

**Town Board Meeting Special Meeting  
Zoning Code/Comprehensive Plan/Open Space  
Public Hearing  
October 15, 2020  
7:00 p.m.**

**ZOOM meeting id: 88557567494 password: 010739**

**Present:** Supervisor Aaron, Councilor McCormack, Councilor Tucker, Councilor Alexander, Councilor Legg, Attorney Smith.

**Also, Present:** Joel Russell (Planning Consultant), Karen Barkdull (Planning and Zoning Clerk), Scott Molnar (Planning and Zoning Attorney), Howard Brodsky (Town Planner), Kim Benda (Zoning Board of Appeals Secretary), Christine Buff, Holly Gregg, Bob Eggleston, Scott Winkelman, Jason Gabak, Paula Powell.

**Introduction Janet L. Aaron, Town Supervisor:** Supervisor Aaron opened the meeting with the following introduction:

*"Thank you everyone for attending. We are asking everyone attending this meeting to identify who they are so we can have it for the official minutes of the meeting.*

*My name is Janet Aaron, and I am the Town Supervisor, also in attendance are Town Councilors Mark Tucker, Kevin McCormack, Courtney Alexander, and Chris Legg. Julie Stenger, Town Clerk will be taking minutes of the meeting and Brody Smith is our Town Attorney. Joel Russell, planning consultant and land use attorney, Howard Brodsky, Town Planner, Karen Barkdull, Planning and Zoning Clerk, Scott Molnar Planning and Zoning Attorney and Kim Benda Zoning Secretary.*

*Tonight, the Town Board has scheduled a public hearing to consider adopting a draft Zoning Ordinance, Comprehensive Plan and our first Open Space Plan.*

*The review of the Zoning and Comprehensive Plan began in early 2016 when Joel Russell, and Howard Brodsky were retained to work with the Town to update these documents. From that point several drafts were presented to our Planning and Zoning Boards for review. A series of public informational meetings with Joel Russell were held in October 2017. In May of 2019, a Zoning Committee consisting of Karen Barkdull, Howard Brodsky, Brody Smith, and Scott Molnar, was formed to do the final revisions in coordination with Joel Russell. Working together, this committee along with Joel completed the final zoning draft along with the draft Comprehensive Plan. The draft Open Space Plan has been in its final draft version since October 19, 2016. A special thanks to Claire Howard, former Town Councilor, and her committee for bringing it to this point.*

*On August 17<sup>th</sup> the Town Board adopted a resolution scheduling tonight's public hearing, declaring the Town Board as lead agency for purposes of coordinated review under SEQRA and authorized the Town Clerk to refer all documents to Syracuse-Onondaga County Planning Agency*

*(SOCPA), the Cayuga County Clerk, the Town Planning Board and Zoning Board of Appeals, the Village of Skaneateles, and the Towns of Niles, Spafford, Marcellus, Camillus, Elbridge, Owasco and Sennett.*

*On September 24, 2020 a public informational meeting was held where the Town Board, Brody Smith, Joel Russell, Howard Brodsky, Karen Barkdull and Scott Molnar were available to answer questions and give an overview of all documents and a summary of changes to the Zoning. Notice of tonight's public hearing was published in the Skaneateles Press on September 30<sup>th</sup> and October 7<sup>th</sup>. On August 18<sup>th</sup>, the notice was posted on our official sign board and added to the Town's website.*

*On September 10<sup>th</sup> the Zoning Board of Appeals submitted a letter encouraging the Town Board to advance the proposed amendments to the Zoning Ordinance, the Comprehensive Plan, and the Open Space Plan. On September 15<sup>th</sup> the Planning Board submitted a letter recommending adoption of Local Law C of 2020 amending Chapter 148 of the Town Code (The Zoning Code) and the Town Comprehensive Plan, reserving to the Town Board the obligation to complete SEQR review as required. On September 23, 2020 Onondaga County Planning Board submitted a resolution commending the Town for updating its zoning code concurrent with the comprehensive plan revisions in order to further align the Town's regulatory tools with the goals of the Comprehensive Plan.*

