

**TOWN OF SKANEATELES  
ZONING BOARD OF APPEALS  
MEETING MINUTES OF  
February 4, 2020**

Present:

Denise Rhoads  
Jim Condon  
David Palen  
Kris Kiefer – Absent  
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. The next Zoning Board of Appeals meeting will be held on March 3, 2020 at 7:00 p.m. Previous distribution to the Board of the regular meeting minutes of January 7, 2020 was executed and all members present acknowledged receipt of those minutes.

**WHEREFORE** a motion was made by Member Palen and seconded by Vice Chair Condon to accept the January 7, 2020 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 Jim Condon	Present [Yes]
Member David Palen	Present [Yes]
Member Kris Kiefer	Absent
Member Michael Ciaccio	Present [Abstain]

Member hours for the present Board members were requested by email for the month of January 2020. Member Kiefer submitted his hours prior to the meeting.

**Executive Session**

**WHEREFORE** a motion was made by Member Ciaccio and seconded by Vice Chair Condon to enter an Attorney Advice Executive Session at 7:05 pm. The Board having been polled resulted in unanimous affirmance of said motion.

The Board readjourned returning from the Executive Session at 7:12 pm.

**Public Hearing**

Applicant: David Meunier/SSPP1 LLC  
4545 Jordan Rd  
Skaneateles, NY  
**Tax Map #018.-02-10.0**

Present: Bob Eggleston, Architect  
Tom Blair, Attorney  
Benjamin Garrett & Kaytlin Bell, Contractors

Chair Rhoads reviewed this is the remodel of an existing multi-family dwelling with the addition of off-street parking in front of the building on a pre-existing nonconforming lot in the hamlet district. The public hearing was opened at the January 7, 2020 meeting and continued to the February meeting. Bob Eggleston, Architect, informed the Board the applicant has secured the property, boarding the open windows on the lower level while leaving a couple open on the top floor to allow light in the building for the masons repairing the collapsed brick wall. Vice Chair Condon stated he noticed areas where kids could still get into the building.

Mr. Eggleston noted the email from Mr. Demarco stating he was not interested in selling any of his land and it was been submitted to the Board prior to the meeting.

Mr. Eggleston discussed the septic informing the Board he has been in contact with Jeff Till, as it is the jurisdiction of the OCHD under the NYSDEC and Town Board, and even though this is not a direct issue of the ZBA it enters into considerations that the applicant has the ability to satisfy septic. Andrew Watkins is the engineer consulting for the septic size, after conducting perc tests he has concluded there will be an 8-minute perc on the land. There are two possible solutions for septic, the applicant is still contemplating what the best option is for the septic. One solution is the development of independent septic systems for each house with just the condominium being on the sewer district. The "worst case" option would be having the 8 condominiums and the two houses on one new septic, which is what the current septic easement and arrangement is. Instead of the required 110 gal/bedroom for a 1-bedroom apartment, Jeff Till asked the applicant to allow for the septic to accommodate 150 gal/bedroom for each of the condominiums and 110 gallons for each of the houses. With a bed system there would be a 42'x60' septic area with room for 100% expansion, 10' from the driveway, 50' from the road ditch and 139' off the creek. The current septic is less than 100' off the creek, the proposed septic would create a solution that meets the health department's requirements 100%. Mr. Eggleston stated he would be meeting Feb. 5, 2020 with Janet Aaron, Town Supervisor; Brody Smith, Town Attorney; Scott Molnar, ZBA Attorney; as well as the septic professionals the applicant has hired to have preliminary discussions about Town Sewer Districts. Mr. Eggleston noted the Town has previously accepted two other sewer districts. Vice Chair Condon asked if there has been any discussion with Jeff Till regarding any of this. Mr. Eggleston responded yes, Jeff Till has left the options open thus far requiring the applicant to choose 'Option A' which will be required to be executed one way or 'Option B' which will be required to be executed another way. Jeff Till has communicated with Andy Watkins, septic engineer, and Tom Blair, easement attorney relative to the engineering and legal aspects. Vice Chair Condon stated looking at the past application there was a mention of having individual septic asking if the applicant is entertaining that idea this time. Mr. Eggleston stated that is an option that is being explored, the condominiums will have one septic system and the Cotter's and Cowden's will be on independent septic systems, this is all dependent on availability of space and perc rates on the properties, as well as distance from the creek. Mr. Eggleston stated if everything were required to go on the applicant's lot it would fit, but if there is no septic solution then there is no project. Vice Chair Condon asked if Jeff Till had any concerns with there being so many bathrooms in a 1-bedroom apartment and the possibility of another bedroom being added. Mr. Eggleston stated Mr. Till requested the applicant allow for 150 gallons/unit, which is 50% more than a typical 1-bedroom design.

