

**TOWN OF SKANEATELES
ZONING BOARD OF APPEALS
MEETING MINUTES OF
March 4, 2025**

Present:

Denise Rhoads, Chair
Kris Kiefer
David Lee
Sherill Ketchum
Scott Molnar, Attorney (Via Zoom)
Karen Barkdull, P&Z Clerk
Aimie Case, ZBA Clerk

Chair Rhoads opened the Zoning Board of Appeals meeting at 7:00 pm. Vice Chair Palen was absent. Counsel Molnar was present via Zoom.

Minutes

Previous distribution to the Board of the regular meeting minutes of February 4, 2025, had not yet been executed. All Members present agreed to table the acceptance of the February 4, 2025, minutes to April 1, 2025.

Public Hearing Continuance - Interpretation

Applicant:	Jolene Fitch Finger Lakes Fabrics, LLC 1400 East Genesee Street Skaneateles, NY 13152	Property:	1400 East Genesee Street Skaneateles, NY 13152 Tax Map #042.-01-10.1
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Present: Robert Eggleston, Eggleston & Krenzer Architects, PC
Jolene Fitch, Applicant

Chair Rhoads stated that this application is a request for Code Interpretation, made by the Planning Board. The applicant has modified the application for the Zoning Board of Appeals to consider whether a lodging facility is an accessory use to the service business use that would be a secondary primary use to the existing retail use.

Counsel Molnar commented that at the last ZBA meeting the applicant clarified that they would be seeking a service business for the group education that occurs at the site. The applicant is now also requesting special permit approval for a service business with a lodging facility as an accessory use. The Board can deliberate on whether it makes a difference for a lodging facility should be considered an accessory use to a service business versus a retail business.

WHEREFORE, a motion was made by Member Ketchum and seconded by Member Kiefer to re-open the public hearing. The Board having been polled resulted in unanimous affirmation of said motion.

Mr. Eggleston stated that the original special permit approval was for retail use only although they had introduced group education with the retail store. They are now including it as a second primary use, with the lodging facility associated with the group education for the retreats. They have provided

examples throughout the United States with retreats being three to four days long where the participants stay in the building as part of the group education. He continued saying in his opinion, it satisfies the customary and incidental factors of an accessory use. Event centers may want to have a lodging facility for the bridal party. There could be other applications that could be positive and not a distraction of the intended use for the district. A lodging facility is a permitted use, and group education is a permitted use as well as retail. The lodging facility would be subordinate to the group education. There are safety elements added to this location including a door in the back for easy egress from the area that will be used for the group education and the lodging facility. It is his understanding that he has addressed the concerns of the fire chief and the codes enforcement officer where this can be allowed and meet building code.

Member Kiefer asked for clarification under section 12-2, the proposal now includes the service business and the retail business. Mr. Eggleston said that the retail business stays, and group education is being added as an additional primary use. There is already wholesale, retail, storage, and office use in the mixed use building. Under the definition of service business is group education.

Counsel Molnar said that now that the Board has the facts and request established by the applicant, which is for approval of a lodging facility as an accessory use to a service business, he inquired if that has made a difference for any of the Board Members versus the prior request for a lodging facility as an accessory use to the retail use. Chair Rhoads and Member Lee said it did not make a difference. Member Kiefer said that it does make a difference, for this specific example it is clear that customary use has been established by the applicant, as subordinate and incidental. If it were just looked at in the view of the fabric store, and the quilting, it all made sense. He continued saying it is not that specific in terms of what is being considered by the Board. It is a retail business, and the example of Byrne Dairy as a retail business presented by Mr. Eggleston at an earlier meeting, a lodging facility would not be customary or incidental. Adding the service business to the request makes a defining characteristic to him. Member Ketchum said that she agreed with that as well as it does make a difference in her view of the code for the interpretation. Including the service business made it a lot easier. Mr. Eggleston expressed his opinion that if the group education were discontinued, then the lodging facility associated with it would be discontinued as part of conditions made by the Planning Board on this application. Member Lee commented that if the retail business were discontinued then the service business with a lodging facility would remain. Member Kiefer said that the definition of a service business does not include a retail business. Member Ketchum inquired if Mr. Eggleston's statement is true and it was clarified that with an interpretation, the decision affects all service businesses.

Counsel Molnar inquired if a lodging facility is customary and incidental to a principal use, with this case being a service business, and if the Board has received enough information to answer that question. Chair Rhoads said yes, and Member Lee said that the same definitions apply. Member Kiefer said that he has enough information based on customary, subordinate and incidental.

Mr. Eggleston reminded the Board of the letters submitted from the neighbors and a number of other people in support of the proposal, and Chair Rhoads commented that they have been entered into the record.

Counsel Molnar said that the record is as complete as they can make it, and recommended that the Board close the public hearing.

WHEREFORE, a motion was made by Member Lee and seconded by Member Keifer to close the public hearing. The Board having been polled resulted in unanimous affirmation of said motion.

Chair Rhoads said that they will render a decision at next month's meeting. Counsel Molnar said that he will put together a draft resolution for the Board's consideration on the interpretation.

