

**TOWN OF SKANEATELES
ZONING BOARD OF APPEALS
MEETING MINUTES OF
August 5, 2025**

Present:

Denise Rhoads, Chair
David Palen
Kris Kiefer
Sherill Ketchum
Jim Condon
Scott Molnar, Attorney
Karen Barkdull, P&Z Clerk
Aimie Case, ZBA Clerk

Chair Rhoads opened the Zoning Board of Appeals meeting at 7:02 pm.

Minutes

Previous distribution to the Board of the regular meeting minutes of July 1, 2025, was executed, and all members present acknowledged receipt of those minutes. At this time, Chair Rhoads asked the Board if they wanted to carry over the acceptance of the July 1, 2025, minutes to the September 9, 2025, meeting for additional time to review.

WHEREFORE, a motion was made by Vice Chair Palen and seconded by Member Kiefer to carry over the acceptance of the July 1, 2025, minutes as submitted to the September 9, 2025, meeting. 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	Present [Yes]
Member	Sherill Ketchum	Present [Yes]
Member	Jim Condon	Present [Yes]

Public Hearing Continuance

Applicant:	James & Emily Johnson 1781 Russell's Landing Skaneateles, NY 13152	Property:	1781 Russell's Landing Skaneateles, NY 13152 Tax Map #063.-03-06.0
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Present: Guy Donahoe, Donahoe Architectural Design, PC
Angela Donahoe, Donahoe Architectural Design, PC
Jim Johnson, Applicant
Emily Johnson, Applicant

Chair Rhoads stated that this application was for the continued review of a request for the variances necessary to make an existing shoreline structure compliant. The Applicant is requesting three variances: Total Lot Coverage, Dimensional Limits, and Side Yard Setback on a nonconforming lot.

Applicants, Jim and Emily Johnson were represented by their Design professionals, Guy Donahoe and Angela Donahoe of Donahoe Architectural Design, PC .

Chair Rhoads stated that Board Member's had made a site visit on June 23, 2025, and that the Applicant and their professionals were present. The Board viewed the staircase, which was constructed without the proper variances and approvals. They discussed possible options to reduce the variances being requested.

The Board received revised site plans with some changes from the original proposal.

Ms. Donahoe stated that the submitted revisions show the framing plans. The existing landing is being reduced to increase the no compliant side yard setback from 1.9 feet to 6.25 feet. The stairs will be moved approximately 31 inches to the south, therefore reducing the coverage of the overall landing from 129SF to 85SF.

The news plans include a view with line of sight from the neighbor to the north. Alternative proposals are indicated in pink on the plans. Ms. Donahoe noted that a stair tower would block a lot more of that line of sight from 1977 Russell's Landing than the much lower existing set of stairs. This is why the stair tower option was not explored.

Member Condon wondered if the plans show the original lake access.

Ms. Donahoe pointed out the location of the original spiral staircase. Since the shale in that location was no longer a viable base to build on, the contractors sought out a safe way to get down to the lake front which is how they landed on the existing path-going down the stairs, then over to the north by beams of the landing. The path followed was out of necessity to provide secure footing. This is the landing they are now proposing to reduce.

With the new revisions, compared to the original proposal, the total lot coverage decreases, total onshore structures decreases, and the north side yard setback increases. The overall variance request is therefore reduced.

Mr. Donahoe added that they would like to bear the stairs in the same location as they were built and does not feel comfortable moving that bearing location.

Member Ketchum asked what would happen with the cables that are connected to trees.

Mr. Donahoe stated that they would likely remain, but they may add piling to secure them to instead of to the trees.

Chair Rhoads stated that last month, the Planning Board and Town Engineer John Camp had visited the site. She wondered if the Board had received any feedback from Mr. Camp yet. No feedback was received.

Chair Rhoads stated that the public hearing was opened at the previous months meeting. The Board motioned that this is a Type II action under SEQR. The Board took public comment, and it has been entered into the record.

At this time, Chair Rhoads asked for a motion to reopen the public hearing.

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

At this time, Chair Rhoads asked if there was anyone who would like to speak on the application.

Maria Garlock- 1777 Russell's Landing, Skaneateles, NY 13152

Ms. Garlock stated that she and her husband Richard are the neighbors to the north. Johnson's staircase was built almost entirely within the setback. They submitted a letter earlier in the day and wanted to outline the concerns stated in the letter.

Donahoe Group's narrative states that this variance would provide the minim necessary to safely access the shoreline, which is contrary to the GeoLogic report. The report makes it clear that there is no good place to post into the shale bank and makes it clear that the stairs are built in a precarious location. Garlock's architect, Bob Eggleston, disagrees as well. Ms. Garlock stated that this construction has negatively impacted both theirs and the Johnsons shoreline. She feels that Donahoe Group's revised narrative did not address this. The GeoLogic report stated that surface water runoff is one of the causes for the weathering and erosion. Ms. Garlock believes there are possible alternative methods. She discussed the option of a tower staircase with a bridge.