Mr. Eggleston brought the Board's attention to an updated Paul Olszewski survey reflecting some corrections regarding utility lines. The water line that was originally thought to travel up the driveway along the back of the building and then over to the Cowden property, does not serve the Cowden residence as they have their own line from the street. The water line serves the houses along the common driveway and has been cut off and stubbed no longer permitting access to the condominiums. The applicant will have to meet with the health department to discuss tying into the existing water line or installing a new system for access to the water line. There is a 12" water line running on Jordan Rd. with a 2" water line off that serving 4 houses along the common driveway. Mr. Eggleston noted the updated

map also reflected the proposal for septic solutions, additional contours and the latest information that has been gathered regarding the property.

Mr. Eggleston informed the Board there has been open communication with the neighbors, however there are no answers to the questions they have asked thus far as there are still meetings taking place to determine what the best options available to them will be. When the time comes the neighbors will be included in the final decision-making process.

Mr. Eggleston presented the Board with some photographs of the neighborhood, stating the first question of the Five Criteria asks if there would be a negative impact to the neighborhood. The first seven pictures show buildings with parking in front of the building, therefore parking in front of buildings along Jordan Rd. is not uncharacteristic. The eighth photo is from the perspective of standing on Jordan Rd. in front of the condominium building, Mr. Eggleston parked his car next to the building at the distance of the proposed parking to show the view of a vehicle 111' from the road. The other parking along Jordan Rd. averages 10-30' off the road line. Vice Chair Condon stated if any of the properties in the photographs wanted to do anything to their properties they would have to meet the code or come in for a variance. Mr. Eggleston stated these are all existing conditions, if one of the people in the photos wanted to change a condition it would have to be reviewed, but since these are existing they are grandfathered in. Mr. Eggleston reminded the Board of the mitigating measures listed in the Narrative, describing the vegetation utilized to screen the front parking, while maintaining a view of the historic building. Historically there was parking in front of the building in 2003 when the building was vacated, at that time there was another building closer to the road.

Mr. Eggleston reviewed the variances being applied for stating the applicant felt as though Mr. DeMarco was given a reasonable option to consider with purchasing some of his land to mitigate the one variance. Mr. DeMarco would not consider it at all as his concern was the right-of-way on the road. Mr. Eggleston stated Counsel Blair and Counsel Molnar have discussed the road easement, and the fact that it has been established prior to zoning, it is an existing condition. Mr. DeMarco would like to maintain ownership of the road leaving the condominium property land locked.

Vice Chair Condon asked how the fire department will access the building via the common driveway. Mr. Eggleston stated he had not had a chance to talk with the fire department as of yet but intended to once the application was in front of the Planning Board. The Planning Board will be looking at the application for a Special Permit as well as Site Plan Review, looking at 4 pages of criteria that has already been submitted reviewing issues such as access, fire access, drainage, and lighting. The Town Board will be reviewing the sewer district requirements. Onondaga County Health Department has the final say on the septic design with NYSDEC involvement as this project will be over 1,000 gallons even if the two additional houses are not included in the sewer district. The granting of this variance is the first step in the process of coordinating with the other four agencies to continue with the project.

