

Village of Skaneateles
Historical Landmarks Preservation Commission
December 14, 2011

In the matter of the application for a Certificate of Approval from the Commission, submitted by Scott and Theresa Elia, to install a two course sitting area with flagstone paver patio and an arborvitae hedge along the property line at the premises addressed as 91 East Genesee Street in the Village of Skaneateles.

Present: Charles Williams, Chairman
David Neibert, Member
Katharine Dyson, Member
Pat Blackler, Member
Mona Smalley, Member
Andrew Ramsgard, Member
Carol Young, Member

Dennis Dundon, Clerk to the Historical Commission

Scott Elia, Applicant

Robert Eggleston, Skaneateles
Kevin Allyn, East Freetown
Ted Kinder, Skaneateles
Cate Davis, Skaneateles
Sally Mason, Skaneateles

Absent: Beverly White, Member
Karlene Miller, Member

Chairman Williams opened the public hearing at 7:30pm announcing the application of Scott & Theresa Elia for 91 East Genesee Street. Mr. Elia asked the Board, "Would you like copies of the 'after' photographs?" He provided them. Member Dyson asked, "Before we get on this, you have already got the variance for this, it's already built?" Chairman Williams responded, "Yes." Member Dyson continued, "Why are we jumping in, even looking at it, since it's already a *fait accompli*?" The Chair responded, "Because we have no record of it." Member Smalley agreed, "It's built." Member Young said, "We went there; Kathy and I walked back and looked at it." Chairman Williams explained, "With the switch-over from Jorge to Elaine DuBois, she got all the Boards except ours. A number of years ago they had the back face of your house, with the big windows, you came before our Board. That was a number of years ago." Mr. Elia agreed.

Member Neibert said, "It's already built; it's already there." Member Young said, "The lights aren't on, but the rest is there." Member Smalley asked, "So are those things that come up out of

the concrete electric.” Mr. Elia stated, “That’s lights.” Member Young said, “I have a question. Why did you choose that place to put this patio, because when you are looking back you have all of this area that would have been more private, behind the house?” Mr. Elia responded, “I think if you look at...if you walk up the driveway... that’s the natural spot as you are coming out of the house, you can walk down and sit and it’s a good place to put chairs and so on.” Member Young disagreed, saying, “It didn’t seem that way with me at all. It’s not close to the kitchen or anything.” Member Dyson said, “I think, also, this map is incorrect. There are two things that are incorrect. One it says ‘West Genesee Street’ and another says ‘centerline of State Street’. I don’t know who did it, but it’s incorrect.” Member Neibert said, “I noticed that also.” Mr. Elia indicated that it is the original survey.

Numerous sidebar discussions ensued. Member Dyson asked, “But you already got your variances?” Mr. Elia responded, “Oh, yes.” Member Neibert asked, “Is there any kind of hedge or screening between the patio and the church parking lot?” Mr. Elia said, “If you look at the ‘after’ pictures, we had the arborvitae extended. We have arborvitae all the way up here and then we have that staggered...” More sidebar discussions. Mr. Elia continued “There was a fence there a long, long time ago.” More sidebar discussions on the topic of plantings, and division from the parking lot. Mr. Ramsgard asked that there be a single conversation. Chairman Williams stated, “It looks like there are several questions. One, of course, is that it’s in, and it was approved by other boards, and it was overlooked by the new Code Enforcement Officer during the transitions. So we inherit it in place. So some questions are, its location, straight back, at the edge of your blacktop which makes that very visible from the street and without privacy. Where you have all the evergreen trees – arborvitae – that will grow in solid in a year or two.”

