin Poppen for 22 Lakeview Circle.

Robert Eggleston, Architect for the applicant said, "George has a contract to purchase on the property. The Simpsons had bought double lots. They built a house at 21 and they had left this a separate lot, and they had maintained ownership until this last year when it was put on the market. This happens to be THE last lot in Lakeview Circle. Over the last 20 years I think there have been 3 other lots that have been built on, that were vacant.

In looking at designing a home for it, we actually started off with a different plan. I could show it to you. It featured the garage forward and put the house to the back with a porch and kind of had an entry for it, that type of thing, which allowed us to push the house back. Kind of helped to save some of the trees. This particular lot has 2 young mature trees on the street and then it has some ancient trees that probably preceded the subdivision that are located along the side. We have show that there are 2 trees we are definitely removing. We are going to try our darndest to save this tree in the back, a very nice maple. Then there is a tree on the property line

between the 2 lots. That we are scheduling at this point to try and keep that. Of course, we only have ½ control over that tree.

The house originally was designed to be a 2,226 square foot of living space. It's an average larger sized home compared to the original homes in Lakeview Circle/ Now, over the years, people have added onto their homes because 1,800 square foot homes are rather small by today's standards. As a result of shifting things, because we had to shift the house forward, because the Planning Board was concerned that the garage had too strong a presence. So, what we have done is brought the body of the house up equal and just slightly behind the garage. Then we put a porch on the front to keep the porch down. The body of the house aligns with the rest of the street line. There are projections that are porches that come forward of that. We did put an 8 foot porch on the front to make it an actual useable porch. The Planning Board, specially Doug Sutherland and Toby Millman, have fairly strong feelings about Village architecture, and having it have a Village character. So, we have basically an American Four Square with a kind of an Arts and Crafts feeling to it that we have given to the home, with the porch in front and the garage off to the side.

The variances that we are asking for, because we are an existing undersized lot, under Section 225-70 A3, we are allowed the front yard be 20% of the lot depth, with a minimum of 25 feet. We have maintained that 25 foot set-back to the front. That also happens to be that Shadowlawn has in 1950s, when they created Shadowlawn, they actually created their own architectural restrictions, which are 10 foot side yards, which we have maintained, or are greater. Then the 25 foot front yard. So, we conform to the Shadowlawn requirements. The side yard set-backs, Section 225-70A allows us to have 15 foot required side yard based on 20% of the lot width. We are asking for a variance from 15 feet to 10 feet. It will be ten feet to the garage. The house proper is 14 foot, but there is a balcony on the second floor that comes out to ten feet. So, we are asking for ten feet on each side. The other variance that we are asking for is the open space area. The current Zoning for a one acre lot requires 90 percent open space. When you come to an 11,000 square foot lot, it's really challenging to maintain a 90% open space. We will be 75.22%. My experience working in Lakeview Circle, that is a common density for this area. We see 75% all the time. So, it's not out of character with the neighborhood."

Acting Chairman Phinney asked, "you are saying at this point that 75% of coverage is, from what you can ascertain is the average?" Eggleston said, "correct. You did mention that a Special Use Permit is required, or the Site Plan Review. That is a Site Plan Review and the Site Plan Review was granted by the Planning Board, so we are passed that. Just for your information, we do have a construction sequence that talks about erosion control sequencing all of that. The Cite of Syracuse commented on it. We did modify one of our comments to make the driveway a construction driveway which has large stone in it to capture the mud before it goes out into the street, which is kind of a standard type thing. That has been included in."

Acting Chairman Phinney asked, "and you were saying that Shadowlawn also has something in their covenant regarding a 10 foot per side because of the smallness of the lots? So that is considered standard there, regardless of the Zoning Laws?" Eggleston said, "there was no zoning when they created the subdivision. They wanted some uniformity so, we are consistent with the Shadowlawn requirements." Member Crompt asked, "I'm a little concerned about that

balcony, as Lakeview Circle heads down the hill heading toward (#) 23, is that balcony going to be overlooking right into the neighbor's back yard?" Eggleston said, "actually it will be looking right into the neighbor's tree and right onto the roof of the neighbor over here... this is a I believe you call it a split level home where in the lower level there is garage below and then living space above and then bedrooms at ground level. So, it's a split level. So, it's a one story at this level and then this portion comes up a little bit. So it will kind of be looking into the back of their house. Depending on whether we are able to save the tree, they may actually be looking into the tree."