*The Town received two emails from Bob Eggleston. One on October 8, 2020 and the other on October 14<sup>th</sup> and one October 15<sup>th</sup> with very detailed questions, comments, and concerns on various sections of the zoning code. He commented that many of the changes are improvements for sound reasons and he made an overall blanket appreciation to the Town for listening to comments in the various forums and responding in a positive adjustment to the law.*

*When we open the public hearing please state your name for the record. Our Town Clerk, Julie Stenger will be documenting all questions and comments for the Board to review before considering the adoption of these documents. We want to be sure everyone has an opportunity to be heard.*

*Before I ask the Board to open the public hearing, I would like to give a brief overview of the history of the Comprehensive Plan. Joel Russell was first retained by the Town of Skaneateles in 1992 to help develop our first Comprehensive Plan with corresponding zoning. As I reviewed at the Informational meeting, it took 4 years and many meetings with various segments of our community and holding public hearings to make sure all parts of our community were heard. The first Comprehensive Plan with coordinating zoning was adopted in 1996. In 2001 Joel was again brought in to guide us on updating the Plan and corresponding zoning and in 2005 those documents were adopted. In 2010 the Town basically did a rewrite of the Comprehensive Plan and did not use Joel Russell or update the Zoning. It was adopted in the fall of 2015. In early 2016 the Town once again retained Joel Russell to correct inaccuracies in the 2015 Plan and to make sure the zoning was consistent with what was in the Comprehensive Plan. The Zoning was completely redesigned by Joel to be more user friendly and that is where we are today.*

*Before the Town Board opens the public hearing, I would like to introduce Joel Russell who will give an overview of the Zoning and Comprehensive Plan documents."*

*Joel has advised the Boards on our Zoning and Comprehensive Plan for 28 years. Joel provides legal and planning services to public officials, landowners, conservationists, and developers committed to a sustainable future. He works with clients who want to strengthen urban centers, protect the environment, and preserve the special qualities of the countryside. Joel drafts planning and zoning documents that resolve conflicts between development and conservation, using "smart growth" concepts to find solutions that accommodate needed development while protecting open space environmental resources. I have known Joel for all of the 28 years he has worked with and supported the Town, and it is my honor to introduce Joel who is well known in our community and has gained our trust and respect."*

**Joel Russell - Overview of the Zoning, Comprehensive Plan and Open Space Plan:** Planner Joel Russell thanked Supervisor Aaron and the Board. Skaneateles had been his client for 28 years and he is happy to continue working with the Town and the Boards to keep the Zoning and Comprehensive Plan up to date.

Mr. Russell stated the purpose of tonight's meeting is to hear from the public. An informational meeting was held on September 24<sup>th</sup>. At that meeting people asked questions and he and the Board reviewed the questions at that time. This meeting is about the public asking the questions and giving comments on the documents. The public's questions and comments will be reviewed by the Town Board, Joel Russell and the Zoning Committee before considering the adoption of the updated Zoning Chapter 148 and the Town of Skaneateles Comprehensive Plan.

The Comprehensive Plan was adopted as a joint Village and Town Plan in 2015. There were some issues when the Town wanted to translate the Comprehensive Plan into the Zoning. Mr. Russell stated they updated the Plan in 2018 to be able to adapt the zoning. At that point, the Village chose not to be a part of the updated Plan, so it became a Town of Skaneateles Comprehensive Plan. The changes are not substantive, they are factual corrections and structural. The changes do not change the goals of the community or what Skaneateles wants for its future. The Comprehensive Plan is the guidance document on revising the Zoning. When they looked at revising the zoning to coincide with the Comprehensive Plan, they realized the Plan needed to be rewritten so it was clear what to do with the zoning. Revising the zoning had been a long process. The main purpose of revising the zoning was to make it a document people could understand. There are many changes to the graphics and structure to make it easier to use. The organization is easier to find things in the graphs and charts. There are some substantive changes, largely in the areas of the approval procedures, making it more streamline, especially for smaller projects. More of the approvals would be by Site Plan Review, rather than Special Permit. The updated document created more flexibility in property uses, to allow more uses over time especially mixed uses and to allow more residential uses in Highway Commercial and Hamlets. A lot of that was changed because of the concerns people have with affordable housing. Skaneateles has become very expensive and there is only so much you can do in zoning, but these changes will allow for more of a variety in housing types and slightly more use of property to help make more affordable options.