Vice Chair Condon stated the ZBA is governed to give the minimum variance, last month the applicant had been asked to consider some other options, so he drew some for the applicant. The drawing reflected four parking spaces removed from the front of the building and placed behind the building where the proposed garbage was, moving the garbage storage to the front of the building. Vice Chair Condon asked Counsel Molnar if it were possible to place the parking in the location he indicated due to the various easements. Counsel Molnar assumed the parking in the rear is configured to be compliant with the rights granted in the easement, stating Counsel Blair is present to help the ZBA understand the existing easements better. Counsel Molnar continued stating suggesting parking in the rear in addition to the eight spaces on the site plan may or may not be feasible. Vice Chair Condon stated in the 2003 application most of the parking was located behind the building. Mr. Eggleston explained in 2003 there was a verbal commitment with Madison Filter, that the applicant at the time was going to acquire part of the property

but Madison Filter broke off the agreement. Tom Blair, Attorney, answered the question of parking within the easement, stating the issue is the existing 60' wide easement on the western and northwestern portions of the property and you cannot impede on the DeMarco easement. It is difficult to squeeze extra infrastructure on that portion of the lot as there is a bioswale proposed in the area and you cannot impede the ingress and egress for any household. Mr. Blair stated there will be conversations with the fire department about access behind the building including a turnaround by the filtration plant and seeking input from the fire department for the Planning Board. If the turnaround near the filtration plant is not possible, the applicant needs to have the ability to provide a turnaround for emergency vehicles in the rear parking area as well as a management plan in the HOA for the apparatus to have clear and easy access. Counsel Blair stated the HOA will be cognizant of that and restrictions will be built into the condo plan, currently it is not possible to fit any more parking behind the building. Mr. Eggleston explained to get a fire apparatus turnaround it is a 60' x 60' hammerhead, behind the building there is 80' of driveway length and other than the width of the driveway the applicant is probably 95% compliant with getting a required apparatus turnaround by pulling into the parking area and backing out to proceed on the common driveway. Vice Chair Condon asked if code requires 100' for a turnaround. Mr. Eggleston answered no it is 60', in the parking area alone there is 80' in length but measuring to the center of the road it is about 100'. The width of the driveway may have to be widened to be compliant as a turnaround. The condition in front of the building is similar, with a slightly more difficult turning radius when entering the road again.

Vice Chair Condon asked Counsel Blair about the various easements associated with the property, requesting assurance that all other property owners involved understand the legalities of the proposed septic solutions. Counsel Blair stated Ms. Cowden was currently present at the meeting, there has been open communication with Ms. Cowden, Mr. Eggleston and himself regarding the easements. Counsel Molnar requested Counsel Blair explain how the septic easement works for the record. Counsel Blair stated there are three properties involved, the condo property, the Cowden property to the north and the Cotter property to the south west. The septic is located along the condo property with components on the Cowden property. Septic responsibility is broken down in the 1971 Linderman subdivision survey as follows: Condo property 83%, Cowden property 12% and remaining users 5%. Jeff Till and the DEC do not like shared systems such as this and the Town is working with the applicant to accomplish a simplified system that benefits everyone as the project progresses. After meeting with the DEC and the County, Counsel Blair is under the impression they would prefer a simplified system. Mr. Eggleston reminded the Board of the map dated Dec. 1, 2019, titled Adjacent Properties and Easements, identifying all properties included in the easement and how they are associated with one another. Mr. Eggleston explained the Cotter property has their own septic tank with affluent material deposited into a pipe that travels north along the back of the condos, picking up waste from each unit, then traversing to the septic tank and leach fields on the Cowden property. Mr. Eggleston described the proposed system, and if all three properties end up on a maximum common system, there is space to allow the entire system on the Meunier property potentially abandoning the existing easement altogether. Once the new system is designed new easements would take the place of the old easements, granting the Town access to the septic system for maintenance from the common driveway.