Member Buttolph asked, "do you want to talk about water and to where all the water is going?" Eggleston said, "you can talk about it but that's all been reviewed by the Planning Board as part of the Site Plan approval. We are going to be using gutters that will capture water off the house." Member Buttolph said, "that's right, it will take it right to the storm sewer. Is it we back there? It's fairly downhill." Eggleston said, "not really. We have to be careful when you build anything in there because it is a fairly well developed area and obviously we will have an internal sump pump and we can not have daylight drainage. We wouldn't stick to daylight drainage because that's just putting our drainage onto some one else's property. That's why we have the storm sewers that we improved back 10 or 15 years ago when they rebuilt the road with connections at every property."

The Acting Chairman asked, "are you going to cover the A/C also?" Eggleston said, "the A/C is in this corner. The tree is not being removed because of the air conditioner... we can provide some shrubs around it."

The Acting Chairman opened the floor to anyone wishing to speak in favor of the application. No one spoke. The Chairman opened the floor to anyone in opposition to the application.

Mona Smalley said, "I've been worried about the water run-off. I heard what you said. But if, there's a much larger area there that's an impermeable surface, it's going to run into my back yard, I'm afraid. Is it?" Eggleston said, "yes and no. What's happening is we are changing the surface by creating this impermeable roof. But we are capturing the water in the gutters and we are taking that all to the storm sewer. So, in the past when houses were initially built, they may or may not have had gutters. Over the years they may or may not have been maintained.. I've lived there and I understand the concern for water. We will be capturing the water from the roof, and the driveway will pitch back toward the curb so the water gets caught in the concrete curb that goes into the storm drain. In the front drain." Smalley asked, "so if the water will maybe go into the back?" Eggleston said, "no. All the water goes into the pipe to the front. Because the roof gutters are up high." Smalley asked, "what's going to happen to that big area in back that goes downhill?" Eggleston said, "that's just going to be landscaped and mowed and maintained?" Smalley said, "but there will be more impermeable surface." Eggleston said, "no, because we are catching everything off the roof and taking it to the storm sewer." Member Buttolph said, "I take it that you are in house number 23." Smalley said, "no, I'm in 25." Eggleston said, "3 doors down." Buttolph asked, "how's your basement currently today. You don't have a lot of water or anything?" Smalley said, "no. I don't have a sump pump. I haven't had water in my basement since they put the new sewer system in which was 15 years ago."

The Acting Chairman asked, “anyone else?” John Carnes representing the owners of 23 Lakeview Circle. It is the family that owns the house. I apologize Bob for having a laundry list of objections. But my mother did ask to have communications along the process and about the only communication she received was a notice last week. So, I apologize for the critique. To respond to some of Bob’s points – first off the Shadowlawn’s set-backs, the 10 feet, that’s a minimum. The set-backs that occur that exist are larger. There are properties north and south of this proposed property are 13 and 12. I measured the opposite side at 23. There’s 25 feet between the 2 houses cumulatively. So, there are larger than 10. In addition, Lakeview Circle isn’t a homogenous repetitious series of houses, with all the same set-backs, side yard set-backs. They vary. If the average is 75% for lot coverage, that’s the upper side of the Circle. Both of these adjacent properties have close to 90% open area OK, so this house being close to 80 is rather inconsistent for its neighbors. Also, I spoke to side yard set-back and overall lot coverage - the double garage, that obviously contributes to the lot house width and the overall mass of the building. That is also a very atypical feature on Lakeview Circle. Some houses only have one car bay. Some have an oversize 2-car bay which might be something that they consider doing to minimize the width. Those are 2 of those points that I’d like to address. As far as the balcony goes, that actually will overlook the outdoor living space for 22 Lakeview Circle. It may be obscured by the tree that they are trying to save. But that tree as my mother spoke to Alvin about, is one that they’d like to get rid of. Because it’s destroying the foundation of the house. So, if that tree is to be removed, the balcony will essentially look over the back living space of this yard. So, please consider these points. Agamid I think the size of the house, lot coverage is in excess of the neighboring houses on this end of Lakeview Circle. As variances were granted, sure the other houses were enlarged to exceed the 90%, but is that something necessarily a road you want to go down for this particular property. This is an older lot and maybe a smaller house is more appropriate, considering the adjacent houses on either side.”