Mr. Russell also stated there are changes in the Open Space Development where on larger properties you would preserve a larger portion as open space. This process had been simplified and the number of options are more straight forward.

Mr. Russell also stated they took parts of the zoning code, particularly regarding the Lake that were in different parts of the zoning and consolidated them into one section of the Zoning Code and strengthened the protections on the Lake in the process of doing that.

Mr. Russell stated the section on signs was out of date because of a US Supreme Court decision a few years ago, so this section was significantly changed to comply with the current law. There were not significant substantive changes made to the sign law, the changes were to make it legal.

The Town Open Space Plan was unchanged from the original 2016 Plan. The Open Space Plan was held back in order to make it part of the Comprehensive Plan. He stated the Comprehensive Plan, Open Space Plan and the Zoning Code will be three documents that will all go together and are consistent with each other and will reenforce the goals of the Comprehensive Plan.

Supervisor Aaron asked if any of the Board or Committee members had any comments at this time. No one spoke.

On a motion of Councilor Tucker, seconded by Councilor Legg and with unanimous (5-0) affirmation of the Town Board, the Public Hearing was opened to consider Proposed Local Law 2020-C "A Local Law Amending Chapter 148 of the Code of the Town of Skaneateles", the draft "Town of Skaneateles Comprehensive Plan" and the draft "Open Space Plan".

Supervisor Aaron asked if there was anyone who had any questions or wished to speak in favor of or against, or had any comments regarding the Proposed Local Law 2020-C "A Local Law Amending Chapter 148 of the Code of the Town of Skaneateles", the draft "Town of Skaneateles Comprehensive Plan" and the draft "Open Space Plan".

**Bob Eggleston, Architect:** Mr. Eggleston spoke to the Board regarding his emails he had submitted to the Board with his list of questions and comments. He reviewed the structure of his emails and stated his questions and comments were regarding the Zoning Code. He stated regarding some of the items in his correspondence he would like to request a discussion with the committee to understand why a section was changed.

Mr. Eggleston stated he had spoken at the Informational Meeting regarding impermeability and the definition of ponds, also the unintended consequences of changing impermeable surface coverage and open space to impermeable coverage maximums and permeable coverage maximums. 10% on a 2-acre lot does not seem significant but it also applies to 50% impermeable coverage and 10% permeable coverage in the Hamlets. A simple solution would be to have impermeable coverage limited to a certain percent and the total permeable and impermeable to another percent, therefore permeable, which is the preferred construction is allowed to creep into the impermeable allowances rather than people having to make things impermeable to keep the permeable within a certain limit. He stated we need to start thinking about making the Zoning Law into what you can do and not what you cannot do. If we can make this a positive proactive law, it reframes the whole thing for the same net result.

Mr. Eggleston appreciated everyone had to work within a box. He stated he works in a world where there are no boxes, there are no standard lots and there is no formula of what they want. People who read the zoning say they see what they cannot do, and they come to him and ask what they can do.

He stated one of the sections in the law he thought was very progressive was the section on nonconforming structures and lots. This is challenging for the typical person to understand. Compared to the Village where everything is nonconforming most everything needs to apply for a variance, which the Village likes. Mr. Eggleston stated he will apply for up to 60 variances in a year in the Village and in the Town, he would apply for only 12 variances in the year. 20 years ago, he would apply for more variances in the Town, but the Boards have created the section on nonconforming structures and lots that does tell someone what they can do.

One of the goals was to simplify the zoning, he stated the outcome of this will be seen in a year or two. He reviewed his comments on Article 8. He stated he wanted to make sure we are not creating frivolous variances that will obviously be approved. He asked the committee to look carefully at this section. He would love to have a discussion on the nonconforming section with the committee or Joel Russell. Mr. Eggleston said his goal is to not go to the Zoning Board of Appeals with his clients.

Mr. Eggleston reviewed his concerns with the definition section. He stated they now had discerned between accessory apartments and accessory dwellings in the definition section, but accessory dwellings are not allowed on the use chart. Also, in this section there are no size limits or application requirements for an accessory dwelling. Now that there are two uses this should be included in all the language.