Counsel Blair stated he would like to point some things out for the Board while they contemplate the two area variances that are being requested, one for the parking and one for the lot size. Counsel Blair stated this is a "historical" property submitting Sanborn maps of the area to the Board from the 1920's, 1940's and 1950's, as part of the record. Since 1920 there has been no change in the lineup, setting or orientation of the property other than the 6,000 sq. ft. storage building that sat between the condos and the road up until 2003. Mr. Eggleston called the storage building the Woolen Shed. Member Palen asked what the date of the original structure was. Counsel Blair did not have an exact date, stating it exists on the 1927 Sanborn maps. Mr. Eggleston would date the building late 1800's. Chair Rhoads asked if the building is designated "historical". Counsel Blair answered no. Counsel Molnar added the building is on the Town

“SAVEIT” list, but it is not designated “historical”. Counsel Blair stated it is eligible to be designated “historical”. Vice Chair Condon asked if that was due to the architecture or because of the age. Counsel Blair answered it is due to the building’s age. Counsel Blair is unaware of any architectural significance other than the condos being a period building. Historically the building has received relief from similar area variances in the past, Counsel Blair reminded the Board of the precedence set by that.

Counsel Blair reviewed the Five Criteria. With regards to an undesirable change being produced in the character of the neighborhood, this is the opposite of that in that a dilapidated old building will be given new life, improving the property as well as neighboring property owners’ values. Another point Counsel Blair added was a building that has not contributed to the Tax Rolls will be brought back as a performing asset on the rolls. The new septic and sewer solutions will help to clean up an otherwise muddled system and the sharing arrangement that is currently in place. Counsel Blair provided Counsel Molnar the deed for Madison Filtration (the DeMarco property) as well as the easements associated with the property, mirroring the easements Mr. Meunier was provided when purchasing 4545 Jordan Rd. There is no legal description of the width of the access on the right-of-way in the easements, other than it is 60’ from the factory to the corner point. Mr. Eggleston explained the easement is 60’ wide on the north, there is an area along the road where it gets tight at 47’ and then widens out again as you continue down the road, this is reflected on the DeMarco survey that was submitted earlier in the day. Technically Mr. Meunier has the right to come behind the Cowden property, as that is also common easement area.

Counsel Blair addressed, number two regarding the benefit to the applicant, can it be achieved by a method other than an area variance. The property has been historically constrained into this small footprint with the dimensions that exist today being the only available land that can be acquired by this developer. Counsel Blair stated he has a personal relationship with the DeMarco family and has approached them to enter a course of negotiations. The DeMarco’s are not interested in giving up any control or piece of the roadway which would be important to connect the land, leaving no opportunity for the applicant to add land. It is difficult to design this project in any way to avoid an area variance.

Counsel Blair continued with regards to Criteria three, is it substantial. Previous area variances have been granted by the ZBA, therefore there is an application specific precedence that has been set for lot size variance. This is also a historical use of the property. Regarding the parking variance, this is in character with the neighborhood as Mr. Eggleston has shown and is due to historical constraints not caused by this applicant.

Counsel Blair addressed Criteria four, stating the two area variances are not inconsistent with the historical use of the property. The proposed work in cleaning up the septic system and creating the two bioswales, allow control of sheeting and runoff so it is not running onto neighboring properties. Furthermore, the septic systems that are in place are aged, Ms. Cowden has spent time and money replacing parts of the system. Mr. Meunier is proposing all new septic to handle the affluent material at a minimum of his eight units, potentially more if it fits the needs of the Town and the neighbors, creating a net positive effect on the environment.

Counsel Blair then addressed Criteria five. Stating there is no suitable land to add to the property, historical lot constraints prevent the development of the building in place due to lot size constraints. Counsel Blair noted part of Mr. Eggleston’s narrative, if there is not an area variance the building will not be developed in its historical footprint. Counsel Blair stated whether you want to call it self-created or not, it results in project or no project.