Acting Chairman Phinney asked, “how many square feet is #23?” Carnes said, “I don’t have the square footage. I’m sure that both 21 and 23 are 75% of what the Poppens are proposing on that parcel.” The Acting Chairman asked, “75 percent of the 2300?” Carnes said, “yes, the advantage of these houses is and I know them both very well. I grew up in 23 Lakeview Circle. They are split level houses – this is a split level house and this is a walk-out Cape. So, they have living area in the lower levels that a house with a full basement doesn’t afford. Those are issues in my opinion. Making the house a little longer similar to some of the other prototypes on Lakeview Circle, where the lot is narrow but deep might be more appropriate. Like bring the house back, potentially minimize the impact on the side yards. Frankly, I think the 2 variances are some what frivolous. You have no real reason to have only ten feet to the property line, when you have this much rear yard you take advantage of. If you look further up at some of the tighter yards on Lakeview Circle, you’ll see prototypes. Bob’s old house is one of them actually.”

Eggleston said, “One of the challenges is – we’ve actually redesigned the house twice now. Because the Planning Board was looking to make this more Village-like. Now, do I agree with the high standards of the Planning Board kept us to, because basically Lakeview Circle is not a traditional Village street. It’s not Griffin Street. But yet, they held us to wanting us to do a Griffin Street-like house, or something of that nature. Sure, we can push the garage farther back. That would just create more impermeable coverage. Although the Zoning Law doesn’t look at

impermeable coverage. They only look at footprint of buildings, not footprint of pavement. So, in that regard, now you have Mona concerned about water drainage. So, we have tried to make this as efficient as we can. I think having remodeled a number of homes on Griffin and a number of homes - sure, maybe the average used to be 15 or 1800. But the average is well over 2,000 when it comes to newer homes or enlarging homes or doing improvements on homes. Even at 2,500 square feet, it's not a huge house. We've tried to keep it more traditional looking. It's probably more traditional looking house than most of the houses on Lakeview Circle. Which, you've got a combination of Colonials and split levels, Capes and a lot of different things. My own house at 16 Lakeview Circle was actually a Colonial with a side loaded garage which was placed oddly on the property. I don't think adds a lot because all it features is the garage to the street, which was pointed out that there was only 2 or 3 that have just garage, and that's why they wanted us to bring the house forward. At the same time we are dealing with the dilemma of push the garage back and create all that extra length of driveway and all of that. I think again we've designed the house twice. I think we have tried to keep the house as appropriate as we can. I don't want to say it's - it's probably a more traditional Village house than most of the houses in Lakeview Circle. On the other hand, as people and because it is a 50 year old subdivision, people are going to do remodeling and updating. I'd like to think that we are making the houses fit in better and more traditionally. Like with the Hartz' across the street, it was a fairly bland 1950s house. We were able to put, and they didn't have a requirement of the ??? square footage, they tried to make the house look and give it a little more character than what it had in the 1950s. So, some properties have minor adjustments and some have major adjustments. I don't think this is out of keeping at all with some of the homes."

Member Crompt asked, "Bob, wouldn't you say that most of the houses on Lakeview only have a one car garage?" Eggleston said, "no. Maybe half the houses have a one car garages. Like Bonnavier's ended up doing a tandem because that was the only way that they could do it. Some actually come in and circle around and fill up their whole back yard with tarvia to get the 2 car in the back. I think Kocsis is like that and some of the others. I'd probably say half the houses have 2-car garages."

The Acting Chairman asked, "are you going to have any storage in the top of the garage?" Eggleston said, "minimal. They do have a basement for storage." Member Pardee asked, "what happens if you take balcony off and the bump-out on the first floor which is for a dining room or something?" Eggleston said, "the bump-out, I would not want to take that out because I think that helps to give it part of the American Four Square quality there. I'd have to talk with George about the balcony consideration."

Alvin Poppen, applicant said, "my I speak to that? The balcony is off my wife's study. She's a writer. She's an historian. She wants to be able to have her desk against the windows, against the doors and be able to step out and think. The balcony is a very, very important feature of this house for her. I'd say if the balcony is not there, I've got a problem." The Acting Chairman said, "fair enough and thank you." Smalley asked, "how wide is the balcony?" Eggleston said, "it's just 4 feet, just very minimal. It's just a place you can set a chair but, that's about it." The Acting Chairman said, "it extends the size toward the side lot and you have to add that four feet into the side. Otherwise it would be within a foot of the ??? The building itself is within san foot of being in conformance. So, it's the balcony coming out on the second floor that

