

Village of Skaneateles
Planning Board Meeting
December 2, 2010

Design review for house for Lot 8, Parkside Subdivision

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

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

Kate Hoeft, Lot 8 homeowner
Mark Aberi, Contractor

Robert Eggleston, Rickard Road
Mark Angelillo, Village Trustee
Reporter, *Skaneateles Press*

Chairman Kenan opened the meeting at 8:56pm> He said, that is a design issue consideration for Lot 8 at Parkside.

Kate Hoeft, 'soon to be owner' of Lot 8 said, " un.?. architect working on my license. I have worked on this design and we are here to discuss the front porch detail. The style of the house is a gabled wing house which is up here, What that really means is that it's more of a vernacular style. It's based on like the old folk houses. It's kind of stripped back down. It is not all the ornate extras. So, we tried to stay true to that. We increased our overhang. We did shed roofs throughout. And since we are building in Parkside, we have the regulations that we need to meet. We have already met with Toby and Doug. They had a couple of suggestions for us. These are old mapping models. We've since placed additional windows in the garage and we've changed this whole bay that faces a pond. It used to be fixed door panels and we have taken those out. They were a little too contemporary and put in double hungs with awnings below. In moving forward, just reviewing these standards, they state that you guys are looking for the preferred patterns in design for development. Traditional neighborhood patterns are what the standards are meant for. There is not any note of the final details in the Standards. I feel that this porch detail is much more of a final art finished detail. The whole point is they would like us to hit the front roof. So, that comes in this way. We just feel that it just doesn't go with the style of the house. We feel that there are plenty of examples throughout the Village that shows the gabled roof without the hip on the end. We have offered the suggestion of doing it one of these 4 ways and we still haven't come to an agreement."

The Chairman asked, “so that’s the whole issue, the treatment of the porch edge. And what did the Review Committee think about the whole thing?” Member Millman replied, “we felt that – we worked with the applicant on a whole variety of issues. This was really the last one that we were having trouble coming to a resolution on. We felt that a hipped roof on this style of home was not only appropriate but was really objectively a standard how it’s treated historically. We came up with a number of possible solution, none of which apparently were unacceptable to the applicant. So, we agreed to introduce this to the full Board for discussion.”

Hoelt said, “my standpoint was that there are claiming their objective that this should be hips. But really is a subjective measure when you go through the Village, you can see multiple instances that this does occur. We are not creating this out of nothing. It is the minority – I agree. But it does occur and I think that’s the beauty of the Village, that there is variations throughout.”

Chairman Kenan asked, “Bill, do you have a feeling on this?” Member Eberhardt said, “no.” The Chairman asked Member Sutherland. He replied, “we wanted to bring it before the Board because it’s one of those things that could be seen as a close call. As Kate mentioned, there are porch details both ways in the Village. We sense that by far the larger number are houses that have that return – it happens with my own house has that same detail. It seemed to us that it would be the more comfortable of the solutions. What Kate is looking at is she’s looking straight ahead. To her it seems like it goes out of balance, if you had a hip condition. As Toby was looking at it, and me as well, that if you are walking down the sidewalk that wedge that occurs, if you don’t do the hip, is more prominent. It may have been that the applicant was looking at it in one direction and we were looking at it from the other. The idea of a walkable village struck us as important that as you are walking down the street with these houses so close that it would be much better if you could have the condition that happens the majority of times in that situation. So, that’s where we were and Kate felt strongly the other way. We thought in fairness that we ought to get a reaction from everyone. So, that’s why we are here tonight. We also add that we like the house a whole lot. We thought in most every regard that this one as we work through the details this was the one thing that we were stumbling on. But that aside, ‘it’s going to be a nice house and we felt that the rest of it was quite successful.”

Chairman Kenan said, “and we’d be well served if every house in the Village had as much thought as this one has received – every new house. I think you will find that most of the existing houses do get an equal amount of thought. This Village takes care of itself very well. All the landowners do. I don’t have a strong opinion but, I think I’m inclined to abide by the opinion of Doug and Toby in this case. That’s probably how it would come down.” Hoelt said, “I would just say that was just an opinion. It’s not becoming set in stone. Like I said, that in the Regulations, all it talks about is the traditional neighborhood pattern and the preferred patterns. We have stuck and adhered to all that throughout. So, I just feel like it is your opinion that already exists out there. It just seems – I can’t see how you can deny that – they are not living in the house. I’m going to be living in it. I designed it.”