Continued Review

Applicant:	SUNN 1017, LLC 700 West Metro Park Rochester, NY 14623	Property:	Jordan Rd. / Vinegar Hill Rd. Skaneateles Falls, NY 13153 Tax Map A #018.-04-31.1 Tax Map B #018.-04-29.1
Present:	Andrew VanDoorn, President, Abundant Solar Inc. Matt McGregor, Sr. Director, Abundant Solar Inc. Rebecca Minas, Sr. Engineer, Barton & Loguidice, D.P.C.		

Ms. Minas said that revised plans have been submitted to the Board based on feedback from this Board, the Planning Board, and a pre-application meeting in January. The most significant change to the site plan is the removal of project #3 that was for a 1.6MW community solar array. With the removal of project #3, two variance requests have been removed. The application is now proposing two 5MW community solar arrays, with project #1 needing a rear yard setback of 20 feet where 100 feet is required, and lot area for solar arrays coverage of 30% where 25% is the maximum allowed for a community solar array. Project #2 also is requesting a rear yard setback of 20 feet where 100 feet is required, and lot area for solar arrays coverage of 31% where 25% is the maximum allowed for a community solar array.

Member Kiefer asked for clarification on the lot area coverage and Ms. Minas explained that the maximum lot area for solar arrays is 25% as defined in the solar law. The revised application reduces the number of variances requested from six to four, the same number that was originally requested.

Member Ketchum asked if the small amount of solar array panels located on the western side of project #1 is necessary and if it pays off do to the connection infrastructure required. Ms. Minas said that there are a lot of environmental constraints to the property with Skaneateles Creek running through the property and the easement at the eastern side of the property. Mr. VanDoorn said that it is a financial consideration for having 5MW solar array systems on each lot based on inter-connection costs. He continued explaining that as far as the connecting cables to the rest of project #1 is not an issue. Ms. Minas noted that the area is not in an area that is capped from the remediation that was done. The grey cross-hatched areas on the site plan are the areas were the contaminants have been capped.

Member Lee asked how the lot coverage is calculated with the panels and Ms. Minas explained that includes the perimeter around all of the arrays and connect them and then take the area inside.

Member Ketchum asked about a plan for the end of life of the solar array system. Ms. Minas said that they have submitted a preliminary decommissioning plan to the Planning Board. Member Lee asked if there are any changes to the drainage or hydrology of the land with the installation of the ground mount solar array systems. Mr. VanDoorn said that they adapt to the existing water patterns, and they will not be altering the grade or modifying the existing drainage. A site visit will be coordinated with the Planning Board in March or April.

WHEREFORE, a motion was made by Member Ketchum and seconded by Member Kiefer to schedule a public hearing for April 1, 2025, at 7:10 pm. The Board having been polled resulted in unanimous affirmation of said motion.

<u>Record of Vote</u>		
Chair	Denise Rhoads	Present [Yes]
Vice Chair	David Palen	Absent
Member	Kris Kiefer	Present [Yes]
Member	Dave Lee	Present [Yes]
Member	Sherill Ketchum	Present [Yes]

Counsel Molnar said that at the last Planning Board meeting where the applicant presented, the applicant suggested that the Planning Board act as lead agency for SEQR review for this project. If this action is going to public hearing for the Zoning Board of Appeals, then he recommended that the public hearing be left open until such time as the Planning Board has completed their SEQR determination.

Member Ketchum asked if the board would need to have hard hats and boots for the site visit. Mr. VanDoorn said that no special equipment will be needed for the site visit other than sturdy footwear.

Discussion

The next ZBA meeting will be held on April 1, 2025, at 7:00 pm.

The next P&Z Staff meeting will be held on March 20, 2025, at 6:30pm.

Draft Shoreline Guidelines:

The Zoning Board of Appeals reviewed the draft shoreline guidelines and had minor grammatical recommendations.

WHEREFORE, a motion was made by Member Ketchum and seconded by Member Kiefer to endorse the draft Shoreline Guidelines and recommends the Town Board accept the Shoreline Guidelines. The Board having been polled resulted in unanimous affirmation of said motion.

<u>Record of Vote</u>		
Chair	Denise Rhoads	Present [Yes]
Vice Chair	David Palen	Absent
Member	Kris Kiefer	Present [Yes]
Member	Dave Lee	Present [Yes]
Member	Sherill Ketchum	Present [Yes]

There being no further Board business, a motion was made by Member Kiefer and seconded by Member Lee to adjourn the meeting. The Zoning Board of Appeals meeting adjourned at 7:38 pm.

Respectfully Submitted,

Karen Barkdull
Planning & Zoning Clerk

Meeting Attendees:

Robert Eggleston, Eggleston & Krenzer Architects, PC
Jolene Fitch, Applicant
Rebecca Minas, Sr. Engineer, Barton & Loguidice, D.P.C.
Matt McGregor, Sr. Director, Abundant Solar Inc.
Andrew VanDoorn, President, Abundant Solar Inc.

Alice Marie Dietz
Miranda Lavine
Jay Wright
Olivia Rudy
Attendee- Name Indecipherable

Meeting Attendees Via Zoom:

Scott Molnar, Attorney
Councilor Mark Tucker
Councilor Sue Dove
Don Kasper