

**TOWN OF SKANEATELES
ZONING BOARD OF APPEALS
MEETING MINUTES OF
April 6, 2021**

Present:

Denise Rhoads
David Palen
Kris Kiefer
Dave Lee
Sherill Ketchum
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 May 4, 2021 at 7:00 p.m.

Minutes

Previous distribution to the Board of the regular meeting minutes of March 2, 2021 was executed and all members present acknowledged receipt of those minutes.

WHEREFORE, a motion was made by Member Lee and seconded by Vice Chair Palen to accept the March 2, 2021 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 David Palen	Present [Yes]
Member Kris Kiefer	Present [Yes]
Member Dave Lee	Present [Yes]
Member Sherill Ketchum	Present [Yes]

Member hours for the present Board members were requested and submitted for those who attended in the month of March 2021 via email.

Public Hearing

Applicant: Elizabeth Ernyey
4434 Jordan Rd
Skaneateles, NY 13152
Tax Map #023.-02-23.0

Present: Elizabeth Ernyey, Owner

Chair Rhoads described the variances requested are for the demolition of an existing 20ft. x 22ft. garage and the construction of a 24ft. x 24ft. pole barn on a preexisting nonconforming lot of 0.6acres. The existing garage on site is beyond repair, the replacement will have a second story for storage. Variances requested are for building expansion, with height increasing from 16ft. to 19.9ft., footprint increasing from 449sq.ft. to 576sq.ft. and floorspace increasing from 7,275sq.ft. to 11,462sq.ft. due to the additional upstairs storage. The Board has conducted individual site visits of the property.

Vice Chair Palen expressed concern with the impermeable surface coverage (ISC) and requested the ISC be recalculated once the proposed project is completed. Chair Rhoads reviewed that the Board had discussed the topic at the previous meeting and the proposed garage is being constructed on top of existing driveway. Elizabeth Ernyey, Owner, confirmed there is a width of stone along the north side of the garage that has been stoned for approximately nine years however it may not be included in the ISC calculations as it was not reflected on the survey provided. Member Ketchum expressed her concern for this oversight as well, stating the survey does not reflect the current ISC or an accurate ISC of the proposal and it is the responsibility of the ZBA to make their determination based on factual information. Vice Chair Palen stated he calculated 14.74% ISC which is below the allowed 15% ISC, however that was a quick estimation and the ZBA will require a true calculation. Member Ketchum asked what the actual square footage of the gravel along the north side of the garage is. Ms. Ernyey answered the gravel along the side of the garage toward the house is approximately 38ft. long and 20ft. wide, the gravel was not present at the time the survey was done. The 14.3% ISC provided was based on the survey without the gravel reflected. Member Ketchum stated the reason the ISC is being questioned is having an accurate ISC is important because if the percentage is higher than the allowed 15% the Applicant would be required to request an additional variance. Ms. Ernyey stated Codes Enforcement Officer Bob Herrmann informed her she could wait to get a new survey until after the construction was completed to reflect an accurate ISC for the property. Ms. Ernyey stated the survey she provided was from 2008 and she felt the ZBA would be able to see the stone area as she described along the north of the garage during their site visits. She agreed to remove existing ISC if the calculation after completion of construction reflected anything higher than 15% ISC to remain in compliance and avoid an additional variance. Ms. Ernyey explained the stone was added by Skaneateles Excavation in approximately 2010 to keep the RV from sinking into the grass, at that time gravel was added to the dirt floor of the garage as the roof was leaking and creating mud.

WHEREFORE, a motion was made by Vice Chair Palen and seconded by Member Ketchum 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.

Chair Rhoads asked if anyone would like the public hearing notice to be read, no one spoke. All Board members have conducted a site visit of the property. At this time Chair Rhoads opened the public hearing, stating the Board received a letter of no objection from south adjacent neighbor Dale Mecomber, 4422 Jordan Rd. She asked if there was anyone else who would like to speak in support of the proposal.

