

Village of Skaneateles

Zoning Board of Appeals Hearing

August 23, 2011

In the matter of the application submitted by Leonard Jarman to vary the strict application of Section 225-69D, nonconforming buildings, structures and uses, extension or expansion, and 225-14 (7) distance between two principle buildings on the same lot to construct a single story patio room addition of the premises located at 57A Onondaga Street in the Village of Skaneateles.

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

Jim Brewster, Champion Windows representative for the applicant
Mr. and Mrs. Jarman, applicants

Chairman Banuski opened the meeting at 8:08pm.

Jim Brewster of Champion Window introduced himself and Mr. And Mrs. Jarman. He then gave a presentation stating, "Mr. and Mrs. Jarman brought two letters with them tonight from neighbors to the north and to the west. We took some photographs of the home on the side of the house where we anticipate wanting to build the proposed sunroom addition off the front of the carriage house. This home on the property does have an existing structure with a variance for a side back on the right hand side. We are asking for a variance to expand that structure with a proposed 12 by 13 foot sunroom here. Single slope off this side. It is close to this building. The heights of these buildings are 20 ft. 8 inches and 19 foot 8 inches in relation to where you take the measurement. This distance between the two buildings is 26 feet, although the distance between the building with sunroom addition to the home on the property is only 13 feet. So we are asking for a variance on that. This structure here is a retaining wall for a deck that is down below. It's kind of a wooden patio structure that sits down here. It is only 7 feet from that side there to there.

Chairman Banuski asked, "What is the requirement?"

DuBois replied, "The average of the heights of the two primary structures, so it would be 20 feet 2 inches"

Chairman Banuski said, "20 feet 2 inches is required and you have 7 feet."

Mr. Brewster said, "It's 7 feet to the retaining wall, yes."

Mr.. Phinney asked, "What is the existing distance between the structures?"

Mr. Brewster stated, "26 feet"

The Chairman said, "OK, it currently has the correct distance."

Mr. Brewster said, "The pictures show that they have a number of satellite dishes and things that were added to the home by a previous tenant. We will be removing that and cleaning that mess up over there. That's no longer in use. We want to make a point of that as well. This is a picture of the home, looking down so you can see the retaining wall and deck. It's a very narrow visual area from the road to the house."

Chairman Banuski asked, "How long has the barn be a residence?"

Mr. Jarman answered, "I'm not sure. It was constructed at the turn of the century. 1901 I think it was constructed. It had been a residence 10 – 15 years before we bought it."

Chairman Banuski said, "So you bought it as a lot with 2 homes on it."

Mr. Phinney said, "The two homes were already there when they bought it."

Chairman Banuski said, "Yes, that's what I wanted to know, is how long has the barn been a residence and not a barn, so for 20 years?"

Mr. Jarman said, "I think 30 years, I think 20 years before we bought it and we've been there 10 years."

Chairman Banuski said, "I don't know what is required when you turn a secondary structure on a lot into another residence."

Mr. Buttolph asked, "Is there anything in the records going back this far, if it was converted seems like they would have to done."

DuBois stated, "There were renovations in 2000 to make it a full residence. Was it just an apartment in the carriage house?"

Mr. Jarman said, "The top floor was occupied and the bottom was earthen floor."

CEO DuBois said, "In 2000 permits were issued to make it a full 2 floor home"

Mr. Jarman said, "There were no permits required because it was a modernization. And the top floor was renovated at that time as well."

Mr. Galbato stated, "It looks like there is a merger, looking at the tax map that dotted line makes it look like there was merger at some point. When they were combined or merged I don't know."

Chairman Banuski stated, "One of the things it doesn't show on this drawing is that there is a house on the property to the east that sits fairly close. It's not shown on our drawings. It sits almost to the property line. I noticed one member of the Planning Board mentioned he had some concerns that the sunroom is very contemporary in style and he was nervous that an addition like this on the front of the house that faces the street is maybe a little incongruous with the rest of the street. I share some of those concerns myself. Usually these types of sunrooms you would see on the back of a house or a side yard that is protected from the streetscape, really not facing the street so much. But this is a unique piece of property with the buildings on it and for that structure."

Mr. Brewster stated, "The structure has vinyl siding on it and very contemporary in the updating they did, so it's not out of match with the property. It is a very narrow visual from the road, if you've visited the site. There are trees to the one side and the home. It's about a 40 ft. visual and it sits about 100 feet back. So it's not right up on the curb sunroom. You're not closing in your front porch essentially right to the curb. It's not a focal point on that street."

Chairman Banuski stated, "Right, it sits well back behind this structure. It's not like that sunroom will be sitting next door to someone's front porch. Any other questions at this time?"