Mr. Eggleston recalled the Board’s question of the applicant entertaining fewer units, however variances would still be required even though they wouldn’t be quite as big. Even if the applicant were to propose a two-family house it would still be nonconforming as an acre of land is required. The only alternative not

requiring an area variance would create a 12,000 sq. ft. single-family dwelling, the numbers for a hamlet just don't make sense. The applicant could consider 6 units, currently the building physically sets up for 8 units, but the last time the building was occupied it consisted of 10 units. The 2003 variance requested 10 units, this applicant is requesting less than that, which is the 8 units that are left with the brick shell and the demised partitions between the units as it was originally set up. Vice Chair Condon stated it was apartments before and now it will be condos. Mr. Eggleston agreed, stating condos are simply apartments owned by the occupant. Vice Chair Condon stated there is a code difference.

Counsel Blair stated it is important to remember in the Comprehensive Plan there is a discussion of housing options and a variance of market value housing is important in the hamlet as is clearly spelled out in the plan. Chair Rhoads asked if the building has been vacant for about 15 years, is there no abandonment clause. Clerk Barkdull answered yes, it is beyond the abandonment limits.

Member Ciaccio asked what the results of the Phase I Environmental Study are, as they were requested at the initial review of the application. Mr. Eggleston stated the Phase I has been completed, and it is clean. Counsel Blair advised the applicant submits the results to the Planning Board rather than the ZBA, unless they intend on completing a SEQR. Member Ciaccio stated he was comfortable with that answer. Counsel Blair asked if the SEQR was a Type II for ZBA. Counsel Molnar answered yes.

Counsel Molnar addressed the Board concerning SEQR, stating he had encouraged the Board to consider this application an area variance for purposes of SEQR classified as a Type II action under SEQR considering that it is for a residential dwelling. Counsel stated the section that permits that classification and no further review under SEQR states 'the granting of an area variance for a single-family, two-family or three-family residence is permissible classification'. This is more than that as it is an eight-unit condominium project. Counsel recommended the Board, in order to proceed reclassify this action under SEQR as a Type II Action but because it is section 617.5(c)(2), 'replacement, rehabilitation or reconstruction of a structure or facility in kind on the same site, including upgrading buildings to meet building, energy or fire codes, unless such action meets or exceeds any of the thresholds in 617.4, which is a Type I action', rather than section 617.5(c)(12) noting review by the Planning Board as Lead Agency.

**WHEREFORE**, a motion was made by Vice Chair Condon and seconded by Member Palen to re-classify the proposed action as a Type II SEQR action as per section 617.5(c)(2) rather than section 617.5(c)(12) and not subject to SEQR review by the ZBA with the understanding there will be a thorough SEQR review conducted by the Planning Board as Lead Agency. The Board having been polled resulted in the unanimous affirmance of said motion.

Vice Chair Condon asked Counsel Molnar if it is possible to minimize a variance by the ZBA stating the applicant is not required to have 2 parking spaces per unit even though it is required by code. Counsel stated if it were requested by the applicant that could be an area of relief under the code.

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

Chair Rhoads asked if there was anyone who would like to speak on the record in favor or against the application. No one spoke.

After thorough discussion the Board decided to close the public hearing as there was no new information for the record from the public. The Board also decided they required more time to review information that has been submitted since the last meeting and they would like further information provided to answer questions before rendering a determination for the public hearing.

**WHEREFORE**, a motion was made by Member Ciaccio and seconded by Vice Chair Condon to close the public hearing with a determination being rendered in 62 days from the closing of the public hearing. The Board having been polled resulted in the unanimous affirmance of said motion.

Chair Rhoads stated review of the application will continue Tuesday, March 3, 2020 at 7:02 pm. The Board has requested the applicant speak with the Town about forming a sewer district and consult the fire department about access to the building prior to the next meeting.