Bob Eggleston, Architect, 1391 East Genesee St., stated he was in favor of this application. In reviewing the site plan and the recent change in the zoning law, it is his opinion this is an application that unfortunately was caught in an unintended consequence of the new zoning law. Mr. Eggleston explained if Ms. Ernyey were able to reuse the existing foundation of the garage a variance may not have been required so long as she remained below the allowed 15% ISC. Under the previous zoning law Ms. Ernyey would have been allowed to expand the garage by 500sq.ft. and 5,000cu.ft. without a variance. As a result of the current zoning law there will be an increase in variances since it does not permit an increase in square footage or cubic footage. Mr. Eggleston feels the garage and driveway should remain in their existing locations, her proposal is reasonable, and she should be granted the variance.

Chair Rhoads asked if anyone in the public would like to speak in opposition or had any other comments regarding the application. No one spoke.

WHEREFORE, a motion was made by Member Ketchum and seconded by Vice Chair Palen 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. Counsel Molnar noted the ZBA will review the criteria in recognition of the Town Law in the State of New York and the five questions presented, as well as the newly passed Local Law B-2021 adopted by the Town Board April 5, 2021. At this time the Board reviewed the Five Criteria for the 2 area variances collectively concerning the single applicable section of Town Zoning Code: Section 148-8-5.B – Rebuilding of Use of Structure. 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 will be produced in character of neighborhood or a detriment to nearby properties will be created by the granting of the area variance:** No. There will not be an undesirable change produced in the character of the neighborhood nor will there be a detriment to nearby properties. The proposed garage structure is a replacement of an existing garage building which is in disrepair. The new garage will enhance the Applicant’s property as well as the neighboring properties, as the new structure will be aesthetically more pleasing than the existing dilapidated structure. This is a rural neighborhood comprised of rural residences and some commercial property use, such as a landscape business to the north and a toy outlet to the west. The neighboring homes have commercial garages and/or agricultural type buildings on site. It is necessary to replace the existing unsound structure as it will improve the health, safety, and welfare of the neighborhood and when it is complete the change will be imperceptible.
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. The Applicant could construct a replacement structure on the existing footprint to avoid an area variance.
3. **Whether the requested variance is substantial:** No, by majority vote. The proposed structure will be primarily rebuilt on the existing footprint, while the expanded 2ft. to the north and 4ft. to the west will be built over existing gravel driveway. Therefore, there will not be an increase in the existing ISC. The height of the proposed structure is increasing less than 4ft. from the existing 16ft. to 19ft.9in. The south side yard setback of 14ft and west rear yard setback of 12.5ft. will remain unchanged. There is some significance to the requested variance as the floorspace of the proposed structure will increase by 4,187sq.ft. on a preexisting nonconforming lot, from 7,275sq.ft. to 11,462sq.ft., however the Board finds this is still within an acceptable range and there will be a slight decrease in open space as a result.

RECORD OF VOTE

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

4. **Whether the proposed variance will have an adverse effect or impact on the physical or**

environmental conditions in the neighborhood or district: No. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions of the neighborhood or district. The property is not located within the Lake Watershed Overlay District, nor does it contain a watercourse or sensitive wetlands. Generally, the proposal does not increase the nonconformities of the property due to it being a preexisting nonconforming lot. There will likely be an improvement on the environmental and physical conditions of the neighborhood, given the current status of the existing structure.

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 Chair Denise Rhoads and seconded by Vice Chair David 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 Site Plan, as prepared by the Applicant, and the drawings/elevations, dated January 19, 2021, as prepared by Martin Builders Enterprise LLC be followed and complied with in all respects.; and
2. The As-Built survey required by Standard Condition 5 above must recalculate the impermeable surface coverage of all structures and improvements on the Premises, including the reconstructed garage, and shall show an impermeable surface calculation not to exceed the maximum of 15% as required by Code.

RECORD OF VOTE

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

Ms. Ernyey asked how she would obtain her building permit and what the next step in this process is. Clerk Barkdull provided step by step instructions for Ms. Ernyey on the remainder of this process along with a potential timeline and referred her to CEO Herrmann for further instruction.

