

**TOWN OF SKANEATELES
ZONING BOARD OF APPEALS
MEETING MINUTES OF
May 2, 2023**

Present:

Denise Rhoads, Chair
David Palen
Kris Kiefer (Absent)
Dave Lee
Sherill Ketchum
Scott Molnar, Attorney
Karen Barkdull, P&Z Clerk
Aimee Case, ZBA Clerk

Chair Rhoads opened the meeting at 7:00 pm.

Minutes

Previous distribution to the Board of the regular meeting minutes of April 4, 2023, was executed, and all members present acknowledged receipt of those minutes.

WHEREFORE, a motion was made by Member Ketchum and seconded by Vice Chair Palen to accept the April 4 2023, minutes as submitted. The Board having been polled resulted in unanimous affirmation of said motion.

Record of Vote

Chair	Denise Rhoads	Present [Yes]
Vice Chair	David Palen	Present [Yes]
Member	Kris Kiefer	Absent
Member	Dave Lee	Present [Yes]
Member	Sherill Ketchum	Present [Yes]

Application Continuance

Applicant:	Christopher Nulty	Property:
	62 Woodcliff Terrace	2699 East Lake Rd
	Fairport, NY 14450	Skaneateles, NY 13152
		Tax Map #037.-01-04.0

Present: Christopher Nulty, Applicant;

The public hearing was closed at the April meeting and the applicant submitted a revised site plan on April 26, 2023. The revised site plan reflects a reduction in the size of the shed to 80 square feet and for the placement of a grass strip in the driveway to comply with the prior site plan approved in 2017 and amended in 2018 for the lot. Vice Chair Palen requested that Mr. Nulty recap the proposed changes for the board. Mr. Nulty stated that the shed will be reduced to 80 square feet; however, keeping the roof of the shed to allow an overhang. The walls would be moved inward, and the roof would be supported by a bracket for the overhang. The grass strip will be implemented to conform with the prior approval. Total impermeable surface coverage would be increased to 11.6%. The board review the criteria as set forth in §148-10-E-2.

FACTORS CONSIDERED IN CONTEMPLATING THE AREA VARIANCE:

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

Reasons: No. An undesirable change in the character of the neighborhood or detriment to nearby properties will not occur with the granting of the variances. The applicant has agreed to reduce the size of the shed on the property and will modify the driveway area with grass strips to limit the slight increase in impermeable surface coverage. The dwelling was extensively rehabilitated in 2018-2020 and is in good condition. It is a smaller home than most of the neighboring homes. Neighbors have expressed support for the applicant's request. Safety of storing flammables away from the dwelling is important and beneficial to the neighborhood.

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: Yes No

Reasons: No, Because of the size of the lot, any increases in either building footprint or impermeable surface coverage would require a variance. This lot was previously granted variance increases for both building footprint and impermeable surface coverage. The applicant has cooperated with the board to limit the increased changes requested. The lot is a preexisting nonconforming lot at .2 acres, and any modifications would require a variance.

3. Whether the requested variance is substantial: Yes No

Reasons: Yes. The requested area variances are substantial; however, because of the size and nature of the lot and its history before the board, any change to the building footprint or impermeable surface coverage would be substantial. Anytime the nonconforming impermeable surface coverage is increased it should be considered substantial. If a variance is granted in increase nonconforming impermeable surface coverage it should be considered substantial.

4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district: Yes No

Reasons: No. The proposed variances will not have an adverse effect upon the physical or environmental conditions in the neighborhood. Other than reducing impermeable surface coverage on the lot itself, the shed was constructed elsewhere and located on the site without disturbing the surface areas of the lot. In addition, the applicant has stated that he will reduce the impermeability of the driveway by introducing a grass strip. Any disturbance to the site with the reduction in shed size and installing the grass strip in the driveway would not cause any significant site disturbance or erosion. The shed is currently resting on blocks allowing water to run through. There is no notable change to the runoff on the property.

5. Whether the alleged difficulty was self-created: Yes No

Reasons: _____.

DETERMINATION OF ZBA BASED ON THE ABOVE FACTORS:

The ZBA, after taking into consideration the above five factors, upon a motion made by Vice Chair David Palen, duly seconded by Chair Denise Rhoads, and a unanimous (5-0) affirmation of all Members present as recorded below, approves the variances requested, and finds as follows:

- the Benefit to the Applicant DOES NOT outweigh the Detriment to the Neighborhood or Community and therefore the variance request is denied.
- the Benefit to the Applicant DOES outweigh the Detriment to the Neighborhood or Community.

Reasons: In review of the stated findings of the Zoning Board of Appeals, the Zoning Board of Appeals concludes that the benefit to the Applicant, as weighed against the detriment to the health, safety and welfare of the neighborhood, or community, lies in favor of the Applicant. This decision is based on all the evidence presented in the Application, the Record, as well as the Board members' inspection of the property, and is conditioned as follows:

STANDARD CONDITIONS:

1. That the Applicant obtain any necessary permit(s) from the Codes Enforcement Officer or otherwise commence the use within one (1) year from the filing of the variance decision. Any application for zoning/building permit(s) shall terminate and become void if the project is not completed within the eighteen (18) months from the issuance of the permit(s).
2. That the Applicant shall obtain all necessary permits and approvals from the Planning Board and any agency or authority having jurisdiction over the Property or Application.
3. That the Applicant obtain a Certificate of Occupancy and/or Certificate of Compliance, as required, from the Codes Enforcement Officer.
4. That the Applicant notify the Codes Enforcement Officer on completion of the footing of any project for which a variance has been obtained; and
5. That the Applicant provide an as-built survey to the Codes Enforcement Officer with verification of conformance of completed project within (60) days of completion of the project before a certificate of occupancy /certificate of compliance is issued.