Mr. Buttolph said, "Reading through the letter that came in, they were talking about drainage. The drainage issue is that it comes down hill. The drainage is really from the garage, not the addition."

Chairman Banuski stated, "Well, this is additional coverage so I think it is important to discuss where the drainage is for this addition. But I was going to address the neighbors' concerns when we get to the public hearing part. We have several letters. But drainage for the sunroom, are there gutters? Where is it going to go?"

Mr. Brewster stated, "It is guttered and drains right off the front. There is a footer drain that comes around the building here and comes up under here and ends about here (pointing to diagram). It's a tile drain meant to help control some of that water. As the gutters come down off of here these gutters will come down in the same place. It is a natural slope, and a pretty steep slope actually across that yard and the drainage slopes well away from there. With the drain tile here, it drains well, it runs down hill. Right down towards the street."

Mr. Phinney asked, "On the photo, where exactly will the sunroom start? Is it to the left of the door? Kind of where that line is coming down from the top?"

Mr. Brewster outlined where it would be. He stated the light would be relocated to the outside of the structure. He said "The hanging height would be about 120 inches from the bottom of the door, about 10 feet up, and the front wall about 7 feet where it finishes."

Chairman Banuski said, "This photograph (from the brochure) shows a concrete pad outside with sliding doors. Is that planned for this also?"

Mr. Brewster said, "Not at all, that is just a rendition that we used out of our literature that we used so you can visualize the room on the side. There are no plans for an outdoor patio there."

Chairman Banuski opened the meeting to the public.

Mrs. Jarman said, "We would, I'd like to say that we would like to have this addition."

No other comments.

Chairman Banuski said, "We have letters submitted by the applicants and a letter that was received today in our office that we will read into the record."

Mr. Phinney read, "Regarding a sunroom addition at 57A Onondaga Street:

Mr. & Mrs Jarman have applied to the Village of Skaneateles to add a small 13ft. by 12 ft. sunroom to their property to 57A Onondaga Street in Skaneateles. The sunroom will be built onto the front of the existing property facing towards Onondaga Street. The complete application file is available for you to review at the Village Office. Thank you for your time and attention to this matter. Signed by Suzie Stenger 53 Onondaga Street and Micheal VanDinkstee 55 Onondaga Street. They have no objection to the addition."

He continued, "We also have a letter dated August 22, 2011." Mr. Phinney then read:

August 22, 2011

Zoning Board of Appeals
Village of Skaneateles
46 East Genesee Street
Skaneateles, NY 13153

Dear Members of Zoning Board of Appeals:

I have concerns regarding the proposed addition of a sunroom in front of the second of the two primary residences on the property at 57/57A Onondaga Street, which adjoins my property at 59 Onondaga Street.

When I purchased my home in 1994, the adjoining property (57 Onondaga Street) had one primary residence and one barn. Because my house was constructed very close to the boundary lines in the northwestern corner of my property, it was located very close to the barn, but at a reasonable distance from the primary residence in which the neighbors actually lived. Had the neighbor's primary residence been located where the barn was, I would definitely not have purchased the property, as I did not choose to live in Skaneateles to reside in such close proximity to a neighbor's house.

After Mr. Leonard Jarman purchased the property at 57 Onondaga Street, he converted the barn into a second primary residence, i.e., a two-storey house in which he and his wife live, and since then the first primary residence on that property has been rented out. (Please note that on the diagram showing the buildings on Mr. Jarman's property, what was formerly labeled as a barn is now labeled as a 1-storey house. However, this is inaccurate, as the house is actually a 2-storey house.) Since that time, with this second primary residence as a hub, more structures have been erected by Mr. Jarman in very close proximity to my northwestern property line, and thus in very close proximity to my house. First came a storage shed behind my house. This was subsequently supplanted by a two-car garage. This garage has no gutters, and approximately 10 feet of it lie directly behind my house. Shortly after the completion of this garage, in mid-March of 2007, my basement was seriously flooded, destroying my hot-water heater and damaging my furnace. (Once the maple tree roots which had invaded the sewer line from my house to the street had been taken care of), in the 12½ subsequent years that I had lived in my home previous to the erection of Mr. Jarman's garage, my basement never flooded. Since this garage was built, my basement continues to be flooded any time that there is a lot of rain or a rapid melting of snow. When this flooding occurs, the entry point of the water is visible in an area of the basement wall in the western corner of the north side of the house, in precisely the area that is overlapped by the neighboring garage. This creates a serious ongoing problem, undermines the foundation of my house, and has a very negative effect on the future marketability of my property.