Initial Review

Applicant: Bruce & Lorraine Reid
 3342 East Lake Rd.
 Skaneateles, NY 13152
Tax Map #034.-04-24.0

Present: Jeff Reid, Representative, Applicant’s Son
 Jennifer Reid, Applicant’s Daughter

Chair Rhoads described the proposal is for construction of a detached 24ft. x 28ft. garage. Jeff Reid, son of Bruce and Lorraine Reid, stated he will be representing the Applicants. Mr. Reid reviewed the required variances are for the 8ft. setback from the south property line and an increase in ISC from 10.47% to 12.25%. Chair Rhoads added the preexisting nonconforming lot is 0.87 acres and confirmed with Clerk Barkdull the variances required are for side yard setback and increase in ISC from 10.3% to 12.08%. Member Ketchum inquired about lot coverage. Clerk Barkdull confirmed the maximum lot coverage in the LWOD is 20% and the Applicant is in compliance.

Vice Chair Palen asked if the increased ISC includes additional tarvia for the proposed garage or does the tarvia already exist. Mr. Reid answered no there will not be any additional tarvia, the location of the proposed garage is at the edge of the existing driveway. Member Ketchum asked why the Applicant can’t bring the proposed garage forward more to replace some of the existing tarvia, especially given age of the Applicants wouldn’t it benefit them to have the garage closer to the home. Mr. Reid stated he understood this would reduce the increase in ISC, however the current proposal would allow room for the Applicant to back out of the garage then turn the vehicle around to exit the driveway entering the road facing forward. Member Lee asked if that is how the existing pavement is currently used. Mr. Reid answered yes. The Board agreed backing out of a driveway onto East Lake Road is not safe. Member Ketchum asked if the reflected concrete areas and walkways are existing. Mr. Reid answered yes.

Vice Chair Palen asked if this was the property on which the Water authority wanted to have the septic system located. Clerk Barkdull responded yes, the City of Syracuse Water Department has requested the Applicant locate the septic system on the property as they do not have that on file. Vice Chair Palen asked if that would be required now or included with the As-Built survey. Counsel Molnar stated it could be included in an approving resolution that an As-Built survey be provided with the location of the septic system depicted. Clerk Barkdull stated the City of Syracuse is trying to ensure the septic system is protected during construction.

Member Ketchum stated based on the plans it seems obvious to bring the garage closer to the house reducing the variance required for ISC as it would still allow room for a car to turn around in the

driveway. The ZBA does not typically grant variances for excess ISC and if there is any way to move the proposed location of the structure to reduce the increased ISC that should be entertained. Mr. Reid sought clarification on the direction of the location change. Member Ketchum clarified she would prefer to see the proposed garage located closer to East Lake Road to reduce ISC, she is less concerned with the south property line setback than she is the increase in ISC as it could be less substantial based on the site plan. Jennifer Reid, the Applicant's daughter, shared a photograph of the site where the proposed garage is to be located, explaining if the garage were to be located closer to the west property line the cars would not be able to turn around in the driveway after exiting the garage. Member Ketchum thanked Ms. Reid as the photograph was helpful. Clerk Barkdull asked Member Ketchum for the record which direction she would recommend the proposed garage be moved to. Member Ketchum stated she would actually prefer the garage moved both further north and west, possibly even attaching the garage to the house, ultimately reducing the proposed ISC in some way.

Member Lee stated he is very familiar with the site and even though it is currently an open field to the south of the property it is difficult to overlook the setback to the property line being merely 8ft., allowing it would not set a good precedent. Mr. Reid stated without adding any more tarvia, the location of the garage was considered and placing it at the edge of the driveway was an easy decision as it allows for a turnaround even though it will encroach on the required 30ft. side yard setback. Mr. Reid continued the 70acre farm to the south has been leased for crop farming for years and they feel the driveway won't be an issue for any future owners of that property. Vice Chair Palen asked if the Applicant had spoken with the neighbor. Mr. Reid stated they had, and the neighbor does not oppose the proposal. Vice Chair Palen requested that the neighbor submit a written document stating such.

