

Village of Skaneateles
Zoning Board of Appeals Public Hearing
November 27, 2012

Continuation of the Public Hearing in the matter of the application submitted by **Francis Moran** to vary the strict application of Section 225-A5 Density Control Schedule for Front yard set-back, Side yard set-back, Right, Both side yards combined and Percentage of open area; and Section 225-14C (5) (a/b) Accessory Buildings, distance to lot lines or structures to construct a two story four bedroom dwelling with deck, 2 car garage and driveway at the property addressed as **62 Fennell Street** in the Village of Skaneateles.

Present: Lisa Banuski, Chairman
John Crompton, Member
Stephen Hartnett, Member
Larry Pardee, Member

Riccardo Galbato, Attorney for the ZBA
Dennis Dundon, Clerk to the ZBA

Bob Eggleston, architect, representing the Applicant
Frank Moran, Applicant

Herbert Alexander, 19 West Austin St., Skaneateles
Michelle Alexander, 19 West Austin St., Skaneateles
Bob Chapman, 60 Fennell St., Skaneateles

Absent: Craig Phinney, Member

Chairman Banuski reopened the Public Hearing at 7:45 pm announcing continuation of the Public Hearing held October 23, 2012 in the application of Francis Moran for 62 Fennell Street.

Mr. Eggleston introduced himself and presented, "Taking the comments from the Board and neighbors last month, we did a significant reduction of the size of the house. We have reduced the required variances down to two. Basically what we have done is the south side yard setback which required 10 foot 6, the setback will be at 10 foot 6, so we are on the required setback there. The Austin street side yard – we have put the house proper at the required 17.9 actually 18 feet setback. We did feel that the porch is a very important part of the structure and we have maintained a 7 foot wide porch that does encroach into the required yard that will have a 13.3 foot setback. But because of the location of the sidewalk, it is actually 17.2 feet off the sidewalk, because the sidewalk is not right up against the road line – it is out into the right of way a little bit. So I just wanted to put those two numbers on there so you have the right perception of where that was."

Mr. Eggleston continued, "The garage we have always maintained a larger side yard setback on the south side, 5 feet where 3 is allowed. We did decide to pull it back 15 feet to the required setback, so the garage is totally conforming to the side yard. There will be no shadowing effect on the neighbors, the Alexanders, to the east. In the original location with a 5 foot height and an 8 foot eave and 45 degree sun angle, you'd have 3 feet of shadowing on the property. The open space has been enlarged to 74.7% from 71.6% so we've made some strides there. We have reduced the required variance for that. So we are just asking for an open area of 74.7% where 85% is required, and the left side street average of 17.9 on Austin Street for the porch only – 13.3 where 17.9 is required. The house itself; we've reduced the footprint by over 250SF. The living space we have reduced over 450 SF of living space. We have maintained the two-story house. I took photos up Fennell Street and Austin Street and actually the majority of the houses are two-story houses. I think this house is consistent with the type of house that you do find in the neighborhood. Are there any questions that you have regarding the revisions we have made to the project?"

Chairman Banuski asked, "The big spruce tree still has to come down, correct?" Mr. Eggleston, "Yes it does." Chairman Banuski said, "Actually from a shadowing standpoint the garage is an improvement anyway. We have been asked by the Village Board on all our projects to look at trees. It was pretty apparent that that tree was going to have to come down, and a spruce of that age becomes problematic after a certain age anyway. But I did want to remind the Board that we have just been asked by the Trustees to really review our tree plantings in Skaneateles." Mr. Moran said, "I hope my neighbor, Herb, will be satisfied. We've got 39 feet between his house and the line, the property line. That plus the 15, I think we're going to be pretty far away from him. I know he spoke at the last meeting. He was concerned about his plants." Chairman Banuski, "Well, we did leave the Public Hearing open so we can continue to hear comments. Have you reviewed these plans with the neighbors?" Mr. Eggleston said, "I actually sent them to Mr. Campbell [Chapman], because I know he had the greatest concern relative to the house and what not. And again, the variances do not directly affect either of the neighbors." Chairman Banuski, "Actually, I think the density does affect the neighbor." Mr. Eggleston, "The setbacks are what is legally allowed." Chairman Banuski, "Correct. But I do think the density is an issue in the neighborhood."