Thus, over the course of the past eleven years, what was a lot with one primary residence and a barn has morphed into one with two primary residences (one of which is a mere 10 feet from my property line), a two-car gutterless garage (because of which my basement

now regularly floods), and now, in the limited amount of space remaining between my house and the second and the first primary residences on the adjoining property, a variance is sought for the addition of a 13' x 12' sunroom in front of the second primary residence. This addition would significantly obstruct the view from my kitchen/dining/office areas, which is where I spend most of my waking hours. Moreover, so many buildings in such a small area along the western and northern sides of my house have the effect of boxing my house in, creating a very densely covered area around my house. The resultant boxed-in effect, together with the recurring flooding of the basement, make my property all but unmarketable in the future.

For all of the above-mentioned reasons, I oppose the granting of any variance of zoning regulations, as the proposed addition in front of the second primary residence on the adjoining lot would further seriously degrade the value of my property.

I thank you in advance for your consideration of this matter.

Sincerely,

A handwritten signature in cursive script that reads "Silence M. Lowell". The signature is written in black ink and is positioned above the typed name and address.

Silence M. Lowell
59 Onondaga Street
Skaneateles, NY 13152

Mr. Jarman stated, "She is incorrect. I didn't convert it from a barn to a house."

Chairman Banuski stated, "Well that is a good question. I think it is important that we know when that became a residence. You have a neighbor who lives 10 feet away who alleges it was a barn when she bought the house – up until 11 years ago. So, was there anything in the record that would show that this was a 2 primary residence? Can we find out when that happened? That's pretty serious."

CEO DuBois stated, "What was in the file, on the computer stated that permit number 41 issued in 2000, 6/20/2000, was to convert the garage into a cottage. There were no zoning or planning board dates in the computer. The garage was added in 2006."

Mr. Buttolph asked, "The barn or the garage?" Ms. DuBois said, "Well, the barn, but it was call a garage then"

Chairman Banuski said, "So, it sounds like it was changed into a residence in 2000."

Mr. Jarman said, " No, it was a residence when we bought it." Mrs. Jarman said, "Because they rented it out."

Mr. Galbato said, "You bought it in August of 1999, from the Williams?"

Mr. Jarman said, "Yes, and it was residence then."

Mr. Pardee asked, "The building we are speaking of in 2000 that was to do structural work, put a floor in on the first floor. Then that became living space on the first floor?"

Mr. Jarman said, "Yes"

Chairman Banuski said, "But he said there was living space on the second floor prior to that."

Mr. Jarman said, "There was a boiler and things like that on the first floor anyway, already in there. A dirt floor, well, part dirt and part concrete"

Mr. Buttolph then said, "Let me ask a question to get back to what we are actually here for. I would be upset if I was this lady and the garage and the barn were converted myself and you weren't expecting that. Whether there were permits done, seems like there was some work done on that. My question would be, if she had a problem with that there are avenues for solving that. If they were coming to us with a barn that was a barn and wanted to put this little sunroom off the side of it would we approve it? House, no house, second family home, garage in the back. That's what I'm looking at. Who cares about the other stuff? I do care, and I would care if I was living there, but I would have been in screaming and yelling when they built the garage. I would have been screaming and yelling when they did the barn. This is a sunroom off the side of the house. Who cares what the other stuff is there."

Mr. Brewster said, "I'd like to add that where the sunroom is it's probably 20 – 25 feet from the property line in that direction. As well as there is an enormous amount of brush and trees down that property line. I don't believe they can even see it. I agree with her if there is an issue with the garage from 7 years ago when they built it. I would think that would have been addressed somewhere along the line. It seems like they are opposing it because they have a grievance over how the property was handled. There is no view out the side of the house, its brush and trees and screens. It's not obstructing much because there isn't much view from her home.

Chairman Banuski said, "There is no view to be obstructed. There is a view of trees. It's very overgrown."

Mr. Buttolph said, "We get people in all the time and want to talk about other structures on houses and other stuff that has little to do with what we are doing here. One of the things that I personally care about is what the neighbors have to say. If they are not happy they think it's going to hurt their property value, that's something I take very seriously. I also believe that someone should be able to do what they want, within reason, on their property. I'm reading

through the letter and everything she is talking about is about everything but the sunroom. Nowhere in here does she say, "I hate this sunroom", It's I hate the garage; I hate the house in there. The drainage, from what I can tell, isn't going to have any affect whatsoever on her basement. So how much weight am I going to give to a letter that has nothing to do with why we are here. I would be very upset about it and I'm wondering how this all came about it myself more for a curiosity factor. I just wonder how much weight I'm going to give it when I vote." Mr. Jarman stated, "The garage was approved by the village and then she would have been asked if she agreed to it or not. Her gutters, I can tell you are negligible. They are broken and defunct"

Chairman Banuski asked, "Is there any reason why you couldn't gutter the garage? You are asking something from the Village."

Mr. Brewster said, "There is no reason why we couldn't have the garage guttered on that side and divert the water."