Member Young asked, “How do you plan on using this area?” Mr. Elia responded, “A patio, sitting area...” Member Young, “Eating out too?” Mr. Elia, “Yes.” Member Young continued, “Wouldn’t you want more privacy?” Mr. Elia responded, “No; I think it’s quite good where it is. We have used the driveway in that way for many years. We have had a table at the end of the driveway, with an umbrella and so on. It’s great. It’s a nice spot.” Member Ramsgard said, “You only have an issue with the church on Sunday, the other six days of the week you’re ok.” Chairman Williams stated, “The church parking lot is used seven days a week with all kinds of different activities.” Member Ramsgard agreed, saying “I’m in and out of the parking lot at least a half-dozen times a week, and I don’t even go to church there.” The Chair observed, “The festival is there...” Member Ramsgard, “The Boy Scouts, we have our trailer there, and we’re in and out of there all the time.” Member Ramsgard continued, “I think it looks fine; normally I would have a huge problem with the procedure of this, it didn’t come to us but that’s not the fault of the applicant. It was the transition period. Other than that I don’t think there’s really anything for us to do, the work is done. I might have had comments, maybe a couple, if we were looking at this and had a chance to review it, but I think it’s irrelevant now. Being that it is literally parked up against the line at the church, I honestly haven’t even seen it. I noticed some work going on – painting and stuff at the back of your house, but I never even noticed the work that was going on for the patio. The way your driveway is, the sidewalk is so much lower at the street, that when you are walking along the sidewalk you can’t see over the crest of the driveway.” Members Young and Dyson disagreed, saying that it can be seen from the sidewalk.

Member Ramsgard said, “Once you get up in the parking lot, absolutely, but I don’t have a problem with it, so I make a motion that we approve this application for a Certificate of Approval.”

Chairman Williams said, “I have a question that really doesn’t bear on this but where does the snow plow guy put the snow that he pushes back?” Mr. Elia replied, “That was planned for, as a matter of fact, there’s two feet between the driveway and the patio because I knew we would have piles of snow. It will still end up on the patio, but the bulk of it will end up on the grass.” Member Dyson said, “I would like to make one comment. I think that had we seen this before – now it’s done – the construction of the stone, the way it looks, is not in keeping, I don’t think, with the sense and the period of the house. They seem to be; there’s a big disconnect there for me, and yes, you do see it from the sidewalk; every time you walk by you’re going to see this. It probably could be softened with some arborvitae at the top, so all you saw is the green. A little planting. That’s just my...” Mr. Elia, “There will be plantings all around.” Member Dyson thought, “It looks raw.”

Member Neibert said, “I am assuming there are lights going on these square posts?” Chairman Williams stated, “The last sheet shows the light fixtures.” Member Young thought they are “very contemporary”. The Chair observed that they are approximately nine inches square.

Member Smalley said, “It seems like there’s not much we can say about it, but I think it’s really very inappropriate and incongruous to have this huge brown patio next to our church’s parking lot. I mean, it’s sort of ridiculous. But then, it’s your patio.” Chairman Williams opined, “This arborvitae hedge makes it disappear.”

Member Young asked, “Did you not realize that you were in the Historic Landmark area?” Mr. Elia said, “Oh, no, we asked. The statement, judgment, whatever was that it wasn’t part of the house so it is up in the air. I don’t know how to comment on that one way or the other, I just know...” Member Young, “You did question it?” Member Ramsgard said that there was a bunch of confusion during the period when Jorge was leaving.

Member Neibert asked, “Are the light fixtures installed now?” Mr. Elia said, “No, Fred hasn’t put them on.” Member Neibert, “But they are already bought?” Mr. Elia, “Yes they are in my garage, waiting for him to come install them.” Member Dyson submitted, “Generally, when something that is a solid piece or permanent structure can be seen by the public from the road, it is part of this and it has to be approved. Just for your future; if you decide to put in a swimming pool.” Chairman Williams said, “Just for the record, when they filed this, the wood fence back there; is it still there?” Mr. Elia, “No, it was taken down by the snowplower at the church parking lot many years ago.” The Chair continued, “But this has been filed with this date and it shows that there is a wood fence here.” Mr. Elia noted, “That wasn’t redone, that was...” The Chair, “You have brought other stuff up to date, but the fence here right in front of the patio is not existing any more. Just for the other record. Somebody was mentioning about the centerline of State Street; it is 685 feet to the centerline of State Street. That’s where your surveyor’s mark is measured to.”

Member Young said, "If it were up to me, frankly, I'd require that you take it down and start from scratch and come back here. Because I don't think it gives you what you're looking for as I can't picture you being out there and enjoying it. But that's up to you. The look of it, when you're walking down the street, just isn't what we could accept, in general. I think it would be such a waste to rip it down at this point. If you were able to plant arborvitae going parallel to the sidewalk, so that the same height as what's..." Mr. Elia said, "No that wouldn't work out." Member Young, "Why wouldn't it?" Mr. Elia, "That's our entry to that patio, at the end of the driveway. We wouldn't want to go around arborvitae." Member Young, "But isn't there steps there that go up to it? So why doesn't the arborvitae just stop at the step?" Mr. Elia responded, "We would have not much."