ADDITIONAL CONDITIONS: The ZBA finds that the following additional conditions are necessary to minimize adverse impacts upon the neighborhood or community:

1. That Site Plan 1 of 3 through 3 of 3 and Narrative dated April 26, 2023 submitted by Christopher Nulty, be followed in all respects; and
2. That the Applicant obtain Town of Skaneateles Planning Board approval of the Site Plan and Narrative, and that the Planning Board issue its Special Permit/Site Plan Approval, and that any conditions of the Special Permit be complied with in all respects; and
3. The applicant shall comply with the conditions of approval and conformance with the approved site plan within sixty (60) days of obtaining Planning Board approval; and

4. That the approval is subject to all other conditions set forth in the Approving Resolutions of October 18, 2017, November 21, 2017, October 10, 2018, January 21, 2020, and October 20, 2020 pertaining to this Property, which remain in full force and effect except as amended herein.

Record of Vote

Chair	Denise Rhoads	Present [Yes]
Vice Chair	David Palen	Present [Yes]
Member	Kris Kiefer	Absent
Member	Dave Lee	Present [Yes]
Member	Sherill Ketchum	Present [Yes]

Initial Review

Applicant: Gary Shanley
 The Crusader Rev. Trust
 2969 East Lake Rd
 Skaneateles, NY 13152
Tax Map #039.-01-21.0.0

Present: Robert Eggleston, Eggleston & Krenzer Architects

The applicant’s dwelling was constructed a few years ago and required review by the Planning Board and Zoning Board. They have been using a seasonal dock system and are wanting to have a permanent dock to replace the seasonal dock this year. The variance requested is for the 384 square foot increase in shoreline structures as the dock would be in addition to the boathouse, patio, and solid seawall on the south side. This property was an example of the preferred method of shoreline restoration noted by the Cornell Cooperative Extension.

The permeant dock would be the same size as the seasonal dock at 42 feet long by 8 feet wide and have an L leg at the end. The site plan reflects the water perimeter that the NYSDEC requires for their approval, and this perimeter is 1,264 square feet. Member Ketchum inquired what the standard is for dock width and Mr. Eggleston explained that an 8 foot width is the NYSDEC preferred width for a dock, with a 12 foot width maximum.

Vice Chair Palen inquired about the construction of the dock and Mr. Eggleston replied that it would be constructed on steel piles. He continued saying that the advantage of a permanent dock is the one time disturbance of the lake versus twice a year disturbance with a seasonal dock. Member Ketchum inquired about the skirting on the dock and Mr. Eggleston said the NYSDEC does not take issue with skirting as long as it does not go further than the mean high water level. Member Ketchum said that a concern is for the dock to build up the shoreline from debris in the water caught by the dock and Mr. Eggleston explained that the buildup of the shoreline was occurring with solid docks that are constructed with cribbing and skirting that went down into the lake. Chair Rhoads asked the intended purpose of the skirting and Mr. Eggleston replied that it is aesthetic.

Vice Chair Palen inquired about docks in the neighborhood, and Mr. Eggleston shared a photo of the docks in the area reflecting some that are permanent. A site visit will be conducted on May 11, 2023 at 5:30 p.m.

WHEREFORE, a motion was made by Member Ketchum and seconded by Chair Rhoads to schedule a public hearing to June 6, 2023 at 7:02 p.m. The Board having been polled resulted in unanimous affirmation of said motion.

Discussion

The board reviewed the proposed legislation, and the Town Board requested any additional comments. The Zoning Board of Appeals reviewed the proposed Local Law D of 2023 Amending the Requirements for Offsite/Community and Utility Solar Uses(the Amendment”). The board supported the proposed section of code regarding prohibition of community and utility solar arrays within 1500 feet of the lake line, and considering referral of the Amendments by the Town Board, entertained the following motion:

WHEREFORE a motion was made by Vice Chair David Palen and seconded by Member Sherill Ketchum, and, upon the affirmative majority vote of all Town of Skaneateles Zoning Board of Appeals present, **RESOLVED** to recommend adoption of proposed Local Law D of 2023 Amending the Requirements for Offsite/Community and Utility Solar Uses, reserving to the Town Board the obligation to complete SEQR review as required and with the suggested modifications:

§148-5-8-D.2.3 Sound. This section should be deleted from the draft as it is repeated in section 148-5-8-E.6, where it is shown with the preferred text.

The Members of the Board having been polled, resulted in the unanimous approval of said motion.

Discussion

Assemblyman Lemondes will be holding a town hall at the Skaneateles Fire Station on May 4, 2023 at 7 p.m. to discuss the proposed occupancy room tax.

Discussion

Vice Chair Palen recommended that the board members become more actively involved by being the principle respondent for applications presented. He continued suggesting that a member could take the lead on an application on a rotating basis so that not just one or two people are taking the lead. Chair Rhoads commented that the prior Chair, Dave Graham, was in the habit of assigning applications to members. Continuing, she said that she appreciates that all board members provide input for the five criteria and that would continue.

There being no further Board business, a motion was made by Vice Chair Palen and seconded by Member Lee to adjourn the meeting. The Zoning Board of Appeals meeting adjourned at 8:28 pm.

Respectfully Submitted,

Karen Barkdull
P&Z Clerk

Additional Meeting Attendees:

Bob Eggleston

Attendees (Zoom): Christopher Nulty

Mark Tucker