Mr. Eggleston reviewed Article 148 -7-1 k(2), and stated Howard Brodsky did a brilliant job in creating a cheat sheet for each project to help with the application process. This makes sure every application is looked at and nothing is missed. He stated one of the changes in this section is if an applicant is within 1000' of the lake there are a number of things that can trigger a review and if an applicant is within 200' of a watercourse other than the lake a number of things trigger a review. In the previous zoning it was all within 200' of the lake or a watercourse applicants require site plan review, if an applicant is disturbing more than 500 square feet, which is approximately the size of a 2 car garage, you have site plan review, if you have a house footprint more than 2500 square feet it requires site plan review. Currently under shoreline structures it was anything within 200' of the lake requires site plan review, now in the proposed document it requires anything within a 1000' of the lake requires site plan review. There are already provisions that require site plan review. For smaller structures, such as a shed when there are no other issues such as impermeable surface coverage these applications should not have to go through a two-month process with the Planning Board and the additional cost to the applicant. He stated he is opposed to this change and it should be changed back to 200'.

Mr. Eggleston reviewed some issues that were not changed in the update to the zoning and had been "changed by policy" over the years. The Board should take this opportunity to incorporate these changes in the Law.

Mr. Eggleston reviewed existing construction. He stated this was taken verbatim from the previous Zoning Code. It states if an applicant had gone through the zoning process and had received

approval for a Special Permit or Site Plan Review or Variance and the building permit; the applicant is protected under the old zoning and can finish their project, but if an applicant has their approvals but not their building permit the applicant would have to start the process over. This could cause people to apply for more variances. They might decide if they have to go back for approvals again, they might add a few more requests on to the project, he stated he called this, tag-on variances, this would be especially true with nonconforming lots. He stated he did not want to see the additional cost passed on to the applicants. In the current zoning when an applicant receives approval for a Special Permit, they are not required to get their building permit for 18 months and for a Variance it is 12 months. He stated he would like to see this changed to; if you have an approved zoning project, regardless if you have the building permit yet, you are allowed to continue with your project under the previous zoning. Currently there are projects that have issues outside of their control and do not have their building permits; for example there is a project on the east side of the Town that had been waiting for the Village water project to be completed due to the problems they had with the water pressure and the Health Department approvals.

Mr. Eggleston commended the Boards and the Zoning Committee for their work on these documents. He stated he did not want the Board to get close to the finish line and just approve it. He stated the Board should get the best document they can, review all the public comments and look at it from the taxpayer point of view and not create some undo hardship on property owners.

**Christine Buff:** Christine Buff stated her question refers to the Comprehensive Plan. She asked the Board about commercial development in the Hamlets, north of the Village. Is the purpose of suggesting commercial development move north of the Village to alleviate congestion in the Village or to give more opportunity to smaller businesses, or are they looking at industrial development?

Supervisor Aaron stated the information meeting held on September 24<sup>th</sup> was the forum for a dialogue with the board and the Zoning Committee. Supervisor Aaron stated her question would be reviewed by the Board, the Zoning Committee and Joel Russell and would let her know their findings. Supervisor Aaron thanked her for her question.

**Holly Gregg:** Holly Gregg thanked all the people involved with this update. He said he knows how much work goes into this type of update and appreciated everyone's hard work. He specifically thanked Joel Russell and stated he was thrilled to still have Joel Russell on board. Mr. Gregg stated he worked with Joel Russell in the 90's on the original zoning and he has great respect for Mr. Russell.

Mr. Gregg spoke about the signage change. He stated he was under the impression signage from large national franchise companies are not allowed in the Town. Looking at the zoning and he does not see any definition on types of signs only technical statements. At a Planning Board meeting the subject of signage came up regarding the large hotel project on Old Seneca Turnpike, Planning Board Chair Joe Southern stated large commercial signs are not permitted, and he asked if the Board or Joel Russell could give some clarification on what is permitted. He stated he did not find in the zoning code where large commercial signs, such as large hotels or fast-food franchises, are not permitted.

Joel Russell responded that we cannot regulate signs based on who owns them or what type of business they are, you can only regulate signs based on things like size and illumination. There are

restrictions on size and illumination, and this is what you would have to look at. You cannot prohibit signs from national franchises. There had been regulations in the zoning for quite a while about trademark architecture and that is tricky. It is very tricky to try and regulate signs and especially ownership of signs. Mr. Russell stated he and the Zoning Committee will take Mr. Gregg's comments into consideration during their review. Mr. Gregg stated he feared the community will be creating an Erie Boulevard type of look in the future and that is not what we want.