Member Neibert said, "Well here's my two cents because it's there; I think if you did a low, like a yew planting or something around the perimeter, to soften, to kind of hide the stone itself, and to me the only real objection that I have is that the light fixtures look very contemporary. I realize they were bought and are not installed, but even if you had some kind of plantings around the patio to soften all of that stone and then had more of a colonial looking type of light fixture on the post that would sort of be colonial looking as opposed to contemporary, it would kind of, you know what I mean, soften the effect and sort of pull it into the house." Member Young said, "Something that would go with the character of the house." Mr. Elia said, "Certainly the plantings have always been intended, and will be done in spring." Member Young asked, "How high will they be?" Mr. Elia, "The plantings? I really don't know; we haven't planned out any significant landscaping. He intends to have bushes and a variety of different types of plants along the... outside that we aren't at that stage; we're going to do it in the spring. So I honestly just can't tell you. And frankly, I am not the person who would design that, we will rely on Freddy Squires to do something that looks good and so on and so forth."

Member Neibert asked, "Is there any way to do something different with the light fixtures?" Mr. Elia asked, "What is the issue with the light fixture?" Mr. Neibert responded, "It's just so contemporary looking." Mr. Elia said "That is it; that's the one we bought." Member Dyson thought, "Actually, a higher one might look more attractive because it would pull; it would not be chopped off. Because it looks very large." The Chairman pointed out that, "These are nine and one-half inched square and nine inches high." Member Young asked, "Do you know what materials those are made out of? Are they iron?" Chairman Williams said "Basically it's all glass."

Member Smalley stated, "There's a sheet in my packet of papers that says Building and Zoning Application Review sheet, and it says application approved and denied. And it's marked 'Denied' very loud and clear. Was that superseded by something else?" Member Ramsgard explained, "What happens with that is that a project that needs a variance and/or site plan review -- which this needed both -- has to first come in and ask for a permit. The permit has to be formally denied by the building inspector, who has to say 'No' because there is a side yard setback or a coverage issue. Then you go to the Zoning Board of Appeals, which is your right to appeal the denial of the building inspector. Whenever a project comes in for a variance, it always has to get denied first; there has to be a formal file."

Member Young asked, "Can you tell us what this is?" Mr. Elia replied, "It's a Phase 2, which is a pergola." Member Young asked, "Phase 2?" Mr. Elia responded, "Yes, we have two years to finish it and there's a pergola. I don't know whether or not we're going to put that up or not, in the end. The way it looks right now it may just suit us the way it is, we just have not actually decided." Member Young continued, "What's in the center of the pergola? Is that a table? With stools?" Mr. Elia said, "Just meant to represent a table sitting with stools or chairs." Member Young, "So that's going to be even more of an obstruction from the street." Mr. Elia asked, "Is the table an obstruction?" Member Young clarified, "No, the pergola." Member Neibert added, "Plus additional walls, I assume?" Mr. Elia responded, "Walls? No it's just the four posts." Member Neibert said, "No, I meant this curved thing here and this..." Member Dyson added, "It's a different level." Mr. Elia confirmed, "That's just the different levels. There's a difference of about this much between the upper and lower." Member Dyson stated, "It's a two level patio." Member Neibert said, "Oh, so it's two levels in this picture. Alright, I see." Chairman Williams asked, "The north side is lower than the south side and it's a little over two hundred feet back from the sidewalk." Member Young said, "But there's nothing; it's a straight shot." Chairman Williams said, "Actually, this is low and if he has an arborvitae in front of the light pole..." Member Young stated, "But he says he's not going to do that." Chairman Williams continued, "Well he can put one here with no trouble, because the stairs are around to the side." Member Dyson said, "Are there stairs? I thought you just stepped up onto it." Mr. Elia confirmed, "One step." Member Dyson continued, "That's what I thought. But all the way..." Mr. Elia, "No not all the way around. Just in..." Chairman Williams said, "You'd want a couple more in here." Member Young agreed, "that's what I was thinking. I would think... you are not going to want to see the traffic going by when you are out on your patio, so I mean, if you had some shrubs that, at least when you're sitting there, you wouldn't be seen from the street. The shrubs could be maybe the height of the posts or the lights, and go right around like that, opening where you climb up and then they can go around."