**Initial Review**

Applicant: Ronald & Bonnie Scott  
1420 Thornton Heights Rd  
Skaneateles, NY  
**Tax Map #057.-01-11.0**

Present: Bob Eggleston, Architect

Chair Rhoads described the applicant proposes construction of a new one-bedroom house on a 12,106 sq. ft. lot. Bob Eggleston, Architect, stated currently the lot is vacant with a conforming width of 50' however the lot is less than 20,000 sq. ft. requiring a variance for any structure other than an 80 sq. ft. shed, which is existing on the lot. The applicant is proposing a one-bedroom home to be built for retirement. All criteria for existing nonconforming lots in the lake watershed have been met, in the allowance of a 6% footprint which is what the applicant has, 10% potential living space whereas the applicant is slightly under that, 10% impermeable coverage whereas 9.3% is proposed, and 80% open area whereas 83.1% is proposed. The proposed setback puts the structure in alignment with the adjacent neighboring properties. Required 10' side yard setbacks are being met. The proposed septic system is awaiting a final letter of approval from OCHD and is situated about 400' from the lake. A bioswale is proposed to the west behind the dwelling to capture rainwater from the gutters. The existing parking area is 724 sq. ft. whereas 400 sq. ft. is proposed, reducing the ISC and improving runoff from the driveway.

Vice Chair Condon asked if there is any plan to mitigate the runoff from the steps along the south side of the dwelling. Mr. Eggleston stated yes, they are permeable steps constructed of 6" timber filled with pea stone or flag stone creating steps that match grade. Vice Chair Condon shared his concern for properties to the east where the runoff will flow.

Vice Chair Condon asked why there were multiple doors into the basement if it is for storage. Mr. Eggleston explained it is an undersized door to gain access to the storage for canoes, outdoor furniture, etc. Vice Chair Condon expressed concern over the basement being finished off into an apartment. Mr. Eggleston stated that would not be allowed by code as he has designed the basement to be 6'7" in height where code requires 7' minimum for a habitable basement space. Building code allows a space to be finished off at 6'8", by making the basement height 6'7" it will not be possible for the space to be finished off. Chair Rhoads expressed concern for the margin of error. Mr. Eggleston understood and feels confident in the design.

A site visit was scheduled for *Saturday, February 22, 2020 at 9:00 am.*

**WHEREFORE**, a motion was made by Member Palen and seconded by Member Ciaccio to schedule the public hearing for *Tuesday, March 3, 2020 at 7:10 pm.* The Board having been polled resulted in unanimous affirmance of said motion.

### Initial Review

Applicant: Kenan 2012 Family Trust  
3406 West Lake Rd  
Skaneateles, NY  
**Tax Map #049.-02-04.2**

Present: Bruce Kenan, Owner  
John Langey, Attorney  
Jeff Davis, Trustee

Chair Rhoads described the proposal for the re-subdivision of an existing nonconforming lot into two (2) nonconforming lots. John Langey, Attorney, explained the land is owned by the Kenan Trust and occupied by Bruce Kenan. Counsel Langey informed the Board the applicant has presented to the Town Planning Board and determined the proposal could be considered a property line adjustment. Bruce Kenan, owner, walked the Board through a history of the property from 1976 when the family purchased the original property on West Lake Street, through various acquisitions, renovations and subdivisions, up to the 2020 re-subdivision proposal. In 1996 the Kenan's purchased the 115'x800' parcel in the Town located adjacent to the properties they owned in the Village. According to the deed the parcel is conforming at 2.1 acres, however measuring to the mean high waterline the parcel is a nonconforming 1.7 acres. Mr. Kenan stated the total of the 2 Village lots and the Town property is approximately 6 acres. Mr. Kenan described the carriage house/garage, which is on the Town parcel, as 3 stories including an in-law apartment, this building is connected to the main house, on a Village parcel, via tunnel at the basement level. Separately the boathouse has historically been a residence with a driveway running along the south side of the Village property, when the Town property was purchased both driveways were redirected on the Town parcel allowing more open space on the Village parcels. All three properties are under common ownership even though they are separate Trusts. Mr. Kenan is hoping to sell the 4-bedroom main house or the 4-bedroom boathouse, as it is more than he and his wife need at this stage in life. The existing parcels do not allow for an easy real estate sale currently, resulting in the proposal for the re-subdivision. Mr. Kenan proposes the Town parcel be subdivided, extending the westerly line of the boathouse parcel to the southerly line of the Town parcel suggesting the west half of the parcel be legally merged with the main house parcel and the east half legally merged with the boathouse parcel respectively. Mr. Kenan stated there is research being done on the process of a legal merger between parcels. Member Palen asked for clarification on the municipality association between parcels if there is a legal merger. Counsel Langey explained there will be no annexation involved with this application. Mr. Kenan assured the parcels will remain in the associated municipalities, as there are existing parcels with part of the property located in the Town and part in the Village.