Richard Garlock- 1777 Russell's Landing, Skaneateles, NY 13152

Mr. Garlock reviewed the photos and sketches of alternative methods that were included with their letter. He reviewed the alternative example given by Donahoe Group. Mr. Garlock discussed the idea of a long bridge that could be sloped to include steps and reduce tower height. The existing permanent dock is built on piles, and a staircase could land atop the dock. Other possible options are to construct a staircase in the cove area to span over the deck or land on the existing deck. Mr. Garlock also discussed the visualization of a cove staircase which was attached to the letter.

Chair Rhoads asked the Board if they wanted more time to review the application. All Board Members agreed to take more time.

Member Condon asked what would happen if the application were to be denied.

Counsel Molnar stated that the Code Enforcement Officer could order to remedy.

Counsel Molnar recommended that the Board keep the Public Hearing open to avoid starting the 62-day clock. If the Applicant comes back with further revisions, they can be discussed at the public hearing and subsequently deliberated on and made part of the record.

With there being no further comments or questions, Chair Rhoads asked for a motion to continue the Public Hearing at the next ZBA meeting on September 9, 2025, at 7:02pm.

WHEREFORE, a motion was made by Member Ketchum and seconded by Chair Rhoads to carry the Public Hearing over to the September 9, 2025, ZBA Meeting, at 7:02 pm. 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	Present [Yes]
Member	Sherill Ketchum	Present [Yes]
Member	Jim Condon	Present [Yes]

Public Hearing

Applicant:	Greg & Kaitlin Parker 1021 The Lane Skaneateles, NY 13152	Property:	1021 The Lane Skaneateles, NY 13152 Tax Map #050.-01-21.0
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Present: Robert Eggleston, Eggleston & Krenzer Architects, PC
Greg Parker, Applicant (via Zoom)

Chair Rhoads stated that this application is for a proposed garage addition with living area, consisting of a bedroom suite and three new decks above, which exceeds footprint and floorspace calculations for this nonconforming lot. Board Members conducted a site visit on June 23, 2025. The Applicant and their representative were present.

The Applicant, Greg Parker was present via Zoom. Architect Robert Eggleston was present to represent the Parkers.

Mr. Eggleston stated that at the last ZBA Meeting, a motion to deny failed with a 2-2 vote. Prior to making an alternative motion, The Applicant offered to make a substantial change to the application. In the new plans, 4 feet were added to the base garage and the 12x20 foot storage add on was eliminated. What originally was the size of a three (3) car garage has been scaled down to the size of a two (2) car garage. As seen in the substantially changed floor plan, the Applicant will still be able to store the lawnmower and UTV inside, while the trailer will now be stored elsewhere. This substantially reduced the size of the addition.

Mr. Eggleston added that the requested variances are for building footprint and potential living space because the lot is 2,200 SF short of 40,000 SF. With this lot being under 40,000 SF, the Applicant is under additional criteria of limited footprint and living space whereas most of the neighbors to the west are not under the same limitations with their lots being just over 40,000 SF.

The original proposal reflected a 7.0% footprint which has been brought back down to 6.5% where 6.0% is allowed. The originally proposed 12.0% potential living space has been reduced to 11.5% where 10% is allowed. The upper level living space for the primary suite remains the same as the original proposal but the decks have been reduced and rearranged

The ISC was at 13.3%, which the Applicant was applying for a Special Permit from the Planning Board to maintain, and has been substantially reduced to 11.6%. The turnaround outside the garage was eliminated and the driveway was narrowed a bit more. By reducing the proposed footprint, the coverage was further reduced.

The revised plans were sent to neighbors and a new letter of support, acknowledging the reduced addition size was signed by the neighbors and submitted to the ZBA.

Mr. Eggleston also noted that the proposed addition is tucked behind the existing house instead of beside it. Putting the addition next to the existing bi-level house instead of behind would have allowed for further reduction of the driveway but elongating the house or making it a tri-level would not be appropriate to the character of the neighborhood, whereas tucking it behind the house as they've proposed would be more appealing and fitting to the character of the neighborhood. Another positive feature for the neighborhood is that it will be a side load garage as opposed to a front load.

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 Condon and seconded by Vice Chair Palen 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.

At this time, Chair Rhoads asked for a motion to open the public hearing.

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

Chair Rhoads stated that Board Members had received the neighbor letter of support which was entered into the record.

At this time, 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 on the application.

WHEREFORE, a motion was made by Vice Chair Palen and seconded by Member Condon 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 148-8-9-A.1.g.i.a Nonconforming Footprint and Section 148-8-9-A.1.g.i.b Nonconforming Floorspace. 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 VARIANCES:

1. Whether an undesirable change will be produced in the character of neighborhood or a detriment to nearby properties will be created by the granting of the area variance:

Yes ☐ No ☒

Reasons: No, by unanimous vote. The ZBA found that the requested variance would not produce an undesirable change to the neighborhood or nearby properties. The current design will enhance the property and neighborhood. The garage addition will be at the rear of the dwelling and will complement the existing structure. The neighbors have expressed favor for the Applicant's proposed project. The Applicant has modified their original proposal and reduced their

nonconforming ISC from 13.3% to 11.6%, nonconforming footprint from 6.9% to 6.5%, and nonconforming floorspace from 12.0% to 11.5%. The installation of a bioswale will mitigate any drainage issues that may develop by increasing the total footprint and lot coverage and will be beneficial to neighbors. There are several homes on The Lane that have had recent similar improvements in terms of garages and other additions. This proposal fits with other changes and adjustments within the neighborhood.

