

**Village of Skaneateles  
Planning Board Meeting  
December 7, 2023  
Skaneateles Village Hall**

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Special Use Permit (Section 225-23) and Area Variance recommendations in the matter of the application of Eileen & Michael Nelson to construct a supplemental dwelling unit above the detached garage and to vary the strict application of Section 225-A5 Density Control Schedule for Side yard setback, left; Rear yard setback; Minimum open area; and Percentage of structure width/lot width; and Section 225-69D Non-conforming Buildings, Structures and Uses, Extension or Expansion; at the property addressed as 40 West Genesee Street in the Village of Skaneateles.

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Present:       Stephen Hartnett, Chairman  
                  Connie Brace, Member  
                  Melissa Komanecky, Member  
                  Jeff Liccion, Member

Riccardo Galbato, Attorney for the Planning Board  
John Crompt, Code Enforcement Officer  
Ian Carroll, Municipal Planning and Development Coordinator  
Beth O'Sullivan, Deputy Zoning Inspector  
Dennis Dundon, Clerk to the Boards

Andy Ramsgard, architect, on behalf of the applicants  
Eileen & Michael Nelson, applicants

Bob Eggleston, 1391 E Genesee St  
Clark Maher, 2 W Lake St  
Katie Hess, 34 State St  
Rene Ridgeway, 5 W Elizabeth St  
Helen Ridgeway, 5 W Elizabeth St  
Tom Fairhurst, 20 E Elizabeth St  
Amy & Pat Schiek, 2876 County Line Rd  
Bill Murphy, 3 Fennell St  
Guy Donahoe, 4493 NW Townline Rd  
Tom Billone, 20 E Genesee St

Excused:       Albert Giannino, Member

At 7:26 pm, Chairman Hartnett called for the Nelson matter for 40 West Genesee Street.

Attorney Galbato recapped the application to construct a supplemental dwelling unit above the detached garage. The CEO has determined that it requires a special use permit and area variances. This Board is to make an advisory opinion to the ZBA.

CEO Crompt reviewed the historical context and explained that the space was originally developed as an office and occasional family sleeping area. The then-owner had agreed that it was not to be a rental nor a professional office, but was reserved for family use. The house was used as multi-family until 2017, when converted back to single family. At some point prior to 2021, a previous owner had added a kitchen facility to the space to create a supplemental apartment and had rented it out, flouting Village Code. The applicants had continued that practice until receiving a violation notice. A burst water pipe caused damage that requires repair, hence this application for a supplemental dwelling unit. The applicants understand that rental for financial gain is not permitted.

Mr. Ramsgard noted that CEO Crompt's description was accurate and the applicants agree with it. He continued that in 1995, Mr. Havemeyer understood that the space was for personal use. The Nelsons bought the property with a kitchen installed in the space. The property has had the preexisting nonconforming use for more than 30 years. Mr. Ramsgard wished to clarify that this request is not to construct the use, but to rebuild it as it was.

Member Liccion asked how many egress points there are? Mr. Ramsgard answered Two. Member Brace stated that she has a problem with the rear setbacks which are much greater for a supplemental dwelling unit than for a garage.

Mr. Nelson said that they did not realize that rental was not permitted. Ms. Nelson said she would like to have a kitchen in the space. It was great when they had a renter.

Chairman Hartnett noted that the structure is less than 1 foot from the property line. The Board can recommend to approve or deny the application or to move it forward to the ZBA without recommendation. Member Liccion suggested that the Board might favor approval without a kitchen.

**Member Brace, "I move that the Planning Board, having considered the Nelson drawings dated 11.10.2023 recommends that the ZBA deny the special use permit and area variances to develop a supplemental dwelling unit at the property at 40 West Genesee Street. However, the Planning Board would recommend approval of the special use permit and area variances application if it were amended for development of a carriage house."**  
**Member Komanecy seconded the motion.**

Under Section 225-39I, the Planning Board recognizes the elements that the ZBA will review, and furnishes its perspective below [Board findings in BOLD]:

*Before issuing a special use permit, the Zoning Board of Appeals shall consider the public health, safety, morals and welfare and shall make the following findings:*

*(1) There shall not be any unreasonable detrimental effect by the establishment of such conditional use on any other building, structure or use, actual or permitted, within the district. **This is an existing condition.***

*(2) Such conditional use and site development plan are in harmony with and will not impede the orderly development of the district, and the location, nature and height of buildings, structures, walls, fences and parking areas will not discourage the appropriate development and use of the adjacent lands. **This is an existing condition.***

*(3) The water supply, sewage disposal and surface drainage systems shall be adequate to serve the conditional use. **This is an existing condition.***

*(4) The flow, control and safety of traffic in the district will not be adversely affected to an unreasonable degree by such conditional use. **This is an existing condition.***

*(5) The plans for such conditional use provide that all structures, equipment and materials shall be reasonably accessible for police and fire protection. **The driveway comes straight in.***

*(6) The plans for such conditional use contain reasonable provision for open spaces and recreational areas appropriate to such conditional use. **This is an existing condition.***

*(7) The plans for such conditional use meet the prescribed requirements of this chapter, inclusive of the requirements for the district in which located and the following prescribed standards, and are not otherwise prohibited by law, ordinance, rule or regulation. **Either use requires a special permit.***

Under Section 225-57, the Planning Board recognizes the elements of the balancing test that the ZBA will undertake, and furnishes its perspective below [Board findings in BOLD]:

*In making its determination, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the Board shall also consider and determine:*

*[1] Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; **No.***

*[2] Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance; **No.***

*[3] Whether the requested area variance is substantial; **Yes. The setbacks required for a dwelling unit are 30 feet, for a carriage house they are 15 feet. The existing structure is 1 foot from the property line.***

*[4] Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; **No.** and*

*[5] Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Zoning Board of Appeals but shall not necessarily preclude the granting of the area variance. **No, this is an existing condition.***

**Upon the unanimous vote of the members in favor of the motion, the motion was carried 4 – 0.**

This matter was concluded at 7:44 pm.

Respectfully submitted,  
Dennis Dundon, Clerk to the Boards