Mr. Gregg asked what the timeline of adoption for the Zoning Code, Comprehensive Plan and Open Space Plan. Attorney Smith reviewed the Board's intended timeline. When the Public Hearing is closed, it is the intention of the Board to leave the public comment period open for a period of time for written comments, approximately 10-14 days. Following the public comment period, the Board would conceivably be able to vote at the next Town Board meeting. This would have satisfied all the legal obligations of the Board. That being said if substantial changes to the Code are made following the comments, if he and Planning and Zoning Attorney Scott Molnar conclude the changes made from the comments are substantive, the Town Board would be required to repeat the process to give people the opportunity to comment on those substantive changes.

Mr. Gregg stated he believed most of the changes that would be made from the public comments would be relatively minor and the process would move forward.

Mr. Gregg stated on behalf of Skaneateles Lake some of the provisions added to the Code, including the provision of site plan review for any work 1000' feet from the lake is a great idea. Those who are concerned about our lake protection are positive about this change. This is a big and important addition for those members of the organizations such as the Skaneateles Lake Association (SLA) and the Citizens to Preserve the Character of Skaneateles (CPCS). Everyone is concerned about the quality of the lake and it is concerning to take a boat ride on the lake and see house after house along the shoreline. He stated he is hoping the Town Zoning Code will get people to think twice about development down the lake, he hoped it is not too late. These are welcome changes in the Code for protecting the quality of our lake.

Mr. Gregg thanked the Board, Zoning Committee and Joel Russell for all their work on these important documents.

Supervisor Aaron stated we all understand the importance of protecting our lake and the water quality, it is the jewel of our community. She thanked Mr. Gregg for his comments.

With no further comments. Supervisor Aaron asked the Board for a motion to close the Public Hearing.

On a motion of Councilor Tucker, seconded by Councilor McCormack and with unanimous (5-0) affirmation of the Town Board, the Public Hearing was closed and with Board agreement the Public Comment Period would be left open till October 26, 2020.

Supervisor Aaron stated Attorney Smith had reviewed the legal steps required by the Town Board from this point further. It may take some time for the Zoning Committee to thoroughly review all the comments received. Supervisor Aaron stated the Committee would take some time and meet with Architect Bob Eggleston to review all his comments and questions. The soonest the Zoning

Code, Comprehensive Plan and Open Space would be back on the Town Board agenda would be the second meeting of Monday, November 16, 2020. At that time, the Board could complete the SEQR process.

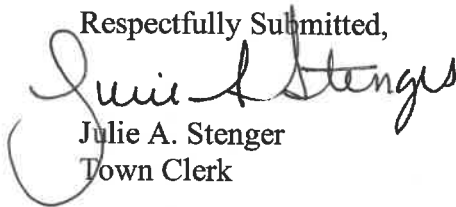
Attorney Smith agreed with Supervisor Aaron to have the meeting with Mr. Eggleston and then make the determination as to whether any changes from that meeting would be consider substantive. It does not make sense to go through the SEQR process if it is going to change. He stated the Zoning Committee would report at the next meeting on their determination.

Joel Russell thanked the Board and all participants for their work and patience in the review of these documents. He stated he had enjoyed working with the Town and Janet for 28 years and he is looking forward to concluding this process.

Supervisor Aaron commended the Town Planning and Zoning Boards for all their work also. These positions are basically volunteer, and many have dedicated years to protect the community we all live in. She commended all the Zoning Committee members, Karen Barkdull, Attorneys Scott Molnar and Brody Smith and Howard Brodsky along with Joel Russell. Revising these documents was a lot of work.

On a motion of Councilor Tucker, seconded by Councilor McCormack the meeting was adjourned at 7:50 pm.

Respectfully Submitted,

A handwritten signature in dark ink, appearing to read "Julie A. Stenger". The signature is fluid and cursive, with the first name "Julie" being more prominent and the last name "Stenger" following in a similar style. The signature is positioned to the left of the printed name and title.

Julie A. Stenger  
Town Clerk