QUESTION 1 RECORD OF VOTE

MEMBER NAME	AYE	NAY	ABSTAIN
Chair DENISE RHOADS	☐	☒	☐
Vice Chair DAVID PALEN	☐	☒	☐
Member KRIS KIEFER	☐	☒	☐
Member SHERILL KETCHUM	☐	☒	☐
Member JIM CONDON	☐	☒	☐

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, by unanimous vote. The ZBA found that the benefit sought by the Applicant cannot be achieved without the granting of an area variance. The Applicant has been very cooperative in taking suggestions from the Board to minimize the requested variances while maintaining the most feasible plan for the Applicant and their property. There is no existing garage on the property. There is not much more that you could minimize with this bi-level home in order to meet the needs of the Applicant. The subject property is a preexisting nonconforming lot in that it is 2,177 SF shy of the required 40,000 SF, whereas any change in the structure would require an area variance and contribution to the Town's LDRA Fund.

QUESTION 2 RECORD OF VOTE

MEMBER NAME	AYE	NAY	ABSTAIN
Chair DENISE RHOADS	☐	☒	☐
Vice Chair DAVID PALEN	☐	☒	☐
Member KRIS KIEFER	☐	☒	☐
Member SHERILL KETCHUM	☐	☒	☐
Member JIM CONDON	☐	☒	☐

3. Whether the requested variance is substantial: Yes ☒ No ☒

Reasons: Yes, by majority vote as reflected below.

Two(2) Board Members found that the proposed variance will not have an adverse effect or

impact on the physical or environmental conditions in the neighborhood or district. There have been reductions made from the original proposal to the minimum extent at which the needs of the Applicant can be achieved. The proposed storage garage addition has been eliminated with the storage space being incorporated into the garage area, reducing the area from the original proposal. The ISC, while preexisting nonconforming, is being reduced from what was initially proposed.

Three (3) Board Members found that the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. Anytime you increase building footprint, that goes with the land and is a substantial change. The square footage increase, albeit reduced, is still a significant increase in potential living space with a 973 SF addition. With the increase in square footage, the building footprint increases by 592 SF or 32.0% and the potential living space increases by 973 SF or 29.0%.

QUESTION 3 RECORD OF VOTE

MEMBER NAME	AYE	NAY	ABSTAIN
Chair DENISE RHOADS	☐	☒	☐
Vice Chair DAVID PALEN	☒	☐	☐
Member KRIS KIEFER	☒	☐	☐
Member SHERILL KETCHUM	☒	☐	☐
Member JIM CONDON	☐	☒	☐

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 unanimous vote. The ZBA found that the proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district, concluding that the proposed stormwater management system with added bioswale will retain the runoff from the property if properly maintained and there will be silt fences in place during construction. In addition to the proposed bioswale, the Applicant's proposal shows a reduction in ISC. Any adverse effect or impact is mitigated by the proposed stormwater management and erosion control as well as the reduction in ISC.

QUESTION 4 RECORD OF VOTE

MEMBER NAME	AYE	NAY	ABSTAIN
Chair DENISE RHOADS	☐	☒	☐
Vice Chair DAVID PALEN	☐	☒	☐
Member KRIS KIEFER	☐	☒	☐
Member SHERILL KETCHUM	☐	☒	☐
Member JIM CONDON	☐	☒	☐

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

Reasons: Yes, by unanimous vote as reflected below. The ZBA found that the alleged difficulty was self-created.

QUESTION 5 RECORD OF VOTE

MEMBER NAME	AYE	NAY	ABSTAIN
Chair DENISE RHOADS	☒	☐	☐
Vice Chair DAVID PALEN	☒	☐	☐
Member KRIS KIEFER	☒	☐	☐
Member SHERILL KETCHUM	☒	☐	☐
Member JIM CONDON	☒	☐	☐

Reasons: In review of the stated findings of the Zoning Board of Appeals, 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, ZBA Member deliberation factors as set forth herein, as well as the Board Members' inspection of the property, and is conditioned as follows:

DETERMINATION OF ZBA BASED ON THE ABOVE FACTORS:

The ZBA, after taking into consideration the above five factors and ZBA deliberation thereon, upon a motion made by Chair Denise Rhoads, duly seconded by Member Jim Condon, and upon a (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

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 the Site Plan dated July 7, 2025, with Narrative dated July 7, 2025, prepared by Robert Eggleston, Licensed Architect, be complied with in all respects.