changes the dimensions to the side.” Eggleston said, “which is something to consider. It’s not like an entire 2 story portion is ten feet off the property line.” Hartz asked, “I know that Bob revised this from a previous drawings. Is the front of the garage at the same – equal to the front of the house?” Eggleston said, “it’s actually 6 inches behind the house proper. But, it’s 8 feet behind the porch. So the porch comes out and breaks the line. We held it back 6 inches just so the house is proud of the garage. Then the porch is 8 feet out, which makes it ??? I will, although it’s not totally relevant, with the first design of the house, and I can show you that which was dated August 11th, Carol George and Al Poppens did make an effort to talk to their neighbors and they did have these people – a number of the neighbors sign off as having no objection. I present that in that even though it wasn’t the 2nd design, it was the first design which was a similar size house. It was a few square feet smaller and it actually had the garage forward and the house pushed back farther. I know Mrs. Carnes had signed it from 23, so she had seen that earlier one. We hadn’t had a chance to see her on the second one.” The Acting Chairman said, “so it’s not Leitch Avenueish.”

Mrs. Hartz said, “I would like to see something a lot more than ten feet on a side. I know that I live in a house that’s ten feet away from my neighbors and it’s too darn close.” The Acting Chairman asked, “from their house or from their property line?” Mrs. Hartz said, “side yard set-back.” The Acting Chairman said, “I’m closer where I live and I live on Genesee Street. So, I understand.”

Carnes said, “the houses along there are in excess of ten, 12, 13, 14 feet of the property line to be consistent with the fabric. That could be done without reducing the overall square foot age if they reportion the house to the rear. There is excess square footage through the center of the house. If the house got drawn out front to back. I think Bob does have a real struggle with trying to make it ‘Village-like’ according to what the perceived mandates are on the porch. The American Four Square type of architecture certainly helps that. Almost anything goes on Lakeview Circle in terms of architectural style. It’s a real mix.” The Chairman said, “you have a fort at the end of the street.” Carnes continued, “given the nature of the yards, in that specific spot, there are deeper lot down on that end. I think some adjustments could be made now of the half the double garages that are on Lakeview Circle, I’ll bet you half of those are an oversized single door. I counted. I know you might have one. There might be a couple of others. What’s the allowable percentage of driveway in the front yard?” Eggleston said, “25%.” Carnes said, “I think you exceed that.” Eggleston said, “I think we are at that. We are at 75 feet and we have 18 feet on the driveway. (calculates) That would be 18.75 feet is what we are allowed for the driveway. So we will have an 18.75 foot driveway.”

Member Buttolph said, “if you shortened it, make it a little bit skinnier into the back, isn’t that going to make it look odd next to the mother houses when you are in the back yard? It is going to look like it’s dwarfing the others because you have these which are pushed up as it is and now you are going to try to ???back. I’m not so sure that that’s a better thing.” Carnes said, “actually there’s quite a few of long narrow houses that are quite successful.” Member Crompt said, “when you go down a little farther there is some ones that are narrower but longer.” Acting Chairman Phinney said, “I think it is about the least consistent neighborhood that there is in the entire Village regarding houses. So, I don’t think there is any one standard. We are trying to set a standard for something in a neighborhood that has no standards so-to-speak. Every house has a

different lot and people are right on top of each other in the whole nature of when it was built and how it was built. So it's hard to say whether ten is good or ten isn't good of 15 is good or what ever it may be because there is no consistency anywhere in design, in construction, in width or any of those types of things."

Member Buttloph said, "just looking at the 2 houses next to it, it just seems like it would be overpowering. It is probably going to be overpowering as it is. Bring it back ever father. (multiple conversations) ... now you are just way out here on the houses next to it." Member Crompt said, "to your point Lee, is the same if you do that and they really have their heart set on having that balcony, then you are going to push that balcony right into the neighbor's back yard." Member Buttloph said, "you could design this ten different ways and with 10 different options."

