

# Village of Skaneateles

## Zoning Board of Appeals Hearing

### August 23, 2011

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In the matter of the application submitted by Scott and Theresa Elia to vary the strict application of Section 225-A5, Density Control Schedule, , right side yard setback to construct a 600 Sq. Ft. patio in the right side yard of the premises located at 91 East Genesee Street in the Village of Skaneateles.

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Present: Lisa Banuski, Chairman  
Craig Phinney, Member  
Steven Hartnett, Member  
Lee Buttolph, Member  
Larry Pardee, Member

Elaine DuBois, Clerk to the Zoning Board of Appeals  
Riccardo Galbato, Attorney for the Zoning Board of Appeals

Scott and Theresa Elia – Applicants

Chairman Banuski opened the meeting at 7:55 pm.

Scott Elia introduced himself and made a presentation. He said, "It's a flagstone patio with an 18 inch exterior wall and four 2 by 2 columns. There will be an upper level for dining. And this (pointing to the drawing) represents a pergola. The lower level will incorporate a lined fire pit. There is also a water feature." He presented pictures that depicted the flagstone, water feature, and the way the wall will look with the columns. He also showed pictures of the lights that will be on top of the columns and presented the cut sheets. Additionally, he presented four photos of what the area currently looks like, representing views north, south, east and west.

Chairman Banuski stated, "We try to get to all the properties before we come to these meetings. A couple of us are Presbyterian so we know that parking lot and the vegetation."

Mr. Elia said, "On the subject of vegetation, we will be extending the arborvitae which is up to this point. We will extend it up to the end of the patio to represent the definition between the 2 property lines."

Chairman Banuski asked, "The wall that is depicted, where you show the column and you have the photograph, does that wall continue on the eastern edge? Is it walled all around?"

Mr. Elia stated, "Yes"

Mr. Phinney asked, "How high off the ground will the lighting be?"

Mr. Elia stated, "Right on the post. 18 inch wall with 3 foot column, and the lighting right on top of it."

Mr. Elia then presented letters from his east and west neighbors.

Mr. Harnett asked if there was any other lighting proposed such as from the pergola area above. Mr. Elia stated, "No".

Chairman Banuski stated, "There are lights in the parking lot."

Mrs. Elia stated, "I was hoping to do something like fairy lights around the top of the pergola, if that is allowed. It's my dream"

The Chairman stated, "That isn't a problem."

She then asked, "On the drawing, it's not clear to me, does this starts at the end of the driveway?"

Mr. Elia stated, "There will be a little lawn before the start of the patio. The primary purpose is to allow snow to be piled up at the end of the driveway and not go on the patio."

Chairman Banuski stated she had no more questions. She said, "This is a tricky lot you've got."

She then opened the meeting up for public comment. There were none.

Mr. Phinney read the letters that were received. He said, "These are 2 different letters; *They have had the opportunity to review the planned enhancements to the Elia's backyard at 91 E. Genesee Street, including the patio structure and plantings and have no objections with them moving forward with these plans. This was from Reverend Craig Lindsey of the First Presbyterian Church and Peter and Flo Swartz on the other side at 89 E. Genesee Street.*"

Mr. Buttolph asked, "Are there issues with fire pits in the Village?"

Chairman Banuski stated, "That is a very good question, and a lot of people have them, I think the prohibition is against open fires."

DuBois said, "Correct, open fires, however, if neighbors complain I've been told the fire department will come and put it out."

Chairman Banuski stated, "In this case it's a little better because the prevailing winds are from the west so smoke would likely blow to the Presbyterian parking lot. But yes, it's a very good question because it can become a nuisance. I have a neighbor who burns garbage in their fire pit and it's disgusting." Mr. Elia stated, "Let the record show we will not be burning any garbage." Chairman Banuski then clarified, "There will be a screen on top, no ashes, no embers? And no chimney is planned?" Mr. Elia stated, "Correct"

She then asked if there were any other questions or comments. There were none. She moved to close the public meeting. Mr. Pardee seconded the motion. A vote of 4-0 in favor carried the motion.

Mr. Pardee made a motion **"To accept the application submitted by Scott and Theresa Elia to vary the strict application of Section 225-A5, Density Control Schedule, right side yard setback to construct a 600 Sq. ft. patio in the right side yard of the premises located at 91 East Genesee Street in the Village of Skaneateles. Per drawings dated July 21, 2011. It will be a Type II SERQ with two years to complete."**

Mr. Phinney seconded the motion. A vote of 4-0 in favor carried the motion. The motion was declared passed and the meeting was closed at 8:05pm.