RECORD OF VOTE

MEMBER NAME	AYE	NAY	ABSTAIN
Chair DENISE RHOADS	☒	☐	☐
Vice Chair DAVID PALEN	☒	☐	☐
Member KRIS KIEFER	☒	☐	☐
Member SHERILL KETCHUM	☒	☐	☐
Member JIM CONDON	☒	☐	☐

Public Hearing Continuance

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: Matt McGregor, Sr. Director, Abundant Solar Inc.
Rebecca Minas, Sr. Engineer, Barton & Loguidice, D.P.C.

Chair Rhoads stated that this application is for a proposed solar redevelopment project on Jordan Road, to span across two contiguous remedial lots which were the former home of the Stauffer Chemical Company. The remediated brownfield site is comprised of two parcels, containing a total of 117.4 acres, approximately 36 acres of which the two proposed 5MW Community Solar Arrays will occupy.

The Applicant is requesting two (2) variances: Section 148-5-8-C.1 Off Site Community Solar Array Rear Yard Setback and Section 148-5-8-C.1 Off Site Community Solar Array Maximum Percentage of Total Lot Coverage. Ms. Minas clarified for the record that two (2) variances were being requested for each lot, for a total of four (4) variances combined.

Chair Rhoads stated that the application was first presented to the Zoning Board in October of 2024. The proposed project was reviewed by the ZBA, Planning Board, Town Engineer, Town Planner, and Town Staff. During the process, the Application made several revisions to the original plan as a result of the discussion which also included neighbors in the vicinity of this property. .

The Public Hearing had previously been opened. The application process had been on hold for SEQR. Counsel Molnar stated that this was classified as a Type I action reviewed on the full breadth of application materials and the SEQR form submitted by the Applicant. The Planning Board, acting as lead agency, determined there would be no significant environmental impact and rendered a

negative declaration at their July 24, 2025, meeting. The application can now move forward with the ZBA, regarding the variances requested.

Mr. McGregor stated that in the course of discussions, they had also committed to replacing the industrial style fence at the front of the lot with new black, vinyl chain-link fencing. They are also in discussions with the DEC on potentially providing the Town an easement for a walking path along front of the property and had secured written commitment from the landlord to provide said easement should the DEC consent.

Ms. Minas stated that additional landscaping had been included in the plans to address any concerns about views from neighboring homes.

Member Ketchum stated that although she was not at the site visit, she felt that she was capable of making a decision on the application.

Member Condon stated that he had not been involved with the application since the beginning in October of 2024 but had read most of the information from the file, as well as the previous meeting minutes. He asked Counsel Molnar if he should recuse himself. Counsel Molnar stated that Member Condon would not be legally required to recuse himself.

Member Kiefer asked for clarification that these were two legally separate lots. Mr. McGregor replied that they were seeking a lot line adjustment from the Planning Board to ensure they're legally separate.

Ms. Minas reminded the Board that the setback variances being requested are for the rear yard, making it internal to the project. All other setbacks along the roadway and outer perimeters would be met. Regarding the maximum lot area variances, the panels are aligned in a way that they provide sufficient space between panels to allow for stormwater runoff, which is a requirement of the DEC and a benefit to the project. They had also achieved a 12-foot perimeter around the panels, as requested by the fire department. Ms. Minas noted that this slightly pushes the fence out, therefore increased the lot area coverage calculation, but is another benefit to the project in keeping these requested perimeters.

A site visit was made of the property.

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 Vice Chair Palen and seconded by Member Ketchum to re-open the public hearing. The Board having been polled resulted in unanimous affirmation of said motion.

At this time, 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 on the application.

WHEREFORE, a motion was made by Member Condon and seconded by Member Kiefer 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 148-5-8-C.1 Off Site

Community Solar Array Rear Yard Setback and Section 148-5-8-C.1 Off Site Community Solar Array Maximum Percentage of Total Lot Coverage. 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 VARIANCES:

1. Whether an undesirable change will be produced in the character of neighborhood or a detriment to nearby properties will be created by the granting of the area variance:

Yes ☐ No ☒

Reasons: No, by unanimous vote. The ZBA found that the requested variances would not produce an undesirable change to the neighborhood or nearby properties. The property was previously the site of the Stauffer Chemical Company and is currently open grassland and brush with wooded areas and is surrounded by a metal fence. There are a number of single-family homes on the opposite side of the road from the site and the Applicant has made significant efforts to shield the area through vegetative screening and pushing the solar arrays further back from the road to limit the view shed. Substantial improvements, including stormwater management, will be made to the property by doing this project. A new fence and gate system will improve aesthetics and security. Solar panels will be built on concrete ballast blocks at current grade to minimize disturbance to the land. Extensive vegetative planting plans will visually conceal the panels. The Landowner has given consent to have public walking paths which are pending necessary agency approvals and would benefit the Community. This project lends itself to the site given the prior use of the property and environmental remediation done. The project is ideal for this Brownfield location. There are several overarching issues regarding having multiple projects of this size- needing to satisfy the criteria of separately metered and interconnected, separately sided, and separately operated, and this project does that. In looking at past instances, where over time more projects continued to stack on lots adjacent to an initial solar array site until suddenly the overall site has grown to be significantly larger than the initial projects. However, this type of expansion will not happen here, and the project will not be a detriment.