Member Blackler asked, "Chuck, if anything else is added to that, they come back again to us, right?" Chairman Williams concurred, "If you want to put other permanent stuff in, you'd have to come back." Mr. Elia stated, "No that's already been approved also." Chairman Williams said, "Not here." Mr. Elia said, "OK. Fine. I understand what you are saying." Member Young said, "I think it would have to have some greenery, arborvitae or something, that would be about the height of this, that would come around here, or come straight across. To give you privacy and so it's not seen from the sidewalk." Member Smalley said, "I think it's really shocking I have to look at it when I have to move my car in the parking lot." Chairman Williams stated, "Well they've got those up there. You're not going to see it. I was just up there yesterday." Member Smalley said, "I could see it last Sunday." Chairman Williams said, "I know, but in a year's time they grow together; they will grow about that much a year."

Member Dyson said, "I think the thing to consider, if you do consider the pergola, that it should be in keeping with the house." Member Young stated, "That would have to come back." Mr. Elia said, "OK, I understand." Member Neibert said, "My only suggestion, that we have talked about, is getting some kind of shrubbery around the base of that thing, to kind of hide it and soften it. A shrubbery that's a year-round shrub, not a deciduous shrub; like a yew or something like that. There's different levels of yews that you can put in." Mr. Elia responded, "that sounds nice." Member Dyson stated, "Just not the palm trees." Mr. Neibert continued, "There are

different kinds of arborvitae that are low growing, that don't get real big, keeping them low and spreading to just kind of hide and soften the whole thing." Mr. Elia stated, "As I have said, I absolutely agree with you. That's been the intent all along. It just that that's not going to be put in until spring." Member Young asked, "But couldn't you do the arborvitae then; it would come around and then you would have the space to come up into it, where the step is." Mr. Elia responded, "I do understand what you like, with regard to that. I don't like that idea. It's just a matter of taste. We just have to recognize that. I will put shrubbery in there at another time. I understand that you would prefer arborvitae, but I don't prefer that in front..." Member Neibert said, "I'm personally not unopposed to not having arborvitae all the way around, as long as there is some kind of shrub that's going to be three to four feet high..." Mr. Elia, "Absolutely agree with you." Member Young, "Taller than 18 inches." Member Neibert, "That's going to hide and give you some privacy from the patio and also from the street. You are going to look back and see basically a shrub line rather than all of this stuff. I don't have a problem with that." Sidebar discussions ensued.

Member Young asked, "From your house, you go out the back, is it, and then across the driveway to go in?" Mr. Elia, "I'm sorry. I apologize, I didn't understand..." Member Young, "When you come from your home, you would go out the back door, I assume. Is that in the far back of the..." Mr. Elia, "There's a garage there so yes it's at the back of the house, at the very back of the house, in fact, but before the garage starts." Member Young, "So then you're crossing over the driveway and going to the back." Mr. Elia, "Yes, that's right." Member Young, "was there a reason you didn't consider putting it in the center?" Mr. Elia, "Yes, that would just take the whole lawn away." Member Young, "You've got lawn going from here to here." Mr. Elia, "I know. I would block the whole lawn all the way going back. That's the logic behind that, the reason why."

Member Neibert offered, "I don't think it matters at this point, the thing is in there. As long as you do a nice shrub job around the perimeter of the thing to soften it and hide it from the street and from yourself. That's all I'm looking at right now; just to make sure that it's a year-round shrubbery."

Member Blackler said, "I'm going to second the motion."

Chairman Williams said "We have a motion here that Andy made, a while back, and we have had discussion. We have a second with Pat Blackler."

Members Dyson and Neibert suggested the stipulation that there be shrubbery around the patio.

The Chair asked for any further discussion. Hearing none the Chair called for the vote. Voting in favor were Chairman Williams and Members Blackler, Ramsgard, Neibert and Dyson. Member Young voted against. Member Smalley abstained. The Chairman called the motion passed on a vote of five yea to one nay, with one abstention.

This public hearing was closed at 8:00 pm.