Robert Eggleston said, “I don’t have a direct relationship with this project, other than I have been in consultation with both Mark and Katy on this. I think it also brings up a bigger more important issue. Not this roof. Two houses ago it was Steve Krause and it was one window above and 2 windows below. More often than not, it’s easier to say fine, if you like it that way

we'll do it that way because it's just easier to agree. Except, as Kate pointed out, the purpose of the review is to make sure we don't end up with Levittown. We don't end up with raised ranches and split levels and things that are not in character with the historic nature of the Village. And, to try to get a more Village coherent, instead of a suburban style house. It's very unfortunate that the Planning Board didn't have the scrutiny on the first 5 or 6 houses. I think there was some regrettable thing that occurred. As a result of that, I think it was wise for the Planning Board to say, well this is something that we could do by having a couple of people meet on demand. My experience has been wonderful. I have worked a lot with Steve and Doug and we've begun to work with Toby now. You call them up and within a couple of days we can sit down. We can send them drawings. I think it's been a real healthy process of being able to shape and improve the houses.

Although, I know a number of times in the past, I've had clients have to conform to an opinion rather than an objective issue. There's about 10 or 15 things like you have to have the first floor at least 3 feet above. Because traditional houses first floors are traditionally 3 feet above the street. Whereas your contemporary homes are 18 inches above. That makes a big difference. But there's no place that says you have to use hip roofs on porches instead of shed roofs. Because there's no way you can legislate 20 different styles of architecture that are appropriate to have the variation which makes the Village what it is.

In this case, Kate just happened to be strong-willed about a detail and it's not wrong. It's one of ten possible solutions that would be totally appropriate. I think it's wrong to impose a subjective opinion of a couple members of the Board just because that's how they feel that day. When there's clearly an example of this and it can be done both ways. By allowing the variation – are most of the houses in Parkside with hipped roofs? Yes. You go down – you can see right there there's 8 great examples of where you have a shed roof, but because it turns the corner, it's hip where it turns the corner. I think this is a totally appropriate thing. If this was a contemporary Frank Lloyd Wright detail or a Cubist(?) post modern detail, I'd say no, that's not the Village. I think the Planning Board needs to remember that they are there for the macro points, but not to start picking one of 5 appropriate solutions. Because, they happen to like 3 and she likes 2, you can't have 2. I think it's going a little too far. I find nothing objectionable. I think there's historic precedence for it. It's right in the Pattern Book as being an appropriate detail. I think it's going too far. I think we have bigger fires to worry about. There's a lot of regrettable things that do happen but, I think this is an appropriate house and should be allowed to be the way the owners want it to be.”

The Chairman asked, “any other questions? Any other comments? How should we resolve this? Someone want to make a motion?”

Member Millman said, “I don't even know what – is there a decision that was made by the Architectural Review Committee that we are upholding? Or is it just simply a decision made by the Board?”

Member Sutherland said, “I wonder if this is more of a sense of the Board? We are sensitive to what Bob was suggesting and we appreciate the way Kate has described her interest in this. Because it was a close call, we wanted to bring it back to the whole group. If there's a

feeling that we were way off-base, we want to test that against the other Board members. One thing I might add with what Bob was saying is that when the Architectural Review Board was set up, it wasn't set up simply to administer ten or 12 things that are in the Design Standards. But rather it was to apply judgment at various points. In a way we act a little bit like the Architectural Review Board - the Landmarks Board, that handles other things. So, there are judgment calls. We didn't want to be unfair. That's why we asked the whole Board to consider this to make sure that we weren't over some sort of a line of some kind. So, I think maybe the thing to do in this case is to just get a sense of the Board. If there's a strong other position that's fine. We are acting as a group that's acting in behalf of the whole Board. But we do represent the whole Board so everybody will have an opportunity."