QUESTION 1 RECORD OF VOTE

MEMBER NAME	AYE	NAY	ABSTAIN
Chair DENISE RHOADS	☐	☒	☐
Vice Chair DAVID PALEN	☐	☒	☐
Member KRIS KIEFER	☐	☒	☐
Member SHERILL KETCHUM	☐	☒	☐
Member JIM CONDON	☐	☒	☐

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, by unanimous vote. The ZBA found that the benefit sought by the Applicant cannot be achieved without the granting of an area variance. Clustering of the solar arrays is necessary for the most efficient use of the space and extending the setbacks would serve no useful purpose. In this case, the setback variance requested for each lot is merely the distance between the two arrays and is internal to the site. The perimeter of the property maintains the required 100-foot setbacks. Although there is no alternative method by which the benefits sought by the Applicant can be achieved, alternatives were discussed from the time of the initial application and revisions were made during the entire process, bringing the proposal to where it stands today. There are requirements by which a Community Solar Project is considered feasible and in line with what regulatory agencies require, and the requested variances are necessary in meeting those requirements. Feasibility of the project was dependent on the creation of two (2) lots by way of a lot line adjustment. A lot of the discussion has pertained to the economic feasibility of the project in order to achieve 10MW, which is part of the benefit the Applicant is seeking. 5MW projects are not necessarily inherently uneconomical and infeasible to construct as they have been constructed throughout New York State, but the extent of the adjustment made here wouldn't necessarily be needed to make all larger solar array projects economically feasible.

QUESTION 2 RECORD OF VOTE

MEMBER NAME	AYE	NAY	ABSTAIN
Chair DENISE RHOADS	☐	☒	☐
Vice Chair DAVID PALEN	☐	☒	☐
Member KRIS KIEFER	☐	☒	☐
Member SHERILL KETCHUM	☐	☒	☐
Member JIM CONDON	☐	☒	☐

3. Whether the requested variance is substantial: Yes ☐ No ☒

Reasons: No, by unanimous vote. The ZBA found that the requested variance is not substantial. There have been reductions from the original proposal to the minimum extent at which a benefit to the Applicant can be achieved. The property is a Brownfield site which was the former home of the Stauffer Chemical Company. Other aspects of the property in regard to this proposal conform to the current code. The majority of the unoccupied land onsite will remain open space. The property will be available for future development, if appropriate.

QUESTION 3 RECORD OF VOTE

MEMBER NAME	AYE	NAY	ABSTAIN
Chair DENISE RHOADS	☐	☒	☐
Vice Chair DAVID PALEN	☐	☒	☐
Member KRIS KIEFER	☐	☒	☐
Member SHERILL KETCHUM	☐	☒	☐
Member JIM CONDON	☐	☒	☐

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 unanimous vote. The ZBA found that the proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The proposal is for the installation of two (2) community solar arrays which will cause minimal effects or impacts upon the physical or environmental conditions as there should be a very limited environmental effect although the site will look different physically. The arrays will be ballasted on concrete supports which will not disturb the remediated site area or interfere with the ongoing monitoring of the site by the NYS DEC. The project provides benefits by way of improvements to stormwater management, new fencing, and extensive vegetative screening.

QUESTION 4 RECORD OF VOTE

MEMBER NAME	AYE	NAY	ABSTAIN
Chair DENISE RHOADS	☐	☒	☐
Vice Chair DAVID PALEN	☐	☒	☐
Member KRIS KIEFER	☐	☒	☐
Member SHERILL KETCHUM	☐	☒	☐
Member JIM CONDON	☐	☒	☐

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

Reasons: Yes, by unanimous vote as reflected below. The ZBA found that the alleged difficulty was self-created.

QUESTION 5 RECORD OF VOTE

MEMBER NAME	AYE	NAY	ABSTAIN
Chair DENISE RHOADS	☒	☐	☐
Vice Chair DAVID PALEN	☒	☐	☐
Member KRIS KIEFER	☒	☐	☐
Member SHERILL KETCHUM	☒	☐	☐
Member JIM CONDON	☒	☐	☐

Reasons: In review of the stated findings of the Zoning Board of Appeals, 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, ZBA Member deliberation factors as set forth herein, as well as the Board Members' inspection of the property, and is conditioned as follows:

DETERMINATION OF ZBA BASED ON THE ABOVE FACTORS:

The ZBA, after taking into consideration the above five factors and ZBA deliberation thereon, upon a motion made by Chair Denise Rhoads, duly seconded by Vice Chair David Palen, and upon a (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

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 the Site Plan dated May 2025, with Narrative dated February 21, 2025, and Addendum Narrative dated March 3, 2025, prepared by Barton & Loguidice, D.P.C., be strictly complied with in all respects.
2. That the Planning Board obtain from the Applicant the required documentation necessary for a Community Solar Array that includes a Decommissioning Plan, an O&M Plan, and Assurance of Compliance Fund, or bond to access in the event that the Applicant allows the project to become noncompliant with the plans.