Chairman Banuski said, "I live in very close proximity to my neighbors. I have my house a driveway a house on each side of me. That's the nature of many of our neighborhoods. But it's critical to bend over backwards to maintain good relations with our neighbors who are living cheek by jowl with us. I think that would be a neighborly thing to do."

Mr. Jarman said, "Yes, and we will do it. However, the principle problem with the water is her house because there are no gutters on her house. There is a tin (muffled) that is laid up adjacent to it and the water comes down in between the two buildings."

Chairman Banuski said, "The reality is this is all downhill from there and this is 500 sq. ft. that's 15 ft from her house that is now impermeable that runs right to her house. That's what it looks like to me. We are not a forum for neighbor disputes. I can tell you, if you are in a neighbor dispute it makes your life pretty miserable. It's not worth it. It's worth it to work together."

Mr. Hartnett said, "I agree with what you are saying, but I think it is very valid that we look at when these structures were changed. Was it changed while they were there or was it before they were there? One more addition, one more time we are stretching this, I think it is a valid thing to look at. If we are adding one more area, is this the straw that breaks the camel back?"

Mr. Buttolph said, "I agree, I have issues with the sunroom in and of itself being so close to the house."

Mr. Hartnett said, "But I'm saying, at a certain point the neighbors, they will put up with, put up with ok this is my one time I have to, my back is against the wall. I do have some issues with it being so close."

Mr. Buttolph said, "They did get permits for the conversion"

DuBois said, "There were permits for the garage conversion"

Mr. Buttolph asked for clarification. DuBois stated, "What was called the barn, the carriage house, the 2nd residence, was called a garage on the permit. They were granted a permit in 2000. It was labeled as "conversion of garage into cottage" it wasn't labeled a residence, it wasn't labeled as an apartment or anything like that."

Mr. Buttolph asked if there was a permit for the garage.

DuBois said, "Yes, the garage permit was in 2006. But now neither of these required neighbors to be noticed. You had mentioned the neighbor would have had time to.(multiple voices)

Chairman Banuski said, "They didn't need variances so they just pulled a permit and never had to send out notice to the neighbors."

DuBois said, "Right, so a neighbor wouldn't know until the structure is up."

Mr. Buttolph said, "But they still went through the proper channels. It's not like they just put it up."

Mr. Hartnett said, "No, nobody is saying they did anything wrong."

Mr. Buttolph said, "That's why you post a permit, so if the neighbors don't like it they can scream and yell about it. It sounds like they have done the right things with both of them."

DuBois said, "Correct."

Mr. Pardee asked, "Any issues with the fire department and the closeness of the building? Would they have any objection to that?"

Chairman Banuski agreed saying, "From a fire code standpoint, now it's 7 feet from a wooden deck that could be involved with another frame building. I know there are setbacks for other buildings that are dictated by fire code. That's something we need to check into. The time to build this is what, a month, 6 weeks, 8 weeks?"

Mr. Brewster said, "It's actually less than 3 actual construction time depending on the weather. So it's not a long construction period."

Chairman Banuski said, "I'd like to find out about fire code on your own property. What that will require. So that is one reason to wait, table this for a month and find that out. Then, when you bought the property, was there a tenant in the house and you lived upstairs in that cottage?"

Mr. & Mrs. Jarman said "The barn, we lived in there before and while we were doing the work as well"

Mr. Phinney asked, "And rented out the main house? You never actually lived in the main house?"

Mr. & Mrs. Jarman said, "Yes, we never lived in the main house."

Mr. Galbato stated, "The county real property records indicate a sale date of 8/11/99 and indicate a property classification back in 1999 of residential, multiple. That's one of the things we can look at."

Chairman Banuski said, "It was essentially a supplemental apartment probably at the time. We have lots of those throughout the Village."

Mr. Galbato asked, "How many square feet is the lot? The minimum in A-2 is 30,000 sq. ft and I'm wondering if it is over 60,000sq.ft."

No one had the lot size.

Chairman Banuski asked, "Is there anything anyone wants to add to the discussion now?"

Mr. Jarman said, "I just think that neighbor is being vindictive. Not being very nice to us. The other two neighbors, they have no problems whatsoever."

Chairman Banuskis said, "Well, the other two neighbors aren't even going to see it. It's blocked from their view. It's 50 or 60 or more feet away from them as opposed to 10 or 15 ft. I'm not going to close the public hearing. I'm going to table the discussion. I move that we adjourn the public hearing until our September 27th meeting in order to find out about fire codes for these distances. I have concerns about how close these buildings are to one another."

Mr. Pardee seconded the motion. A vote of 4-0 in favor of the motion carried the motion.

Meeting was adjourned at 8:41pm.