Member Kiefer stated for himself it is difficult to look past the 2% increase in ISC. In his time with the ZBA they have not approved an increase in ISC with the exception of one application (the Osmun variance) which was approved as a result of safety concerns so the Applicant would not be backing out of their driveway onto East Lake Road. Member Kiefer inquired about the increase that was allowed for that particular variance that was granted, so he could have a reference, noting the Applicant had worked with the ZBA to use a semi-permeable material because of the concern with ISC. With the approval of the Osmun variance the record was clearly established what the safety issue was and in line with the zoning code it was a minimum variance that could be approved, with the smallest increase in ISC possible to address the safety issue. Member Kiefer stated he would like to work with the Reid's to find what the minimum variance required in this situation will be to address their needs and the safety issue but not to set a precedent that is untenable. Clerk Barkdull provided the resolution from the Osmun variance for the Board and Mr. Reid to reference, noting the ISC increased from 10% to 11.3%.

Ms. Reid reiterated the surrounding area is open farmland from East Lake Road all the way east to Rickard Road, as well as from the side yard south to Pork Street. Member Kiefer stated for himself the side yard setback is less of an issue but needed to look more in depth at how the proposed increase in ISC can be reduced as this is the issue that is more problematic in the Town. Ms. Reid noted over the year's variances have been granted for significant residential projects along the lake front, she is curious how those variances are accomplished gaining quite a bit more ISC than is being requested with this application. Member Kiefer stated the reason he asked to review the Osmun resolution is because that is the only time in his tenure an area variance has been granted to allow an increase in ISC, which is why he wanted to review it to see how it applies to this particular situation. Mr. Reid asked about permeable options to reduce the existing impermeable surfaces on the property, and what alternative did the Osmun's use. Member Kiefer stated the Osmun's originally planned to install a tarvia driveway turnaround but agreed to utilize permeable pavers instead. Vice Chair Palen agrees a turnaround is appropriate, however there needs to be some research done on how to reduce the ISC on the property. Mr. Reid discussed the possibility of using permeable pavers in the driveway or on some of the other existing

concrete areas on the property in order to reduce ISC. Member Ketchum confirmed this was a good option for the Applicant to further consider.

A site visit was scheduled for *Saturday, April 17, 2021 at 9:00am*. Chair Rhoads requested Mr. Reid stake the property in the approximate location of the proposed garage.

WHEREFORE, a motion was made by Vice Chair Palen and seconded by Member Kiefer to schedule a public hearing for *Tuesday, May 4, 2021 at 7:02 pm*. The Board having been polled resulted in unanimous affirmation of said motion.

Initial Review

Applicant: Joseph & Linda Dwyer
867 Milford Dr.
Skaneateles, NY 13152
Tax Map #047.-02-04.0

Present: Bob Eggleston, Architect
Joseph & Linda Dwyer, Owners

Chair Rhoads described the proposal is for the construction of a 22ft. x 22ft. attached garage, enlargement of an existing porch to 8ft. x 20ft., and the addition of a 12ft. x 20ft. deck. Bob Eggleston, Architect, stated this property is outside of the LWOD, served by Town water and was purchased with the idea that the small one-story house would be ideal for retirement. Some issues the Applicants have found are existing is less than 1,000sq.ft. of living space and the house only has a one-car garage. If possible, the Dwyer's would like to have a two-car garage, porch and rear deck, currently there is a patio in the front where the porch is proposed. The Applicant has contacted the east adjacent neighbor, Carl Byrne, requesting the acquisition of 8,000sq.ft. of his large property. Mr. Eggleston provided a site plan of the proposal submitted to Mr. Byrne; however, Mr. Byrne denied the Dwyer's request. The Dwyer's existing ISC is 17.4%, which exceeds the allowed 15%, if Mr. Byrne had agreed to sell 8,000sq.ft. of his property to the Applicant the property would become compliant even after the proposed improvements at 12.5%. Mr. Byrne's ISC would increase from 4.3% to 4.6% with the proposed property line change. Mr. Byrne has been granted area variances for accessory buildings that have not yet been completed, if he were to complete the proposed approved projects, he would still remain under the allowed 10% ISC for his property after giving up 8,000sq.ft.