RECORD OF VOTE

MEMBER NAME	AYE	NAY	ABSTAIN
Chair DENISE RHOADS	☒	☐	☐
Vice Chair DAVID PALEN	☒	☐	☐
Member KRIS KIEFER	☒	☐	☐
Member SHERILL KETCHUM	☒	☐	☐
Member JIM CONDON	☒	☐	☐

Public Hearing

Applicant: Richard & Allison Hourigan Property: 1690 Amerman Road
3439 Amber Road Skaneateles, NY 13152
Syracuse, NY 13215 **Tax Map #063.-04-03.0**

Present: Robert Eggleston, Eggleston & Krenzer Architects, PC

Chair Rhoads stated that this application was for a proposed permanent dock and boathouse on a nonconforming lot. Design Professional, Bob Eggleston was present to represent the Hourigan's. The Applicant is requesting a variance for lot size.

Mr. Eggleston added that without the inclusion of a boathouse in their plans, they wouldn't be before the ZBA.

Board Members conducted a site visit on July 14, 2025.

Mr. Eggleston stated that the property has been sold to Pasquale Scutari since the application was first submitted by the Hourigan's. The new owner is interested in proceeding with the application.

The only variance being requested is for redevelopment on a lot that is less than 20,000SF.

There has been one physical change made to the plans. A faux door has been added to the east elevation of the boathouse, per the request of Planning Board Chairman, Don Kasper. The originally proposed doors on the north side will remain.

Chair Rhoads and Member Ketchum asked for clarification on the new east elevation door.

Mr. Eggleston stated that Chairman Kasper requested to see a door on the lake facing side of the boathouse due to how a boathouse is defined in the Town Code. In order to be defined as a boathouse, the structure must have lake facing doors so that a boat may be put inside directly from the water.

Board Members have conducted a site visit.

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 Condon 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.

At this time, Chair Rhoads asked for a motion to open the public hearing.

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

At this time, Chair Rhoads then asked if there was anyone who would like to speak in favor of, against or had any comments regarding the application.

Michael Boudreau - 1694 Amerman Road, Skaneateles, NY 13152

Mr. Boudreau stated that he owns the property directly to the north of the property in question. He submitted a letter to the Board which outlined the three main concerns he has.

The property line seems to have changed. He would like the issue of whether and how the property line and lake line have changed to be clarified. The NYS Office of General Services states that fill in the lake does not change the property boundary or lake line.

Mr. Boudreau sought clarification on the status of the filled area on the lake shore. The site plan identifies this area as onshore private property.

Mr. Boudreau argued that the proposed boathouse does not actually meet the definition in the zoning law and believes it more so fits the definition of a storage building.

Mr. Boudreau discussed the images attached to the letter he submitted. A picture from 2014 shows the mass of fill which was held together by metal mesh prior to the installation of steel piles. A more current picture shows what Mr. Boudreau referred to as a metal retaining wall filled with gravel. He stated that when these improvements were made, it was represented to him as a dock.

Robert Eggleston, Eggleston & Krenzer Architects, PC - 1391 E Genesee Street, Skaneateles NY 13152

Mr. Eggleston stated that his client, the Applicant, would like to continue the Public Hearing the following month so he has time to speak with his neighbor about the project. He requested that the ZBA carry the Public Hearing over to the September 9, 2025, meeting.

With there being no further comments or questions, Chair Rhoads asked for a motion to continue the Public Hearing at the next ZBA meeting on September 9, 2025, at 7:15 pm.

WHEREFORE, a motion was made by Member Ketchum and seconded by Vice Chair Palen to carry the Public Hearing over to the September 9, 2025, ZBA Meeting, at 7:15 pm. 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	Present [Yes]
Member	Sherill Ketchum	Present [Yes]
Member	Jim Condon	Present [Yes]

Public Hearing

Applicant:	Penelope A. Gray Rev. Trust Penny Gray 352 Seneca Road Hornell, NY 14843	Property:	2654 W Lake Road Skaneateles, NY 13152 Tax Map #053.-01-04.0
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Present: Robert Eggleston, Eggleston & Krenzer Architects, PC

Chair Rhoads stated that this application was for the proposed redevelopment of a nonconforming lot, including a new dwelling, shoreline improvements, and permanent dock.

Design Professional, Bob Eggleston was present to represent the Applicant. The variances being requested are nonconforming lot size, nonconforming road frontage/lot width, nonconforming lake yard setback, and nonconforming footprint.

Mr. Eggleston stated that the Applicant would like to redevelop, replacing the existing house with one that conforms to the site. The potential living space of the existing house is 6.3% and the new house will have 10%. The existing footprint is nonconforming at 6.8% but will be reduced to 6.3%. The lot area is just under 20,000SF at 17,591SF, so it is 2409SF shy of what is required to redevelop this nonconforming lot. The existing lake yard is 46.2 feet for the house and 32.2 feet for the deck. The new house will be pushed back as far as possible with the house lake yard at 60 feet and the deck at 50.3 feet. The plan also includes the construction of conforming shoreline structures, to include decks, docks, and stairways.

Mr. Eggleston stated that they had to be careful about the existing septic. They now have witnessed perks and will install a new septic system with a bottomless sand filter that is approved for a three-bedroom dwelling. The septic plan is currently under review by the county health department.