Eggleston said, "I think the question should be posed as is what Kate is proposing wrong? It's your job to prevent wrong or regrettable things from happening. It's not your job to say oh, why don't you think about doing it this way because here's an alternative. OK, they took that under advisement. They decided that they didn't like it. They wanted to stay the other way. Unless this is wrong - putting a A-frame house in there would be wrong." Member Millman said, "I think it was our opinion - we went through again, there were at least a dozen issues we work through with the applicant. So of the things Doug and I agreed. They were more subjective, and we went along with the applicant's position on it. On this one, Doug and I felt that it was wrong. From an architectural - objective architectural sense coming from 2 people who are professionals in the industry, that the examples that were given where it was - where you had a gable and as opposed to a hip end to a porch on a wrap around porch always had some mitigating factor. Whether or not it was tying into a projection as it is on that gray house there, second one down. Or it's supporting a balcony as it is in the lower right corner. Or in the case of the house that's the second one down from the left, the entry to the porch is actually at the corner. These are all acceptable applications of that gable end. In other cases, the houses in the upper right don't have wrap around porches. So that's an acceptable application of that gable end porch. The other very, very rare cases, and you are literally looking at maybe the 2 examples in the entire Village of the hundreds of times it appears. In at least one of the cases we felt that was likely an inappropriate addition that was made at some point after the house was built. Then in probably the sole case where you appear, it's probably the original porch, it happens. One time out of hundreds of houses in the Village it was done wrong. We were just trying to make sure it didn't happen again. So, that was why we felt that we were making a very objective - in this case objective judgment on this particular house."

Member Sutherland added, "I don't know if it's wrong. It's just the majority of times it feels more comfortable. The other kind of jumps out, at least to some of us, as being unusual and not as successful. The one thing - looking at Bob's point - if the job of the review - the Board's reviewing function is similar to just simply just look at things that are exactly wrong. The one example is that made for much more successful house and a much more successful neighborhood, was the corner house that we worked with with Mark, where we were trying to figure out - at first it looked like a house that might have been mid-block. It really didn't address the fact that you had a side street coming in. There was a sidewalk that went down there. The solution there of having the steps that come up that lead out the other way. So you can go this way to one section of sidewalk, or this way to the other. That is something that was purely a judgment call. It wasn't that there was any particular thing that made it mandatory to do it that way. And it

wasn't right or wrong. But it was a strong feeling and I look back at that. Boy, I'm really glad that we searched for a solution. Because that works a lot better. It's one of those cases where the judgment call – somebody can just say well that's just a judgment call. Who do you get to say that? I think it made for a better design. So, would defend that from time we are making judgment calls. But when we get into a tight one, and this really is really as tight as any that we had, we wanted to bring it to the whole Board so it didn't seem arbitrary. So, that's why we are here tonight."

Eggleston said, "I appreciate that. I can go through this book here and I was focusing on some of the Queen Anne examples where it is done one way or the other way. Unfortunately, what hasn't happened is this hasn't been drawn with this hip on here. What I find unsettling about this is, on here you have this triangle piece of siding that is lopsided to the fact that this is straight across. I actually like the choice of bringing this straight across so that there's uniform distance between the roof and you don't have this triangle piece. That's what I find disturbing about the other choice, if you want to start picking political choices here on right and wrong. You come across like on here (in book) you have this little triangle piece here. Gee, if that were straight across it would be a little more uniform. It looks like the shirt's untucked or something. So, I think, it can be argued either way. Again, I fail to see where it's wrong. It's a choice. I think that's the beauty of the Village is that everyone is not exactly the same. It's not a Ryan Home development, where you have 3 houses to choose from and the only thing different is the siding."

Member Sutherland said, "you weren't part of the discussion earlier, this house has very, very close proportions to the one that Kate's done. What we'd suggested is to get it away from the concern that Kate had that gee it looks like this thing cuts in and it throws off the proportions was to change the pitch of the roof slightly so that you didn't see an much shingle. In that case, and maybe part of the reason why this isn't really successful house, actually a few doors down from Toby's, so he's certainly aware of it, was that the roof pitch isn't quite as steep and that pulled it together and that was one- one suggestions and it – Kate looked at it differently and that's fine."

