

**TOWN OF SKANEATELES
ZONING BOARD OF APPEALS
MEETING MINUTES OF
June 6, 2023**

Present:

Denise Rhoads, Chair
David Palen
Kris Kiefer (Arrived 7:13 pm)
Dave Lee
Sherill Ketchum
Scott Molnar, Attorney
Karen Barkdull, P&Z Clerk
Aimie Case, ZBA Clerk

Chair Rhoads opened the meeting at 7:02 pm.

Minutes

Previous distribution to the Board of the regular meeting minutes of May 2, 2023, was executed, and all members present acknowledged receipt of those minutes.

WHEREFORE, a motion was made by Vice Chair Palen and seconded by Member Ketchum to accept the May 2, 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 [Arrived 7:13 pm]
Member	Dave Lee	Present [Yes]
Member	Sherill Ketchum	Present [Yes]

Public Hearing

Applicant: Gerard & Virginia Shanley
The Crusader Rev. Trust
2969 East Lake Road
Skaneateles, NY 13152

Property:
2969 East Lake Rd
Skaneateles, NY 13152
Tax Map #039.-01-21.0

Present: Robert Eggleston, Eggleston & Krenzer Architects.

The applicant is requesting a variance for an increase in shoreline structure for their proposal to construct a permanent dock along 210.4 lineal feet of lake frontage. The site plan reflects a proposed 384 square foot dock, increasing the total shoreline structures from 1443 square feet to 1827 square feet. On lots with greater than 200 feet of lake frontage, a maximum of 800 square feet for every 200 feet of lake frontage of all shoreline structures is allowed. Chair Rhoads stated that a site visit was conducted by Board Members on May 11, 2023. The applicants, as well as their representative, Bob Eggleston, were present.

In addition to the proposed site plan, Mr. Eggleston presented an aerial visual of neighboring shoreline structures similar to that proposed by the applicant. Although there would be a 384 square foot increase, the proposed shoreline structure would still meet the required 20 foot setback. It would also fall within the 4000 square foot perimeter envelope required by the NYSDEC. Mr. Eggleston noted that their proposal stood at roughly half of that figure. The length of the proposed structure is intended to accommodate boat access, given the area water levels.

Member Ketchum inquired about the necessity of including the L-shape, given the proposed 8 foot width of a 42 foot dock. She noted that although the L-shape at the end of the permanent dock adds stability, if utilized as an entertainment area, it could create an increase in sound and an obstruction of views from neighboring properties. Mr. Eggleston added that during the design process, he relies on the expertise and recommendations of the contractors who build these structures.

At this time Chair Rhoads asked if there was anyone who would like the public hearing notice read. No one requested the public hearing notice to be read into the record.

WHEREFORE, a motion was made by Member Ketchum and seconded by Member Lee to consider the proposed action as a Type II SEQR action as per section 617.5(c)(12) and not subject to SEQR review. The Board having been polled resulted in the unanimous affirmation of said motion.

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

Chair Rhoads asked if any letters pertaining to the application were received. There were none. Chair Rhoads then asked if there was anyone who would like to speak in favor of, against or had any comments regarding the application. No comments were made.

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

Chair Rhoads asked that Counsel Molnar take the Board through the Statutory Criteria set forth in Town Code for an area variance. At this time, the Board reviewed the Five Criteria for the area variance concerning the applicable section of Town Zoning Code: Section 148-7-1-K.1.a.iii.a Skaneateles Lake Shoreline Regulations – Dimensional Limits. Counsel Molnar stated when considering the benefit to the Applicant if the area variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community, the Zoning Board of Appeals is charged with answering these five questions:

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 by majority vote. The granting of an area variance will not result in an undesirable change as the property currently utilizes a seasonal dock, The property in question is a lakefront home surrounded by other lakefront homes with similar seasonal and permanent docks. Installing a permanent

42-foot dock will not change the character of the neighborhood nor will it be a detriment to nearby properties. It could be a detriment to the neighborhood if there is a platform at the end of the dock where people would spend time and it could be in someone's view as it already protrudes and there could be people entertaining out on the platform. It was noted at the site visit that there are other permanent docks in the area that are similar to the proposed dock. The proposal is consistent with other dock approvals that have been granted.