M. Eggleston noted that he compared this proposal to neighboring properties and it is consistent with how adjacent properties to the south have been redeveloped.

There will be drainage improvements made to the property, directing drainage safely down to gabion rocks so it flows through the rocks and then into the lake. They cannot put a bioswale on the steep slope close to the lake. The bank will be enhanced with native species and trees will be added.

Member Condon asked about the drainage plan.

Mr. Eggleston explained that downspouts will carry water to pipes which run down to the gabion rocks which will filter the water before it enters the lake.

Member Ketchum asked about the state of the existing gabion baskets.

Mr. Eggleston stated that the engineer noted that the baskets still had quite a bit of life left but they have sagged a bit. They will likely put larger rocks at the base of the gabion basket, especially under the dock, which is less accessible.

Member Condon asked about the deck steps and grading.

Mr. Eggleston said that the stairs will be built into the land. There is a slight change in grade in that area. Precast permeable material will be used beneath the steps.

Mr. Eggleston stated that the ISC would be reduced from 17.3% to 15.4%. One of the problems with ISC on this property is the neighbor's driveway was built on Gray's property and accounts for more than 400SF. The Applicant will be making a contribution to the Town's LDRA fund.

Member Kiefer stated for the record that for this application and the Hourigan/Scutari application, he was not able to make the site visit. If the Board would like to move forward with the Gray application, he felt that he was not in a position to vote.

A site visit was conducted by Board Members, with the exception of Member Kiefer.

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 Condon 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.

At this time, Chair Rhoads asked for a motion to open the public hearing.

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

At this time, 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 on the application.

Chair Rhoads asked the Board if they wished to proceed with closing the public hearing and moving forward with the five criteria, or if they preferred to make a motion to carry the public hearing over to the next ZBA meeting on September 9, 2025.

Mr. Eggleston state that he preferred to proceed with five Board Members. All Board Members agreed.

WHEREFORE, a motion was made by Member Kiefer and seconded by Member Ketchum to carry over the public hearing to the September 9, 2025, ZBA Meeting at 7:30 pm. 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	Present [Yes]
Member	Sherill Ketchum	Present [Yes]
Member	Jim Condon	Present [Yes]

Initial Review

Applicant: Troy Green
1190 Greenfield Lane
Skaneateles, NY 13152

Property:	1190 Greenfield Lane Skaneateles, NY 13152 Tax Map #053.-01-05.2	1194 Greenfield Lane Skaneateles, NY 13152 Tax Map #053.-01-05.3
	2696 West Lake Road Skaneateles, NY 13152 Tax Map #053.-01-05.1	West Lake Road Skaneateles, NY 13152 Tax Map #053.-01-05.5

Present: Robert Eggleston, Eggleston & Krenzer Architects, PC

Chair Rhoads stated that this Application is for a proposed estate fence to enclose three (3) contiguous lots.

Design Professional, Bob Eggleston was present to represent the Applicants.

Mr. Eggleston stated that the original family lot, owned by Tim and Illyssa Green, has an existing 6-foot-high metal estate fence mostly surrounding it. The family has since acquired the property to the north where their son Troy Green lives (Green Northern Properties, LLC), and a third vacant property in the rear owned by their daughter, Tate Rose Green, who plans to build there in the future. There is a 22-foot wide right of way that is an east strip of land owned by Greenfield's Farm (Banjo Home Farm, LLC) and is occupied by an exclusive driveway. These lots are the only properties that can utilize this shared driveway.

The Applicant would like to take down the fence separating Tim and Illyssa's from the other two. They would like to then continue the fence around all three properties, maintain the same 6-foot height. Fences are required to be 1 foot off the property line, so there are five (5) locations they need a variance to build the fence within 1 foot of the property lines to avoid having a 2-foot gap which would defeat the purpose of having a fence to contain the properties. There is an automatic gate that is currently the entrance to the original family lot. The gate will be pushed back 40 feet from Greenfield Lane.

A variance is requested for a 6-foot-high fence within 100 feet of the lake on Troy Green's lot. They would like to continue with the 6-foot height rather than drop down to 4 feet. Within 100 feet of the lake, fences are required to be no more than 4 feet high with at least 50% visible penetration when viewed at any angle between 45° and 90°. The idea is to not block lake views from adjacent properties. The Applicant is proposing to put a fence right up against the existing vegetation which stands higher than 6 feet and is just before where the sever cliff occurs. A gate would be installed where there is an existing walkway to the lakefront on Troy Green's property. The 6-foot-high fencing along Tim and Illyssa's lakefront was installed prior to that zoning requirement and is grandfathered in.

Mr. Eggleston and the Applicant's do not believe this proposal will be a detriment to the neighborhood because it is a black metal estate fence and won't stand out like a white picket fence would and because the vegetation it would stand against is much taller than 6 feet. They feel this mitigates the concern of having a 6-foot-high fence within 100 feet of the lake. The new fencing would be identical to what exists on Tim and Illyssa's lot.

