

**TOWN OF SKANEATELES  
ZONING BOARD OF APPEALS  
MEETING MINUTES OF  
August 2, 2022**

**Present:**

Denise Rhoads, Chair  
David Palen  
Kris Kiefer (absent)  
Dave Lee  
Sherill Ketchum  
Scott Molnar, Attorney  
Karen Barkdull, P&Z Clerk

Chair Rhoads opened the meeting at 7:08 pm due to technical issues.

**Minutes**

Previous distribution to the Board of the regular meeting minutes of July 5, 2022, was executed, and all members present acknowledged receipt of those minutes.

**WHEREFORE**, a motion was made by Vice Chair Palen and seconded by Member Ketchum to accept the July 5, 2022, 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	Absent
Member	Dave Lee	Present [Yes]
Member	Sherill Ketchum	Present [Yes]

**Public Hearing Continuance**

Applicant: Griffith Oil Co., Inc. (Superior Plus Propane)  
1376 East Genesee Street  
Skaneateles, NY 13152  
**Tax Map #042.-01-07.0**

Present: Pat Bisesi, Plant Manager

Chair Rhoads noted that the board had requested an updated site plan from the applicant that would reflect the accurate dimensions of the proposed shed and the setback to the property line. Mr. Bisesi said that what is proposed is a simple 18 foot x 25 foot shed that would be located directly behind the existing building. This would allow them the ability to keep equipment out of the weather. Chair Rhoads commented that the plans that were submitted indicate that it is connected to the existing building, and it is not to scale. It is also missing the distance between the proposed shed to the rear property line. Member Lee said that he would also like to have the site plan show the proposed shed setback to the fence line as well as the property line. He continued saying that the board will also need the details of the proposed shed submitted, and that an architectural stamp on a drawing will be needed to get a building permit if the valuation of the shed is \$20,000 or greater. Mr. Bisesi stated that the shed will be a simple shed without electrical or plumbing.

The applicant is requesting a rear yard setback for a 450 square foot shed. A site visit was conducted on June 25, 2022 by the board although no representative was present, and the proposed site was not marked for viewing. At last month's meeting the board had requested an updated site plan that indicates the proposed location including setbacks. To date, none have been provided to the board. The Skaneateles fire department chief has received the proposed plan but has not yet commented on the proposal. The information will need to be submitted prior to the next meeting on September 6, 2022.

**WHEREFORE**, a motion was made by Member Ketchum and seconded by Vice Chair Palen to open the public hearing and extend the hearing to September 6, 2022. The Board having been polled resulted in unanimous affirmation of said motion.

**Public Hearing**

Applicant: Habermaass Corp., 1220  
4407 Jordan Road  
Skaneateles, NY 13152  
**Tax Map #023.-01-09.0**

Present: Bryon Macrides, Haba Toys; Michael Palmieri, Architect

A height variance is requested to allow a warehouse addition to be 42 feet from above average grade whereas 35 feet is the maximum height allowed. Site visits were conducted independently by the board members. Chair Rhoads asked if anyone would like the public hearing notice read. No one requested the public hearing notice to be read into the record.

**WHEREAS**, a motion was made by Member Lee and seconded by Vice Chair Palen, the Zoning Board of Appeals adopted and ratified the Planning Board prior SEQRA determination, last reviewed March 15, 2022 for the Application, which classified the Application as an Unlisted Action, after which the Planning Board rendered a negative declaration for the Application after review of the SEQRA forms submitted by the Applicant. The Board having been polled resulted in unanimous affirmation of said motion.

**WHEREFORE**, a motion was made by Member Ketchum and seconded by Member Lee to open 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 in favor of, against or had any comments regarding the application. Mr. Macrides stated that by allowing the height variance, it will allow them to expand their operation and employ more people in the area. It will be positive for Habermaass and for the town. No one else spoke in favor, opposition or had any other comments.

**WHEREFORE**, a motion was made by Member Lee 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. At this time, the Board reviewed the Five Criteria for the area variance concerning the applicable section of Town Zoning Code. 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: Yes  No

Reasons: No. The granting of an area variance will not result in a detriment to the character of the neighborhood. The proposed addition will not increase the footprint of the addition or lot coverage. The site sits upward from Jordan Road on 17.8 acres with low visibility from Jordan Road due to the existing tree cover. There are no residences in the nearby vicinity there are several commercial properties in the neighborhood located off Visions Drive.

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. There are no alternative options to obtain the desired storage without expanding the footprint of the facility. They are proposing an efficient way to maximize the storage capacity without increasing the footprint of the building, thereby keeping impervious coverage to a minimum. It is logical to design the building this way.