RECORD OF VOTE			
MEMBER NAME	AYE	NAY	ABSENT
Chair DENISE RHOADS	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Vice Chair DAVID PALEN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Member KRIS KIEFER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Member DAVE LEE	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Member SHERILL KETCHUM	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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: Yes, by majority vote., The requested variance is for the installation of a permanent dock on a lakefront property. The choices are to either continue to use a seasonal temporary dock without the need of a variance or seek the variance for the permanent dock. Because the existing shoreline structures significantly exceed the maximum allowable (800SF allowed versus 1443SF existing and 1827SF proposed), a variance would be necessary. The property currently utilizes a seasonal dock and could continue to do so. The existing shoreline structures include a boathouse, patio, and seawall that total 1443 square feet shoreline structures.

RECORD OF VOTE			
MEMBER NAME	AYE	NAY	ABSENT
Chair DENISE RHOADS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vice Chair DAVID PALEN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Member KRIS KIEFER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Member DAVE LEE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Member SHERILL KETCHUM	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Member Kiefer arrived at 7:13 pm.

Counsel Molnar recommended to the board that since they now had a full Board, they go back and include Member Kiefer in the voting process. Counsel Molnar took Member Kiefer through the two questions he was absent for. Member Kiefer stated his votes, and the Board moved on to question three.

3. Whether the requested variance is substantial: Yes No

Reasons: Yes. The requested variance is substantial as the existing shoreline structures exceed the maximum allowed by 643 square feet. The addition of the permanent dock will increase the coverage to more than 1000 square feet, a substantial increase. It is substantial based on the square footage of overage of the shoreline structures that are allowed per the existing zoning code. The variance will increase by two times the total allowed shoreline structures. The dock is large and is permanent, making the variance 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 by majority vote. The proposed extension of a permanent dock into the lake will not have an adverse or negative impact on the physical or environmental conditions in the neighborhood or district. The installation of the permanent dock will disrupt the lake area in the short-term while being installed but in the long term will greatly reduce lakebed disruption. The type of disturbance and the time of year will not have an adverse impact. It could have an adverse impact based on this property having two times the allowable shoreline structures. When this property was redeveloped in 2010, the applicant reduced shoreline structures to allow certain variances for approval of the development of the property. The current application increases the shoreline structures above the prior amount in 2010. There is a concern about the size of the proposed dock protruding into the lake and the angle of the dock that could create a cove environment, interfering with the natural flow of the lake and creating a private area that would increase the activity at the lake. From an environmental standpoint, it will have little impact although the proposal is for a large permanent dock that could be there forever and could encourage more of the larger docks on the lake.

RECORD OF VOTE

MEMBER NAME	AYE	NAY	ABSENT
Chair DENISE RHOADS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vice Chair DAVID PALEN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Member KRIS KIEFER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Member DAVE LEE	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Member SHERILL KETCHUM	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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 Member Kris Kiefer and a majority (3-2) affirmation of all Members present as recorded below, approves the variance 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 Board 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 notify the Codes Enforcement Officer on completion of the footing of any project for which a variance has been obtained; and

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 2 through 2 of 2 dated April 18, 2023, with narrative dated April 20, 2023, prepared by Robert Eggleston, Licensed Architect, be followed in all respects; and
2. That verification of conformance of completed project be certified by Robert O. Eggleston, Licensed Architect, within (60) days of completion of the project with verification submitted to the Town; and
3. 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.

RECORD OF VOTE

MEMBER NAME	AYE	NAY	ABSENT
Chair DENISE RHOADS	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Vice Chair DAVID PALEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Member KRIS KIEFER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Member DAVE LEE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Member SHERILL KETCHUM	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

The next ZBA Meeting will be held on July 11, 2023, at 7:00 pm.

Chair Rhoads asked whether any new applications were received this month. Clerk Barkdull confirmed there were none.

Clerk Barkdull presented the new tablets that will soon replace paper meeting packets used by the Board at each meeting. Clerk Barkdull then informed the Board that the Town Board had adopted Solar Legislation at their meeting on June 5, 2023, meaning we were no longer in a moratorium.

Chair Rhoads asked if there were any further questions or comments from the Board. There were none.

Before adjourning, Chair Rhoads asked Councilor Mark Tucker (Town Board and Shoreline Committee), who was present via Zoom, if he would like to add anything. Councilor Tucker noted that the Shoreline Committee was struggling with a decision on what size docks they ideally would like to see on the lake and that there would be more discussion on that topic at their meeting the following night, June 7, 2023.

There being no further Board business, a motion was made by Member Ketchum and seconded by Vice Chair Palen to adjourn the meeting. The Zoning Board of Appeals meeting adjourned at 7:35 pm.

Respectfully Submitted,

Aimie Case
ZBA Clerk

Additional Meeting Attendees: Bob Eggleston

Additional Meeting Attendees (Zoom): Councilor Mark Tucker Adrian Ciuperca