Carnes asked, "building the overpowering statement - if there is some feeling in that respect, why are we looking at an overall area variance?" The Acting Chairman said, "it is because the way the Zoning Laws are laid out." (Multiple conversations) Carnes said, "I'm just saying that you are looking at a house design that's too large in general. If we are all coming around to overpowering and how do you make it work? Maybe it's too large in general." The Acting Chairman said, "you are talking 2 different things. Overpowering had to do with the amount of space it was taking up going back towards the rear of the yard. It had nothing to do with the presentation on the front of the street. It had to do with how it was extended back. I think that's a different issue." Carnes said, "yes, you can only push and pull the house in 2 directions." The Acting Chairman said, "it's a different issue of the house being too large." Member Buttloph said, "the people living in 21 and 23, when they are sitting in their back yards - you want to be looking into another house or looking into more open space?" Carnes said, "actually I'm trying to give that balcony a little bit more privacy. If it did go back, they would actually overlook apple trees and everything and the back of 23 Lakeview Circle, rather than eating and BBQing. As far as overpowering goes, I think the side yard set-back is something - a proximity to an adjacent structure is something that really should be considered strongly. It's encroachment."

Member Pardee asked, "could you put the balcony out the back?" Eggleston said, "the challenge is the roof line. It is kind of a tricky detail, we guarantee a dry roof. Believe me, we tried everything we could."

Hartz said, "we are the family across the street looking directly at them. Although I kind of sympathize with my other neighbor on the fact that they feel it might be too large, I don't think we'd want to be looking at that same building pushed back on the lot. That's from our viewpoint. I would have to lend our support to this position as to the street, relative to the street, as Bob has it designed." Carnes said, "I don't have an objection to the front yard set-back. Actually I think the house is nice. I just needs to be narrower with respect to side yard-set-backs. I understand the balcony and it's a great feature. I understand the importance of that." Poppen said, "she really isn't interested in looking at you back yard." Carnes said, "sure, but she probably doesn't want to look through the BBQ smoke too."

The Chairman made a motion to close the public hearing. Member Crompt said, "I have one more question for Bob. If you were to - the proposed wasn't as wide and you were to

lengthen it on the lot, am I right in my thinking the balcony would probably – trying to envision 23 and how that back yard was - would the balcony not look more into their back yard?” Eggleston said, “yes it would because right now the balcony is maybe a couple of feet beyond the back of their house. Will they be looking across and into the back yard? Of course. Because you don’t look just straight. The more we narrow it and push it back, the more that this comes out beyond. So, when they are here they are kind of looking straight into it instead of this kind of up over the house. John, if I’m correct, your house is kind of a ‘T’ shaped house?” Carnes said, “actually it inverts on itself. The garage is actually forward. (goes to drawings)...” Eggleston said, “so the low roof ...” “..it is actually a 60s contemporary ranch, it’s actually rather low, that is a lower structure on the north end that they can look over. Then the south end is a 2-story structure. I actually think if you pushed it further west, you wouldn’t be looking into the back of the 2-story structure.”

Acting Chairman Phinney said, “it also sounds that when she is out there she is not going to be doing so much looking as she is thinking is what it kind of sound like at this point versus sitting out on the back and having a cup of tea.” Carnes said, “I’m not objecting to the balcony either. Just throwing ideas out there.” Member Crompt said, “I don’t have any more questions.”

The Chairman moved to close the public hearing. Seconded by Member Crompt. The vote was 4-0 in favor of the motion. The Acting Chairman noted that there a letter form 8 neighbors in support of the project. It is dated August 25-29, 2010. It is placed in the file. Eggleston said, “I do want to clarify that. That was the previous design. The design pushed the garage forward. That’s what they were objecting to, the garage set forward. But it was still just as wide, although this was a one story den before. What happened is when we took the body of the house and brought it forward, we had to bring it over. So, that’s how we had to condense that.” Member Crompt asked, “so would the garage be kind of like that garage that’s on Leitch?” Eggleston said, “only that it’s double wide, it isn’t as bad a Leitch. But if that helps our cause, yes.”

There was a discussion on the tree on the property line. Eggleston said that it is cabled and rotted. Carnes said that it would be ridiculous to put a tree into a hole that already jeopardizes the existing foundation. The Chairman agreed.

Member Crompt said, “I move that we approve the application submitted by Alvin Poppen to vary the strict application of Section 225-A5, Density Control Schedule for Percentage of open area and Left and right side yard set-backs, Percentage of structure width to construct a new home at 22 Lakeview Circle in the Village of Skaneateles. Per drawings of 4 pages dated 23 September 2010. Project to be completed within 2 years. Also provide shrubbery around the air conditioner unit and try to maintain as many of the existing trees as possible, particularly between the 2 houses. This is a Type II SEQR per Section 617.5C9 for construction of a single family house in an approved subdivision per the SEQR Regulations.”

Seconded by Member Pardee. The vote was 4-0 in favor of the motion. The motion was declared adopted. The hearing was closed at 8:23pm.