

**TOWN OF SKANEATELES
ZONING BOARD OF APPEALS
MEETING MINUTES OF
October 13, 2020**

Present:

Denise Rhoads
Jim Condon
David Palen
Kris Kiefer
Michael Ciaccio
Scott Molnar, Attorney
Karen Barkdull, P&Z Clerk
Kim Benda, ZBA Clerk

The meeting commenced at 7:00 p.m. at Town Hall via Zoom. The next Zoning Board of Appeals meeting will be held on November 10, 2020 at 7:00 p.m. Previous distribution to the Board of the regular meeting minutes of September 1, 2020 was executed and all members present acknowledged receipt of those minutes.

WHEREFORE, a motion was made by Member Palen and seconded by Member Kiefer to accept the September 1, 2020 minutes as presented. The Board having been polled resulted in unanimous affirmation of said motion.

Record of Vote

Chair Denise Rhoads	Present [Yes]
Vice Chair Jim Condon	Present [Yes]
Member David Palen	Present [Yes]
Member Kris Kiefer	Present [Yes]
Member Michael Ciaccio	Present [Yes]

Member hours for the present Board members were requested and submitted for the month of September 2020 via email.

Public Hearing

Applicant: Bonnie Dunn
1056 Butters Farm Lane
Skaneateles, NY 13152
Tax Map #045.-02-46.0

Present: Bonnie Dunn, Owner
Bob Eggleston, Architect

Chair Rhoads asked if anyone would like the Public Hearing Notice read, no one spoke. The Board members have each conducted a site visit. Counsel Molnar recommended the application be classified as a Type II action under SEQR review.

WHEREFORE, a motion was made by Member Palen and seconded by Member Kiefer 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 affirmance of said motion.

At this time Chair Rhoads opened the public hearing for the Dunn application, asking if there was anyone who would like to speak in favor, opposition or had any comment regarding the application. No one spoke.

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

At this time the Board reviewed the Five Criteria for the area variance concerning the applicable section of Town Zoning Code: Section 148-9G(6) Density & Dimensional Regulations – standards for open space subdivisions, front, side & rear yards and road frontage. 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:

- 1. Whether an undesirable change would be produced in the character of the neighborhood or a detriment to nearby properties:** No. Placing the 10' x 16' shed on the property in the location indicated on the Lehr survey, dated 8/14/2020 ("Survey"), would not produce an undesirable change in the character of the neighborhood nor a detriment to nearby properties. The land to the north of the shed is an open field, and the land to the west of the shed is an open conservation lot which is owned by the Butters Farm HOA. The Applicant intends for the shed to resemble the aesthetic of the primary structure matching the character of the neighborhood, therefore not being obtrusive in any way. Adjacent properties, as well as several others within the development, currently have utility shed structures located on the lot. It is noted that a more preferable location for the shed would have been behind the existing pool shed.
- 2. Whether benefit sought by applicant can be achieved by a feasible alternative to the variance:** No. This is the most feasible option as it is reflected on the Survey. The building envelope is at capacity allowing no space for the installation of the 160 sq. ft. shed.
- 3. Whether the requested variance is substantial:** No. The requested variance is not substantial, as the shed installation would not require a variance if the property were located in any other part of the Town of Skaneateles outside of the Butters Farm open space subdivision development.
- 4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood:** No. There will be no adverse physical or environmental impact resulting from the installation of the shed. It would be best if the shed could be set during a dry period or after the frost to avoid any rutting of the yard, causing any unnecessary drainage onto the side yard property.
- 5. Whether the alleged difficulty was self-created:** Yes.

WHEREAS, in review of the above 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. Based on the Board members' site visits and discussions before the Board at the public hearing the benefit to the applicant outweighs the detriment to the community and will not have significant adverse impacts on the character of the neighborhood or the physical or environmental conditions of the property.

WHEREFORE a motion was made by Vice Chair Condon and seconded by Member Palen, that this application be **APPROVED** with standard conditions and additional special conditions:

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 any agency or authority having jurisdiction over the Property or Application; and
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.
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 in order to minimize adverse impacts upon the neighborhood or community:

1. That the Survey, dated August 14, 2020, prepared by Douglas R. Lehr, Licensed Architect for Lehr Land Surveyors, as presented by the Applicant reflecting the proposed 160sq.ft. utility shed be followed in all respects and shall always be complied with.
2. In lieu of the Applicant providing and As-built survey upon completion of the shed installation, the Codes Enforcement Officer must be satisfied that the intended shed is placed as required by the above- mentioned Survey, as a condition before issuance of a certificate of compliance.

RECORD OF VOTE

MEMBER NAME	AYE	NAY	ABSENT
Chair DENISE RHOADS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vice Chair JIM CONDON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Member MICHAEL CIACCIO	<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 PALEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Public Hearing

Applicant: Ray Lessaongang
 1031 Old Seneca Turnpike
 Skaneateles, NY 13152
Tax Map #028.-01-05.0

Present: Bob Eggleston, Architect

Chair Rhoads asked if anyone would like the Public Hearing Notice read, no one spoke. The Board members have each conducted a site visit. Counsel Molnar recommended the application be classified as a Type II action under SEQR review.