Mr. Eggleston explained given the limitations of the lot the Dwyer's are allowed to maintain the existing 17.4% ISC and request a Special Permit. However, to create a two-car garage that would require them losing some of the living space on the first floor and creating a second story to regain some of the lost living space. This would defeat the purpose of the Dwyer's having a small single-story ranch as they move into retirement. When considering factors such as a required front yard setback of 25ft., and a required side yard setback of 20% of the lot width or 24ft., the proposed garage, porch and deck all conform to the required setbacks. The remaining option to achieve the desired benefit is to request a variance for ISC relief. Prior to this application it would have been allowed 15% ISC for a nonconforming lot outside of the LWOD and 10% permeable structures were permitted, as a result of the new zoning that is no longer allowed. Again, this application is a result of an unintended consequence of the new zoning laws. The driveway is being reduced from 640sq.ft. to 450sq.ft., the 476sq.ft. being added to the garage along with the addition of 120sq.ft. to the porch that is increasing the ISC up to 20.8%.

Mr. Eggleston reviewed mitigating factors such as the addition of an 8ft. x 20ft. bioswale in the south east corner of the lot, this will perform for the property beyond simply treating the runoff rainwater. Currently the rainwater runs off the roof and out of the gutters to the north east corner of the lot where the septic

field is located, this is not good for the septic field. Mr. Eggleston explained Mr. Byrne has concern with his lot being low and wet and he feels there is water coming from the houses in general on Milford Drive, Mr. Byrne has installed a French drain on his property to mitigate this issue and protect his septic system. The proposed roof has been designed in such a way that stormwater runoff from the house and the driveway would be directed into the proposed bioswale, protecting the Dwyer's septic field while removing water that has been flowing onto Mr. Byrne's property. Mr. Eggleston stated they have been in contact with Highway Superintendent Allan Wellington, who maintains the drainage on Milford Drive, he believes the proposed bioswale and having the underdrain drain into the road ditch will be acceptable and should not cause any problems with stormwater on Milford Drive. Mr. Eggleston requested Mr. Wellington submit a written statement to the ZBA confirming his findings.

Mr. Eggleston acknowledged it is not a common request to increase ISC, however the Dwyer's have exhausted all of their options while trying to make the house a little more suitable for themselves in their retirement. He noted they have made as many reductions as they can, and they are proposing a system to treat the stormwater runoff.

Mrs. Dwyer added when purchasing the property as Mr. Dwyer and herself are getting closer to retirement the main idea was first floor living space, including a laundry room and a half bath with a walk-in shower. Currently there is one full bath with a tub and the laundry is located in the basement. Converting the existing one-car garage into living space would allow for first floor laundry and a bath with a walk-in shower. This seems to be the most economical plan to gain first floor living space for those purposes.

Vice Chair Palen asked where the water flows once it is deposited into the road ditch. Mr. Eggleston described the water flows down Milford Drive to West Elizabeth Street, then down into the Skaneateles Creek Outlet.

A site visit was scheduled for *Saturday, April 17, 2021 at 9:30am.*

WHEREFORE, a motion was made by Member Ketchum and seconded by Member Kiefer to schedule a public hearing for *Tuesday, May 4, 2021 at 7:10pm.* The Board having been polled resulted in unanimous affirmation of said motion.