Chair Rhoads stated that she understands the driveway is tied to the three lots. She then asked if the lots were legally tied together and if so, what would happen if any of the lots were sold individually.

Mr. Eggleston clarified that the lots are not legally tied together. If any of the lots sold in the future, then they would remove the fence.

Member Condon asked for clarification on whether a variance was needed for each of the properties.

Mr. Eggleston explained that it is a combined application involving four properties and five locations for the 1foot setback variance. The 6-foot-high fence variance is needed for two of the properties. Lot four is the “mother” lot to the others.

Member Condon Wondered why there shouldn’t be four separate applications- one for each of the four lots.

Clerk Barkdull explained that an application can be combined if the Applicant has all owners sign off, giving authority.

Mr. Eggleston added that this would be like having an application requesting two variances for one property and the Board having the option to vote on each variance individually as opposed to voting on the two variances as a whole. Mr. Eggleton also noted that there is one small 6-foot section of fence on the parent lot. Banjo’s Home Farm, LLC owns the 22-foot-wide easement which is included in the application because they had to give authority to have the fence cross over their property.

Board Members will conduct a site visit on August 20, 2025, at 6:00 pm.

With there being no further comments or questions, Chair Rhoads made a motion to schedule a Public Hearing for September 9, 2025, at 7:45 pm.

WHEREFORE, a motion was made by Chair Rhoads and seconded by Member Ketchum to schedule a public hearing for September 9, 2025, at 7:45 pm. 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	Present [Yes]
Member	Sherill Ketchum	Present [Yes]
Member	Jim Condon	Present [Yes]

Initial Review

Applicant:	Chris & Laura Kinder 48 Spring Water Lane New Canaan, CT 06840	Property:	3429-C East Lake Road Skaneateles, NY 13152 Tax Map #041.-04-04.0
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Present: Eric Mau, SPACE Architectural Studio, PC

Chair Rhods stated that this application is for a proposed second story addition on a preexisting nonconforming lot.

Design Professional, Eric Mau of SPACE Architectural Studio was present to represent the Applicants. They are proposing a second story addition onto the existing house for a master bedroom suite. Adjacent to the master suite will be a combined office and storage area with closets.

There will be no change to footprint or lot coverage. They will be adding a small-scale stormwater piece on the east side of the lot. If there was enough room on the west side, they would have used that location which would have allowed them to run gutters to it as well. The system proposed will at least pick up water sheeting off the hill.

The existing septic is directly to the north of the house and does not need to be updated. They are taking a bedroom from the first floor and putting it over the garage so there will be the same number of bedrooms.

Member Condon asked how far the house is from the lake.

Mr. Mau stated he was unsure. The survey does not indicate this measurement. He explained that the house sits up the lane but there is a separate piece of land at the lake which does not touch the lot with the dwelling.

Clerk Barkdull added that the lake portion is related but not connected. It is a separate tax parcel.

Chair Rhoads asked what the total proposed square footage of the home will be.

The existing home is 4123SF and they are proposing to increase it to 4533.8SF. The footprint will not change as they are building on top of the existing structure.

Board Members will conduct a site visit on August 20, 2025, at 5:30 pm.

With there being no further comments or questions, Chair Rhoads made a motion to schedule a Public Hearing for September 9, 2025, at 8:00 pm.

WHEREFORE, a motion was made by Chair Rhoads and seconded by Member Condon to schedule a public hearing for September 9, 2025, at 8:00 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	Present [Yes]
Member	Kris Kiefer	Present [Yes]
Member	Sherill Ketchum	Present [Yes]
Member	Jim Condon	Present [Yes]

Discussion

- The next ZBA meeting will be held on September 9, 2025, at 7:00 pm.

- The Town Board referred the final draft of the Northern Hamlets Master Plan to the ZBA and Planning Board for their review. With Board Members having no additional comments, Counsel Molnar recommended that they entertain a motion to endorse the final draft of the Northern Hamlets Master Plan.

WHEREFORE, a motion was made by Member Ketchum and seconded by Chair Rhoads to endorse the final draft of the Northern Hamlets Master Plan. 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	Present [Yes]
Member	Sherill Ketchum	Present [Yes]
Member	Jim Condon	Present [Yes]

There being no further Board business, a motion was made by Member Kiefer and seconded by Vice Chair Palen to adjourn the meeting. The Zoning Board of Appeals meeting adjourned at 9:43 pm.

Respectfully Submitted,

Aimie Case
ZBA Clerk

Meeting Attendees:

Robert Eggleston, Eggleston & Krenzer Architects, PC
Guy Donahoe, Donahoe Architectural Design, PC
Angela Donahoe, Donahoe Architectural Design, PC
Rebecca Minas, Sr. Engineer, Barton & Loguidice, DPC
Matt McGregor, Sr. Director, Abundant Solar Inc.
Eric Mau, SPACE Architectural Studio, PC

Jim Johnson, Applicant
Emily Johnson, Applicant
Rich Garlock
Maria Garlock
Michael Boudreau

Meeting Attendees Via Zoom:

Councilor Lori Milne
Greg Parker, Applicant