Hoelt said, "no, we went and looked at your suggestion. I originally did draw it with it. This is one maxi-model of like a hundred. So, we've looked at all of them. A lot of what you are showing have almost flat roofs. I talked to Paul who's building it and he was uncomfortable going less than the slope of what we have, unless we go to a different roof construction. And that's just more – and just going back to the style of the house, it is a gable front and winged house. There is nothing about hips. Hips are definitely came later. If I throw a hip on there – we have gables all over the house. That is just how it all comes together – I meant sheds. It doesn't work with this house. We are trying to do something uniform."

Eggleston said, "what's unfortunate about this perspective is the eye-level is actually up above the roof. If you've got this down on street level, this would be very low pitched just like this. That's not a steep roof. If you came 6 feet off the street, I think it would look almost like that any you'd hardly tell whether it was shed or not."

Member Sutherland said, "I think what you see is from the side Bob. In fairness, if you are walking down the sidewalk the wedge there was a thing that I think we were – and were

looking for other ways to try to minimize Kate's concerns. Again, maybe that isn't the right solution. We were looking at different ways of accommodating it." Eggleston said, "we are arguing over 2 acceptable solutions. They chose A instead of B." Member Sutherland said, "and that's why we brought it to the whole Board." Eggleston said, "absolutely. I guess the question is, is that detail wrong? If it's wrong, then wither they change it or they go and get an interpretation."

Chairman Kenan said, "for my part, I can't get strongly excited either way. I am very pleased that we have 2 members of the Board who volunteered to act as this design review capacity. Frankly, I wouldn't have the patience or that in depth to do it myself. I think in that regard, the sense of this member of the Board is I honestly don't care. I don't really have a strong opinion one way or the other. If I need to say anything supportive one way or the other, I guess that I support the fact that these 2 guys volunteered their time to do this, and do it with such great passion. So, I would probably support them in it."

Member Eberhardt said, "exit left or exit right now on this one. I respect the qualifications of these guys and their effort in it. I wish as much input went into a lot of houses. I don't have a problem with this roof design in general."

Village Trustee Mark Angelillo said, "what's the appeal process? If the Board rejects their request, what is the appeal process?" The Chairman said, "this is a very unusual circumstance. In this subdivision we adopted some design standards. There are also in the Downtown District there are design standards. We set up a subcommittee of the Board to act as the review body."

Eggleston said, "building a house in the B District is by Site Plan Review. I applaud the Village instead of having to go through a separate formal application for every house, they just reduced it to allowing 2 members of the Board to make the only question that wasn't answered at the time of subdivision approval is what's the design of the house? So, really what this is is a modified site plan review. I assume that if they don't like the Board that they have the right to go to the Zoning Board for an interpretation." Attorney Galbato said, "I'm not so sure. I would have to research that." The Chairman said, "that would seem reasonable that that would be the outcome if they don't like the decision." Galbato said, "I don't know – there would have to be an Article 78. This property is in Section 2. I believe there is a restriction on the lots that drawings have to be approved by the Architectural Review Committee."

Mark Aberi asked, "we just don't want it to go through all that. Can we get a favorable approval tonight? It's the holiday season – 'tis the season." Trustee Angelillo asked, "is there an appeal process? That's all I'm asking. What happens if there is a disagreement here, is there an appeal process?" Galbato said, "there is an appeal process. The question is, is it subject to a ZBA review or does the applicant, the aggrieved party, have to commence an Article 78 proceeding in Supreme Court? That situation, I could look into that. I'm leaning toward the latter, the Article 78, given that it's not a site plan review, it's a condition of Section 2 of the approved subdivision. I could look into it."

Member Sutherland asked, “is there an appeal that the Historic Board (Commission) has? What do you do in a case like that?” Eggleston replied, “with the Historical Preservation Board (Commission) the appeal process is to the Trustees. Battle said “there was something that was conditioned for a referral to the Historic Commission for their approval. The Historic Commission rejected it because it was not in their district. So, they will do the same to this.” Eggleston said, “what I’m saying is, if you have – when I was working on the Old Stone Mill a hundred years ago, we had a client that was proposing something that the Historic Landmarks Preservation Commission rejected. The process was to go to the Village Trustees if the applicant didn’t agree with the Historic Commission. That’s written in the Zoning.”

