

Village of Skaneateles
Planning Board Meeting
November 4, 2010

Continuation of The Parkside Subdivision.

Present: Bruce Kenan, Chairman
 Douglas Sutherland, Member
 William Eberhardt, Member
 Toby Millman, Member

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

Clifford Abrams, State Street
Edward Keller, Orchard Road

Chairman Kenan opened the meeting at 7:44pm. He said that the next item on the Agenda is the storage structure on the Keller parcel. Member Millman presented the application documents to the Board. This is located in Section 2 of Parkside.

Applicant Edward Keller pointed out the lot in question on the subdivision map. He said, "our house is here and it is this lot here." The Chairman said, "so it's the adjoining lot and you want the storage structure on there." Keller said, "this is Lot 15 here and I own this lot also." Member Eberhardt asked, "you are putting the shed on the adjacent lot?" Keller said, "yes, the back in the wooded area actually is the goal." Member Eberhardt asked, "what is happening to the rest of the lot?" Keller said, "I don't intend to develop it ever. It's just a big play yard for the kids, whiffle ball games and stuff like that.

The Chairman asked, "so what is the issue with regard to the application? Is it the design review requirement for the subdivision?" Batlle said, "you have no standards for this type of a structure as to set-backs, appearance or anything else." The Chairman said, "explain to me what you said about set-backs. There are set-backs for lots in this section." Batlle said, "that is for houses. Do you want the same set-backs for other structures?" The Chairman said, "I thought the set-backs covered what ever you built." Batlle asked, "do they?" The Chairman asked, "why would the set-backs be any different for a storage structure?" Galbato said, "there is one provision regarding set-backs for pools." Batlle said, "there are no provisions for pools in Parkside. That's why you are here. What set-backs do you want for swimming pools as I have and application coming for a swimming pool in Parkside. Do you want to use the present standards of 25 feet off a side lot line? Or do you want something special like you have for Parkside for the houses?"

Galbato asked, "why wouldn't the general code provisions apply to Parkside, in addition to additional requirements." Batlle said, "because Parkside has their own special regulations as far as set-backs. Do they want them to continue for sheds? Do they want them to continue for pools?"

The Chairman said, "I understand what Jorge is saying. My belief would be, but counsel will advise, that the set-backs stipulated in the Zoning Ordinance cover this part of the Village as they do every other part of the Village. In addition to that, when we approved the subdivision we created a different front yard set-back. I would believe subject to review, that they didn't effect anything else. To move this along, why don't we assume that's the case. If counsel tells us differently. I would assume that the set-backs – if the Zoning Ordinance prescribes for this zoning category apply, but for the front yard set-back."

Member Sutherland said, "the front yard is part of the issue. In Parkside we have a 'build to' line and we are trying to line these up. And a shed like that you don't want as a 'build to' line. You want it as far back as possible." The Chairman said, "which I think is what they are proposing. I would think that what ever rear yard set-back is stipulated in the Ordinance for the Zone B would apply. Side yard and everything except the 'build to' and the front yard. I don't think that effects this particular request, because it's not – I don't know if it meets the rear yard, but presumably it will."

Attorney Galbato asked, "do you consider this an out building?" Batlle said, "I am considering this an accessory structure." Galbato said, "the Design Standards for the residential B which is where Parkside is, talks about out buildings. That's why I asked." The Chairman asked, "so what do they say?" Galbato said, "*Out buildings shall not exceed 22 feet in height and shall conform with the same architectural standards as the principle building on lots exceeding 30,000 square feet, the Planning Board may grant a special permit to allow larger out buildings, which has a traditional carriage home or small barn based on lot conditions and architectural merit and clustered in a traditional family compound configuration.*" Member Eberhardt asked, "what section is that, Rick?" Galbato said, "225-17C 10."

Chairman Kenan said, "we can certainly live with that interpretation, I would think. As long as this meets the set-back requirements for the B District, we wouldn't have any issue. If there's any confusion on whether or not an out building or an accessory structure should meet the 'build to' line, I think we can interpret it that it should not, or need not, your choice." Galbato said, "even though it's separate lots, it would be reasonable to consider it an out building in the sense of the out building requirement talks about – the same architectural standards as the principle building. You may want to look at the shed as it compares to owner's residential dwelling on the neighboring lot." The Chairman asked, "how do you want to deal with that?" Member Sutherland said, "the reason they brought it here, not know how to do it." The Chairman said, "it's a manufactured shed, pre-manufactured by somebody?" Keller said, "yes." Member Sutherland asked, "is it pre-painted can you get them painted or unpainted?" Keller said, "you can get it either way." Member Sutherland said, "just wondering, if it was painted the same color as the house, does that help in a certain way in a case like this, or is it better to something that's contrasting?" Member Millman asked, "what style is your home now." Keller said, "a Center Hall Colonial. My intention is to never develop the lot. I can't predict into the future. We

actually hope to submit some plans to put an addition on our present house for you approval in the future. So, I don't ever see that happening. The intention was just to have it be a complementary color but not coordinated."

Galbato asked, "would it be easier for the Board if he's not going to develop that property or so another single family dwelling to merge those 2 lots into one? Would that ease the review process?" Keller said, "I didn't want to do that for liability reasons. That was my thinking and I'm no lawyer. I just thought that kids are going to be playing in the neighborhood, and I should have it in a separate name. It made sense to me so I set it up that way." Galbato said, "actually, once you put an improvement on there, if it's the same owner, you will have to carry separate liability coverage. Typically, your homeowner's policy will carry vacant parcels that you may own, not even it's adjacent."