WHEREFORE, a motion was made by Vice Chair Condon and seconded by Member 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 affirmance of said motion.

At this time Chair Rhoads opened the public hearing for the Lessaongang application, asking if there was anyone who would like to speak in favor, opposition or had any comment regarding the application. No one spoke.

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

At this time the Board reviewed the Five Criteria for the 2 area variances collectively concerning the applicable sections of Town Zoning Code: Section 148-12G(1)(a)[4] Existing nonconforming lots – side yard setbacks and Section 148-12G(1)(a)[3] Nonconforming Structures- rear yard setbacks. 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:

1. **Whether an undesirable change would be produced in the character of the neighborhood or a detriment to nearby properties:** No. The proposed 18' x 30' barn will not create an undesirable change to the character of the neighborhood, nor will it be a detriment to nearby properties. It is located in a rural area with a RR District designation, surrounded by varying sized lots and structures.
2. **Whether benefit sought by applicant can be achieved by a feasible alternative to the variance:** No. The existing lot is relatively small, irregular in shape and nonconforming. Placement of the proposed structure would require the existing detached garage to be demolished in order to avoid a variance.
3. **Whether the requested variance is substantial:** No, by a majority vote. The location of the property is in a rural area of the community, distant from nearby neighbors and any established structures. Therefore, the request for the area variances should not be considered substantial. The proposed location of the barn also triggers a variance as a result of the location of the existing structures on the property. There is no watercourse on the property or nearby, supporting the determination that the 14.9' side yard setback and 18.7' rear yard setback are not substantial. It was noted the request could be considered substantial considering the size of the lot and its nonconforming status, however that should not have a negative impact on the granting of the area variance.
4. **Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood:** No. The project is not located within the LWOD. The constructed barn will not have an adverse impact on the physical or environmental conditions of the neighborhood, as the proposed location exists as a crusher-run stone driveway resulting in minimal disturbance of the soil since the established stone drive has allowed the soil to stabilize in this area. By utilizing the existing stone driveway there will be no need to increase ISC, keeping at the minimum possible. There is no watercourse or septic nearby, therefore there are no environmental concerns.
5. **Whether the alleged difficulty was self-created:** Yes.

WHEREAS, in review of the above 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. Based on the Board members' site visits and discussions before the Board at the public hearing the benefit to the applicant outweighs the detriment to the community and will not have significant adverse impacts on the character of the neighborhood or the physical or environmental conditions of the property.

WHEREFORE a motion was made by Member Palen and seconded by Vice Chair Condon, that this application be **APPROVED** with standard conditions and additional special conditions:

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 any agency or authority having jurisdiction over the Property or Application; and
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.
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 in order to minimize adverse impacts upon the neighborhood or community:

1. That the Site Plan, dated August 13, 2020, and Narrative, dated August 20, 2020, prepared by Robert O. Eggleston, Licensed Architect reflecting the proposed 18ft. x 30ft. storage barn be followed in all respects and shall always be complied with.
2. In lieu of the Applicant providing and As-built survey upon completion of the barn construction, as it is restricted by the retaining wall, Robert O. Eggleston, Licensed Architect will submit location verification to the ZBA confirming conformance of completed project, before a certificate of occupancy /certificate of compliance is issued.

RECORD OF VOTE

MEMBER NAME	AYE	NAY	ABSENT
Chair DENISE RHOADS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vice Chair JIM CONDON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Member MICHAEL CIACCIO	<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 PALEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Initial Review

Applicant: Thomas Wingfield
 2886 West Lake Road
 Skaneateles, NY 13152
Tax Map #052.-01-10.0

Present: Thomas Wingfield, Owner

The Board scheduled a site visit for *Saturday, October 17, 2020 at 9 am.*

WHEREFORE, a motion was made by Vice Chair Condon and seconded by Member Palen to schedule a public hearing on *Tuesday, November 10, 2020 at 7:02 pm*. The Board having been polled resulted in unanimous affirmation of said motion.

Initial Review

Applicant: Dawn Altmeyer
2530 Wave Way
Skaneateles, NY 13152
Tax Map #054.-04-07.0

Present: Bob Eggleston, Architect

A site visit was scheduled for *Saturday, October 17, 2020 at 9:15 am*.

WHEREFORE, a motion was made by Member Palen and seconded by Vice Chair Condon to schedule a public hearing on *Tuesday, November 10, 2020 at 7:10 pm*. The Board having been polled resulted in unanimous affirmation of said motion.

Draft Zoning Updates

Clerk Barkdull reminded everyone the Town Board will hold the Public Hearing for the Draft Comprehensive Plan, Open Space Plan and Town Zoning Code on Thursday, October 15, 2020 at 7:00 pm via Zoom.

There being no further Board business, a motion was made by Vice Chair Condon and seconded by Member Kiefer to adjourn the meeting. The Zoning Board of Appeals meeting adjourned at 8:06 pm.

Respectfully Submitted,
Kim Benda