Mr. Kenan stated the variance requested is for the formation of two nonconforming lots in the RF district. Counsel Langey informed the Board the main house and boathouse benefit from municipal water and Village sewer, removing concern for impact of a septic system. Vice Chair Condon asked if the west Village and Town parcels would be utilized as one parcel. Counsel Langey stated yes, with two tax map numbers, as would be the same for the east parcel. The existing right-of-way would remain. The proposed east parcel would total 1.7 acres when combining the Village and Town parcels, the west proposed parcel would total 4.2 acres. Counsel Langey explained there are impermeable surface coverage variances that will be requested due to the existing conditions. Counsel Langey assured there will be no further development of the lots adding any ISC. Mr. Kenan explained the ISC is questionable especially when combining the Town and Village parcels. Counsel Langey stated the numbers are broken down on the Paul Olszewski survey, dated February 4, 2020.

Counsel Molnar stated when he previously met with the applicant, he explained the challenge with the proposal was the creation of four lots from three, consisting of two nonconforming lots in the Town. If



the applicant were to consider creating the four lots but legally tying the Town lots to the adjacent Village lots in perpetuity it would help mitigate the area variance. Counsel Langey stated the applicant is looking to create property lines that reflect the function of the property. Vice Chair Condon asked if the variances were approved would the ZBA be allowed to add conditions perpetually tying the parcels to one another. Counsel Molnar answered yes. The applicant agreed with tying the lots together. Vice Chair Condon expressed concern over future development of the land if the parcels are not tied together in perpetuity with the condition of no further development. Mr. Kenan assured there is no interest in changing the existing structures.

Counsel Langey gave an overview of the impermeable surface coverage and open space at the Town level as well as the combined Village and Town parcels, these numbers are reflected on the February 4, 2020 survey. Vice Chair Condon asked if there is any way to mitigate the ISC being over the allowed amount. Mr. Kenan could not immediately provide any type of mitigation plan, adding the roof of the underground garage is grass permeable area. Counsel Langey stated the existing boathouse is included in ISC even though it is situated over the lake, the square footage for that is broken out in the tables on the February 4, 2020 survey.

### **Other Board Business**

Chair Rhoads, Vice Chair Condon and Member Kiefer attended the Cornell Cooperative Extension's Watershed meeting regarding timber harvesting, in Borodino. Attendance will count toward training hours. Chair Rhoads reminded the Board of the Onondaga Planning Symposium as the registration deadline is approaching, attendance at the conference will count toward training hours.

Saturday, February 8, 2020 at 8:00 am a Round Table meeting will commence for the Town Board, Planning Board and ZBA members.

Clerk Barkdull made the Board aware of the Assessor's date change for the 2020 Grievance Day, allowing the ZBA to maintain their meeting on the first Tuesday of the month for the month of June.

Counsel Molnar recommended the Board make a motion regarding Lead Agency for the Meunier application at 4545 Jordan Rd.

**WHEREFORE** a motion was made by Vice Chair Condon and seconded by Member Ciaccio to designate the Town of Skaneateles Planning Board as Lead Agency on the application of David Meunier/SSPP1, LLC for SEQR and environmental purposes. The Board having been polled resulted in unanimous affirmance of said motion.

There being no further Board business, a motion was made by Vice Chair Condon and seconded by Member Ciaccio to adjourn the meeting. The Zoning Board of Appeals meeting adjourned at 8:35 pm.

Respectfully Submitted,  
Kim Benda