Chairman Kenan asked, "this was created in the subdivision as a separate buildable lot?" Keller said, "yes." The Chairman said, "I think that's his call if he wants to combine the lots or not. I don't think it's necessary. The house lot is to here? (pointing on the map)" Keller said, "this is actually wet lands all over here. This is the house lot right here. The adjoining lot is right here. You can even see our play house in the back yard.." The Chairman said, "that's your playhouse. Do they look alike at all?" Keller said, "they are going to have the same siding. Here is that. I actually transported that in. It will probably paint this at some point." The Chairman asked, "this lot includes all the wet land?" Keller said, "yes." (shows on map) Member Eberhardt said, "so nothing is going to happen there. And the shed would be here." Keller said, "it's actually in the woods. I think it is probably more of a concern from future structures. I don't think this is even going to be visible." Member Millman asked, "what is the topography there? Is it sloping down towards the back of the lot?" Keller said, "more towards – in this area it's a little higher, and sloping and in this area there's a stream." Member Millman asked, "is it higher here vs. down at the road?" Keller said, "if I was to guess I would probably say it's about the same. But it's lower in the center here. In this area here it's sloping down."

Member Millman asked, "the tree line, there's trees back in here now? Roughly where?" Keller said, "I would say I have intended to get as far into the woods as I can. I have learned how to use a chain saw and have been cutting sown some trees. I want to put it right into the woods." Member Millman said, "just kind of tucked in but the façade will be visible. It won't be like having trees all the way around it." Keller said, "no, but it will be tucked in." he Chairman said, "it is 200 feet back from the road. I wouldn't over think it." Member Millman said, "it's a very unusual situation. I do think often that we are going to come across an accessory structure built on a lot that doesn't have a primary structure. If you were to compare it architecturally it would be compared to your house on the neighboring lot. It seems unusual. I'm not sure you can come up with a code to handle this kind of a situation."

The Chairman said, "the issue is, Jorge didn't know what to do about set-back. I think that's relatively easy to deal with. The only question is, how do you apply the subdivision's Design Standards to this. You guys have at it." Member Millman said, "I don't know if we want to have a review of it, a formal review, an architectural review." Member Sutherlin said, "the question is – is it something that we can handle tonight? He wants to get started. It's getting late. Versus going through a review process. I don't want it to be a precedent. That happened over

there and now you are asking me to do this here.” The Chairman asked, “so if you subject this to the normal review process that you go through for house plans, when would have him an answer?” Member Millman said, “as soon as we can meet.” The Chairman asked, “you are not talking a month, a week, 2 weeks?” Member Millman said, “less than that.” Attorney Galbato asked, “do you have enough now or would you need more information?” Member Millman said, “if this were to go to the Architectural Review Committee, I’m not sure exactly what we are reviewing at this point. Is that picture the exact shed?” Keller said, “it can be. It is the size and shape of it. If we need to change the color that would certainly be fine.” Member Millman said, “in terms of the window configuration and the location of doors and all of that.” Keller said, “yes, that was the one I was actually going to get. I don’t know if it is still available. It was just there.”

Member Millman said, “I would be willing and able to review it as part of my role on the Architectural Review Committee. I don’t know if that’s something that the Board, as a whole, would want to defer that review to us, or just make a decision as of tonight.” Member Eberhardt said, “I have no objection.” The Chairman said, “I have no objection if you want to make a decision tonight or if you want to act as a review committee and make a decision within 2 weeks.” Member Eberhardt said, “I would encourage you to keep the trees.” Keller said, “that’s my intent, yes.” Member Sutherland asked, “shall we do it tonight and get it done?” Galbato said, “convert the meeting into a review of the Architectural Review Committee?” The Chairman asked, ‘do you want to do that, immediately here after?’

Galbato said, “so Jorge is clear and I’m clear, it has been the consensus of this Board that unless otherwise modified by the Design Standards or Zoning District B, which includes Parkside, or the ‘build to’ line which was created specifically for Parkside, which is in the Design Standards, then Jorge, when reviewing applications for permits for construction, use the standards in the Zoning Ordinance that would apply to the B District.” The Chairman said, “I suggest that we add to that with respect to this particular application, whether it is considered an out building or an accessory structure, that it not be required to adhere to the ‘build to’ line which is meant that the houses be near to the street. And to the contrary, encourage the set-back be a further distance, as this application proposes.”

Member Eberhardt moved, “it is the consensus of this Board that unless otherwise modified by the Design Standards or Zoning District B, which includes Parkside, or the ‘build to’ line which was created specifically for Parkside, which is in the Design Standards, then Jorge, when reviewing applications for permits for construction, use the standards in the Zoning Ordinance that would apply to the B District. And whether it is considered an out building or an accessory structure, that it not be required to adhere to the ‘build to’ line which is meant that the houses be near to the street. And to the contrary, encourage the set-back be a further distance, as this application proposes.”

Seconded by Member Millman. The vote was 4-0 in favor of the motion. The meeting was closed at 8:03pm. The Design Committee will meet after this meeting on the issue.

email to: Millman, Galbato, Kenan, Sutherland, Eberhardt