Chairman Banuski opened the public comment portion of the hearing, asking that participants state their names if they wish to speak. Mr. Alexander said, "My name is Herb Alexander and I'm the Austin Street neighbor to the property. I'm concerned that it is too much house for the size lot, and the open space is a problem. That's my opinion." Chairman Banuski asked, "Any other comments while we are in this stage of the hearing?" Mr. Chapman said, "Sure. My name is Bob Chapman. I'm the homeowner to the south side at 60 Fennell Street. I thank Mr. Eggleston for sending me a copy of the plans to give me an opportunity to look at them again, which I appreciate. Going back to my original comments from the last meeting, I basically had two concerns. Number 1, the size of the house for the property that Herb just identified. And also drainage was another issue that we discussed at the last meeting. That lot tends to flood in the spring and after a heavy rainfall to the southwest corner of the property. I'm concerned about any water going into the basement, with my house being to the south side of that. So I still have two concerns. I was somewhat displeased with the amount of reduction. When we talked about

the size of the house at the last meeting, and how large it was. They basically took 2 foot – the length stayed the same, the width, 2 foot basically came off. Increased the open space by 3 percent. So I was a little disappointed from the way we directed this meeting last time in regards to the size of the house. The drainage I still have the concern about for sure, and how that will be identified. And I am still concerned about the size of the house to the property, when they consider only 2 feet's been taken off from the last meeting we were at. So I was basically not pleased with that from the adjacent owner. So those are my comments and I think that we covered it all at the last meeting. And I do appreciate again Mr. Eggleston sending me the plans in a proactive way.”

Chairman Banuski asked, “Bob, can you address the concerns about drainage?” Mr. Eggleston, “Sure. Drainage; we have the ability to put gutters on the buildings and we can direct them into the storm sewers, so basically we should be able to counter-effect any negative impact by having the hard surface of the garage and the house by directing it into the storm sewers and not having it accumulate on the yard. That should mitigate any adverse effect by putting the house and the garage in there. So the only additional drainage would be from the driveway, and I've kind of; it's a function of exactly what level we put the garage at, how much we build it up, can we get a reverse slope on the driveway – so it goes back towards the street as opposed to onto the property.” Chairman Banuski said, “That looks like it is pretty easily done on that piece of property. From having walked by it, it is fairly level.” Mr. Eggleston, “Correct. Yep, yep. And also just to clarify Mr. Chapman's comments about the lack of reduction of the house, we have actually taken 10 feet of width off the house, not 2 feet. The back of the house is 24 feet, we used to be 26 feet – but we had an 8 foot extension for the kitchen, which is now just a token 2 foot extension, with only 22 feet on the inside. So the front of the house was 26 feet; it is now 22 feet. The kitchen reverse gable was 8 feet, it is now 2.3 feet. So we have really reduced the house 10 feet in width.” Mr. Chapman said, “For the jag itself, I agree. 2 foot on the normal cube, I'm going to call it, and the jag is, I agree.” And if the drainage can be taken care of for that issue, Bob solves that with his expertise, I'm OK with that. I am still concerned about the size of your house.”

Ms. Alexander said, “I'm Michelle Alexander and I have a question regarding the height of the driveway. When you go to do drainage, is that going to stop the water from flowing from our side of the house down?” Mr. Eggleston, “Yes, well I guess the question is -- are you no longer going to drain as much onto our property? We still have 15 feet of space to absorb your drainage, so we can keep that way to receive your drainage.” Chairman Banuski, “But water doesn't flow from this property onto your property.” Ms. Alexander, “No. But I didn't want them to be able to build something up where it would block ours where it would start to back up onto our property.” Chairman Banuski, “Well if you have water that's draining onto that property, at 15 feet, then I would say that you have some problems with the drainage on your property that they may as neighbors would want addressed. If water is not flowing from their property onto your property then I don't see, when coming up the hill, that it could ever affect water in your basement.”

Chairman Banuski said, “I also think that this is still a very big project for a very small lot. This is some reduction, but when I looked at the elevations I really couldn't see much. I look at the site plan and I can see that it has been pulled off the property line to the south. But the Austin

Street elevation looks identical. I didn't have a south elevation in my previous drawings, so I can't compare what the south elevation looks like what this one set of neighbors really will see." Mr. Eggleston, "It will be similar. In other words the south elevation really hasn't changed a lot. We didn't draw it before; I did that so we had all four sides. But it's been pulled back. Again, remembering that Mr. Chapman's house there is a small house there and they have the right to come in and build a 35 foot high house. At what point might that house be redeveloped? Who knows. It has been in Mr. Chapman's family a number of years."

Chairman Banuski asked, "Does anyone else have comments or questions?" Member Crompt said, "No comments or no questions." Chairman Banuski said, "Then I move that we close the Public Hearing." Member Crompt said, "I'll second that." Upon the unanimous vote of the members present in favor of the motion, the Public Hearing was closed. Chairman Banuski said, "I'll take a motion."

Chairman Banuski said, "I will move that we approve the application submitted by Francis Moran for section 225-A5 Density Control Schedule, 225-14C Accessory Buildings to construct a two-story four bedroom dwelling with deck, two-car garage and driveway at 62 Fennell Street in the Village of Skaneateles. This is based on drawings dated 16 November 2012. This is a Type 2 transaction. I need a second." Member Pardee said, "I guess I'll second."

Voting in favor of the motion was Member Hartnett. Voting against the motion were Chairman Banuski and Trustees Crompt and Pardee. Therefore the motion was defeated and the variances were denied on a vote of 3-1.

This matter was concluded at 8:02 pm.