3. Whether the requested variance is substantial: Yes  No

Reasons: No. The requested area variance is not substantial. The applicant is requesting an increase of 7 feet in the height of the proposed addition over the maximum building height of 35 feet. The variance will not have an impact to the site or have only a minimal impact.

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. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions of the neighborhood or district. The proposed enhancement to the height of the addition will provide the applicant additional storage space while maintaining the building footprint and lot coverage. They are also installing a stormwater management system that will assist with any stormwater runoff. The Planning Board had no other comments regarding this application.

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

Reasons: Yes, however the intent of the zoning code does not necessarily want to limit this kind of height restriction, in this kind of industrial application, which is not towering over other structures.

#### **DETERMINATION OF ZBA BASED ON THE ABOVE FACTORS:**

The ZBA, after taking into consideration the above five factors, upon a motion made by Chair Denise Rhoads, duly seconded by Vice Chair David Palen and a unanimous (4-0) affirmation of all Members present as recorded below, finds as follows:

- the Benefit to the Applicant DOES NOT outweigh the Detriment to the Neighborhood or Community and therefore the variance request is denied.
- the Benefit to the Applicant DOES outweigh the Detriment to the Neighborhood or Community.

Reasons: In review of the stated findings of the Zoning Board of Appeals, the benefit to the Applicant, as weighed against the detriment to the health, safety and welfare of the neighborhood, or community, lies in favor of the Applicant. This decision is based on all the evidence presented in the Application, the Record, as well as the Board members' inspection of the property, and is conditioned as follows:

**STANDARD CONDITIONS:**

1. That the Applicant obtain any necessary permit(s) from the Codes Enforcement Officer or otherwise commence the use within one (1) year from the filing of the variance decision. Any application for zoning/building permit(s) shall terminate and become void if the project is not completed within the eighteen (18) months from the issuance of the permit(s).
2. That the Applicant shall obtain all necessary permits and approvals from the Planning Board and any agency or authority having jurisdiction over the Property or Application.
3. That the Applicant 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 S-1, A-1, and A-2 dated June 27, 2022, and Narrative dated June 24, 2022, prepared by Licensed Architect, Michael J. Palmieri, be complied with in all respects; and
2. That the Applicant fulfill all the conditions set forth by the Planning Board in their resolution of March 15, 2022; and
3. That the Applicant submit an amendment request to obtain Town of Skaneateles Planning Board approval of this modified Site Plan and Narrative.

**Record of Vote**

Chair	Denise Rhoads	Present [Yes]
Vice Chair	David Palen	Present [Yes]
Member	Kris Kiefer	Absent
Member	Dave Lee	Present [Yes]
Member	Sherill Ketchum	Present [Yes]

**Other Board Business**

Town Board Referral regarding SOCPA

The Zoning Board of Appeals reviewed the proposed Onondaga County Planning Agreement regarding SOCPA changes, and after considering the referral by the Town Board, the board expressed that the proposed modifications to the SOCPA procedures would not present a negative impact to the Zoning Board

of Appeals. Vice Chair Palen commented that the County Planning Board resolutions usually contain little substance that is beneficial to the board.

**WHEREFORE**, a motion was made by Vice Chair Palen and seconded by Member Ketchum to recommended that the Town Board enter into the agreement with the Onondaga County Planning Board regarding the proposed SOCPA changes. The Board having been polled resulted in unanimous affirmation of said motion.

Town Board Referral regarding Shoreline Repair

Counsel Molnar recapped the discussions regarding repair of failing seawalls and docks that can contaminate the lake, and timing of approvals by the Town. Chair Rhoads inquired on how the 20% increase would be managed by the codes officer, especially for sea walls. Town Board Member Tucker explained that the 20% increase would be from the encasement of the existing seawall that is failing instead of removing the old seawall and having the potential for it to contaminate the lake. Member Ketchum asked on how it would apply to docks, and Member Lee commented that the metal sheeting is corrugated and not flat which would increase the size of the structure.

The Zoning Board of Appeals reviewed the Policy for Repair of Existing Shoreline Structures, and after considering referral of the Policy set by the Town Board, the board expressed that the proposed modifications to the repair of existing shoreline structures would not present a negative impact to the Zoning Board of Appeals as it is a necessary interim step until section 148-7-1-K has been updated and adopted.

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 7:55 pm.

Respectfully Submitted,

Karen Barkdull  
P&Z Clerk

Additional Meeting Attendees(Zoom):

Mike Palmieri	Bryon Macrides	Pat Bisesi
Mark Miller	Barby Mayce	Mark Tucker