Galbato said, “I think this is different because this is a subdivision condition. But I can look into it.” Eggleston said, “I guess, what it is, is it’s a decision being made by the Planning Board. Is that the same as if you don’t like what the Codes Enforcement Officer has declared, then you go to the ZBA for an appeal of his decision? It would make sense that that would be the way to go. I guess that would be under the purview of the Zoning Board of Appeals. They are appealing decisions made by the Codes Enforcement Officer usually is because they don’t meet a set-back. There’s a denials and then it goes to the ZBA.” Member Millman said, “that’s a technical review. The difference here is that this is a subjective review has been granted to a body that the ZBA isn’t really in position or equipped to make that kind of a determination. Whereas the Architectural Review Committee has been, in theory, selected to make that kind of a decision.” Galbato said, “the lot owner purchased the property knowing the subdivision requirement of Architectural Review approval of the dwelling. I just don’t have my Parkside file with me.”

Eggleston said, “that’s where I think the Planning Board and or the review commission would have to say – this is wrong. Then that’s the question. Is this wrong. So, I guess, is it the Supreme Court or the Zoning Board of Appeals or is it the Trustees who get to hear that.” Aberi said, “or it could be positive, and have a happy client.” Member Millman said, “we made a lot of suggestions as how it is to be fixed.” Hoeft said, “I entertained them all and they – we had to go to a different roof structure, and I am not going to put something on there that does not fit the style of the house.”

Galbato said, “Toby, maybe it would be appropriate if you could give us some background of some of the modifications that were made to the home in working together with the applicant. If you can – know you don’t have your notes in front of you.” Member Millman asked, “why is that relevant do you think?” Galbato said, “I think it would be helpful for the record to give some background.”

Member Millman said, “Doug can weigh in on this. We did work on the side windows as was mentioned in the testimony originally quite contemporary. The applicant worked with us and adjusted them so that they were more in keeping with the style of the home. We worked on, as again mentioned in the presentation, there’s a window on the back of the garage that doesn’t appear. That window was added at the suggestion of the Board. There were other things that weren’t accepted. We had suggested breaking up the garage door into 2 separate doors. It wasn’t accepted and we said that’s fine. We suggested that the pitch of the roof was too low. In fact, one of the roof pitches is at the bare minimum of what’s acceptable under the Standard, 7 over 12

pitch. We suggested that the roof pitch be raised, increased and that was rejected by the applicant. We agreed. That's fine. It didn't harm the overall appearance and flavor of the home. We talked about window materials. Windows proposed are vinyl. The Standard actually call for wood windows. Again we were willing to give a little, recognizing that there was a cost consideration. Most of the houses already built in Parkside have been built with vinyl windows. Those are the ones that I can recall."

Member Sutherland said, "the house is a nice house." Member Millman said, "that was the one thing we said from the very beginning, was this is probably one, if not the best house that is going to be built in Parkside. That is what is the most ironic thing about thing about the whole discussion. What we loved about the house- I'll speak for my self – what I loved about the house was it's simple elegance. A lot of the houses in Parkside, and new houses throughout the Village and throughout the country, try to hard. They try to put too much ornamentation, too much architecture, because there seems to have been a movement toward the more architecture the more roof gables the more stuff on the house, somehow it means it's more luxurious. What I really admired about this house, when it came in, was that it was really simple. But the problem with the really simple house is you've got to get the details right. Because every detail – because there's so few details – every detail is important. That much more important that had a lot of details to it. That was why we felt that the most defining feature of this house, and any house of this style, is the porch because that's the thing that you see. Without that porch – if you took that porch off, changes the entire character of the house. It's a totally different house. It's probably the one feature on the house that if you did that would have such a dramatic impact. That was why we felt that the detail of that porch and how that porch roof is treated was so critically important. We didn't treat it lightly. I spent half a day going around looking at other homes, photographing them. We spent a lot of time – much more time on this detail than we ever have on any other house that we've reviewed. We just felt like, not only was it from our own eye, but from a survey of the Village and the Town and just other places that we've been, that this is the way it's done. This is the way it's always been done. This is the way it's done today. And this is the way it will continue to be done. Even though there is one example, that I think is a legitimate counter-example where the house is originally built, this 3rd house down on the right, it's OK. Somebody did get it right one time. That's why I felt like, in this case, and I'll go beyond even what I think Doug willing to say, I think it's wrong. I think it's wrong, incorrect application of a accepted architectural standard."