Referral Local Law A-2021 – Article 11 Planned Unit Development

Chair Rhoads asked if the Board had any questions pertaining to Planned Unit Developments (PUD's) after the topic was introduced by Counsel Molnar at the previous ZBA meeting. Member Ketchum noted information she found regarding PUD's stating they are historically used on larger projects, she then questioned if the Town Board being the Lead Agency would require additional review of an application from the ZBA or PB. Counsel Molnar explained the Town Board is seeking to create this legislation to be the Lead Agency to review and approve applications for unique projects that fit the criteria, however it would be subject to PB referral but not PB approval. Input from PB will be with respect to the compliance with the Comprehensive Plan rather than the Zoning Code, this will allow the Town Board more flexibility with the code given the uniqueness of the projects. Counsel reviewed the suggestions presented by the ZBA & PB, which include not permitting single-family residential development; requiring a lot that is greater than 2 acres; emphasizing this is best used for reutilization of existing buildings as opposed to new construction. The Town Board is currently awaiting final suggestions from the ZBA & PB as to what an acceptable PUD chapter in the code would look like. Member Ketchum described a number of vacant buildings in the northern area of the Town, she sought clarification stating currently they do not fit the zoning for that area and asked would they need a use variance. Counsel Molnar explained no, then reminded the Board it is illegal under case law to simply change the zoning for a single parcel within a district to fit the needs of a proposed project.

Member Ketchum shared her concerns about whether new Town Board members would be qualified to review applications as the Board changes and gave hypothetical scenarios of what could be proposed inquiring whether it would qualify as a potential application. Counsel Molnar assured the criteria are very important criteria to render an application eligible to be considered a PUD; use consistent with Comprehensive Plan; whether the proposed use will result in an undesirable change to the character of the neighborhood; whether the proposed use is likely to increase job opportunities for Town residents, particularly high paying and skilled positions; whether the proposed use will result in significant adverse environmental impacts, particularly when located in the Skaneateles LWOD, industry that does not result in environmental damage will be heavily favored in this article, such as office uses and professional services; whether the proposed use shall promote affordable housing in the community, particularly for senior citizens. After meeting the criteria an application would be subject to public input during a public hearing. Clerk Barkdull stated traditionally when the Town Board previously reviewed all major projects and referred to the PB, the PB would provide very detailed responses which the Town Board honored in most cases. The way this legislation is written, each application would be reviewed by another Board in addition to the Town Board to ensure correct drainage is proposed, lighting is acceptable and the proposal fits, there will be some influence on the application even though the Town Board will have the final say on dimensionality.

Member Kiefer shared concern that this is a solution in search of a problem, questioning why the Town Board would want/need this authority. Clerk Barkdull explained the main quest is adaptive reuse of buildings, currently there is a business within the Town who cannot make their existing building work and the goal is to keep businesses local to prevent future job loss. By making empty buildings productive we can return them to the Tax Roll.

Member Lee had difficulty with the fact that this legislation is not restricted to any specific district within the Town. Clerk Barkdull encouraged the ZBA to give that input to the Town Board, currently there are no restrictions of that nature. A suggestion that has been made is any prohibited uses will continue to be prohibited, another is the emphasis on adaptive reuse as opposed to new construction on vacant or preexisting nonconforming lots. Counsel Molnar recommended the ZBA create a list of suggestions regarding Local Law B-2021 which can be documented in a letter and presented to the Town Board. The Board agreed this would be an appropriate course of action and Clerk Benda will draft a letter to be reviewed by the Board and Counsel Molnar prior to submission to the Town Board.

Other Board Business

Clerk Barkdull informed the ZBA the Town Board has been discussing the legalization of cannabis in New York State, and will be asking for input from the community about how they feel regarding the topic to decide if the Town will “opt out” or “opt in” for allowing retail of the product in the Town.

Counsel Molnar informed the ZBA he could be out of Town during the next ZBA meeting. The Board agreed it would be acceptable for Counsel to join the meeting via Zoom from his potential out of town location.

Member Ketchum shared with the Board, Planning Board Chair Joe Southern had resigned.

There being no further Board business, a motion was made by Vice Chair Palen and seconded by Member Ketchum to adjourn the meeting. The Zoning Board of Appeals meeting adjourned at 8:43 pm.

Respectfully Submitted,
Kim Benda