Hoelt said, "I feel that you backed away about a hip. I feel that it's wrong, absolutely wrong. I never want to put it on this house." Member Millman said, "and that's why we are here where we are."

Chairman Kenan said, "well, we have an impasse which is unfortunate. But I think this committee was structured for a particular purpose and they have obviously put a lot of thought and work into it and come down with that position. I think you've got a sense of the Board from what Bill and I have to say. I don't think this Board – you could put it to a motion to decide if the assembled Board, and we are only 4 people at the, present time, support or not support what the subcommittee decided. I probably would support you even though I expressed my opinion that it's not a big issue to me. So, what would you like to do?"

Member Millman asked, "what can we do?" The Chairman said, "you've acted in your capacity and made a decision. If you continue to feel strongly and don't want to change it, then I think that's where it sits." Member Sutherland said, "that's how I felt."

Aberi said, "I need to speak. You got 2 architects that were showing historic examples, and yes, it is the minority in this Village. Now, me the average person and build houses, I would never have picked up on that detail as professional until we had the conversation. Or, just an actual individual. But now, this has been going on for over a month now. I travel through a lot of different townships throughout the State. I do see that detail around. I see both. So, it's hard for me to imagine that were voting against something that's a subjective detail. It exists. It has been done in history. We've got history books to support it. We are going to have to jump through more hoops to get a possible approval. So, it's frustrating from my standpoint and certainly my client as well."

The Chairman said, "I'm amazed that both sides feels as strongly as they do." Eggleston said, "if it was an actual written rule that they were violating the 3 foot above the height, I could understand it. I think when it's subjective - it's almost kind of like the Zoning Board of Appeals. It's up to the applicant to establish the criteria that they deserve a variance. I think here it's up to the Design Committee to say it is wrong. That it's not acceptable. Again, there's no way you can write a standard that shows every possible acceptable detail." Member Millman said, "and that's why there is a Review Committee. No offense to Jorge, that's why we are not leaving it up to ... because there are clear standards. There are certain guidelines and we are applying our expertise to this situation."

Chairman Kenan said, "let me suggest something. This has gone on because you were here last month with this originally - it's gone on for some time. I hate to see an impasse on something of this magnitude. Maybe the Committee and the applicant would agree to meet one more time and see if there's a resolution to it" Member Sutherland said, "I'm fine with that. Why don't we do that?" Member Millman said, "sure. I love to meet." The Chairman said, "let's suggest that and see where it goes." Member Millman said, "what I would ask, we do that I would not like to just come back to the table with the same thing. What we've asked for is simply just another solution. You all did a great job. We told you what the situation was like that side window, the bay window and you came back with a proposal and it worked. And we were able to work through it. What has been an issue is we've put forward this as an issue and there just seems to be no movement. No willingness to even come up with another possible solution bridges the gap. We've put forward - I drew drawings showing the house wrapping the porch the other way. Putting the porch entry at the corner which would create a situation like you have in the house, the second house down on the left. That justifies that gable end. There's a lot of things that you could do that we may not even think of."

Member Sutherland said, "we probably all ought to go back and take another look at it." Hoeft said, "we've looked at it. I didn't work today so I could get this ready." The Chairman said, "I hate to see the impasse continue." Hoeft said, "it's going to. It will be two against one." The Chairman said, "let's give it a try." Hoeft said, "I don't want to meet again." Aberi said, "we have met probably 3 or 4 times." Member Sutherland said, "it probably makes sense to meet one more time. We could do that and get it out of the way." Eggleston said, "at the same time,

can counsel be determining what the appeal process is, if this plan is rejected. I think that is owed to both the Board and the applicant.” The Chairman said, “Ok. Let’s do that. I think that would be preferable. I do not want to see this continue as an impasse.”

The meeting was closed at 9:37pm.

email to: Planning Board, Abern, Galbato, Eggleston

NOTE – on the following day 12-3-10 the Architectural Review Committee and the applicant agreed on a design for the porch.