

**TOWN OF SKANEATELES
ZONING BOARD OF APPEALS
MEETING MINUTES OF**

December 3, 2019

Present:

Denise Rhoads
Jim Condon
David Palen
Kris Kiefer – Absent
Michael Ciaccio – Arrival 7:30 pm
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 January 7, 2020 at 7:00 p.m. Previous distribution to the Board of the regular meeting minutes of November 12, 2019 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 November 12, 2019 minutes as submitted. The Board having been polled resulted in unanimous affirmation of said motion.

<u>Record of Vote</u>				
Chair	Denise Rhoads	Present	[Yes]	
Vice Chair	Jim Condon	Present	[Yes]	
Member	David Palen	Present	[Yes]	
Member	Kris Kiefer	Absent		
Member	Michael Ciaccio	Absent		

Member hours for the present Board members were turned in for the month of November, 2019. Member Kiefer emailed his hours prior to the meeting. Member Ciaccio will be contacted with a request for his hours to be submitted.

Public Hearing

Applicant: Rick Naro
935 Parker Lane
Skaneateles, NY
Tax Map#027.-01-30.5

Present: Rick Naro, Owner
Phil Muka, Renovus Solar Representative

Chair Rhoads stated the Board conducted a site visit on November 16, 2019 and asked the applicant and his representative to come forward and review the proposed installation of the ground mounted solar array. Phil Muka, Renovus Solar Representative, summarized it is a 24.84 kW ground mounted solar array, consisting of two individual units each with 36 panels. The array will be located in the best solar resource area on the property considering the existing underground obstructions, trees throughout the property, and it will be out of sight for most neighbors to the north and east. One neighbor has been in contact with Mr. Naro to express his support of the project, he has not submitted anything to the Town for the record.

Vice Chair Condon asked why the distance measured to the watercourse on the site plan, 52' and 77', was not the same as the one stated on the Denial Letter, 52' and 65'. Mr. Muka stated the 52' is east of the watercourse and the 77' is north to the watercourse. Clerk Barkdull clarified the 65' distance measured in the Denial Letter is a second point east of the watercourse that exists but is not indicated on the site plan, so there are actually three points of reference within the 100' setback. Mr. Naro stated when the site analysis was conducted by Renovus Solar, the original location proposed was more south, closer to the road and residence; however a mound of fill was discovered from what could have been an access road at one time and that would not support the construction of the array. The proposed location is the result of the tests performed by Renovus to ensure the array is structurally sound, as the posts would not be stable if they were pile driven into fill. Vice Chair Condon then asked how many posts there would be, if the array would consist of 8 per panel. Mr. Muka answered there are 11 total supports. Vice Chair Condon asked if a track machine would be doing the work and trenching while the ground is frozen keeping away from the watercourse. Mr. Muka answered the ground will not be getting torn up as the machine is a pile driver, so there will be drilling straight into the ground with minimal disturbance. Vice Chair Condon inquired if straw will be laid down to help protect the watercourse from runoff after construction as grass will not be able to grow in the winter. Mr. Muka stated Renovus would like to begin construction while the ground is frozen to minimize disturbance and they will take precautions to protect the watercourse. Vice Chair Condon stated for the record the SDS has been submitted to the Board and there are no harmful materials used in the construction of the solar array panels.

Member Palen asked what the square footage of the array is. Mr. Muka answered the square footage takes up .74% sq. ft. of the overall lot but he does not have an exact number for the square footage. Mr. naro stated his house is entirely electric with a geothermal heat pump, and he just purchased an electric vehicle, throughout the year the solar array should allow his residence to be carbon neutral. Mr. Muka commented this is on the upper end of the residentially sized solar arrays due to the fact that the house is all electric.

Chair Rhoads asked if the public would like to have the public hearing notice read. No one requested to have the public hearing notice read. Chair Rhoads restated the Board did make a site visit of the property on Saturday, November 16, 2019. Counsel Molnar recommended the request for a variance is automatically a Type II action under SEQR regulations.

WHEREFORE, a motion was made by Member Palen and seconded by Vice Chair Condon to consider the proposed action as a Type II SEQR action as per section 617.5(c)(12) and not subject to SEQR review. The Board having been polled resulted in the unanimous affirmance of said motion.

At this time Chair Rhoads opened the public hearing, asking if there was anyone who would like to speak in favor of the application.

Bob Eggleston, 3441 Rickard Rd, spoke in support of the application as an individual. Mr. Eggleston stated he was the architect who drew the plans for the original owner who built the home, as well as the architect for the subdivision of the property for the second owner. Presently Mr. Eggleston has no relation to this owner of the property. In support, the Comprehensive Plan supports looking at alternative energy and the Town should be supportive of people who are taking the initiative on their own to do alternative energy, as it is the way of the future and more of it should be encouraged. In the zoning regulations, zoning laws are written in boxes and there is no differentiation between types of watercourse, whether it's Skaneateles Lake, which supports aquatic life or a seasonal watercourse, such as this one which dries up during certain times of the year. There is also no differentiation between the types of structure, whether it's a house or 11 poles that are supporting something that stands above the ground. In reality this is a permeable situation with minimal ground disturbance in order to install the array which should be considered, as there will not be a solid 15,000 sq. ft. structure being constructed next to the Lake this is merely 11 poles 52' from one watercourse and 77' from another watercourse that is uphill

from the array. The location on the site is nice in that it is hidden from what could be considered a nuisance view. Mr. Eggleston is in full support of this application and encourages the Town to be in support of alternative energy.

Member Palen commented this is a good time to have this application approved as he may have come across some potential changes to the solar array codes which could make this process more costly.

Mike Sweet, 909 Parker Lane, spoke in support of the project having no issues with the proposal. The array will be located between Mr. Sweet's property and Mr. Naro's dwelling. Mr. Sweet agreed with Mr. Eggleston, that he would like to see more alternative energy in the Town, done properly.

Chair Rhoads thanked everyone for their comments and asked if the public or the Board had any additional comments. No one spoke.

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

At this time the Board reviewed the five criteria for an area variance concerning applicable section of Town Zoning Code; Section 148-29D Wetland & Watercourse 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 character of neighborhood or a detriment to nearby properties:** No. The construction of the solar array will have minimal effect upon the character of the neighborhood as the site is located in a rural area below the main roadway level off of a small side street. Sight lines to adjacent properties are partially covered by a tree line and other vegetation. The panels will be 200 ft. from the road behind the primary residence, not within view of the neighbors. Neighbors generally have not expressed concerns about the construction of the solar array; rather there has been a show of support. Being that this is the first solar array constructed in the area, it will create a change in the character of the neighborhood, however the change will not be undesirable nor will it be a detriment to the nearby properties.
2. **Whether benefit sought by applicant can be achieved by a feasible alternative to the variance:** No. Due to the nature and size of the array there is a need to capture as much sunlight as possible, given the location of the underground septic system, leach field and geothermal heating system the proposed location is necessary. To accommodate the current lot features, improvements and landscaping while maintaining the most optimal sunlight exposure, the proposed location was selected, as other locations were reviewed and deemed not sufficient for efficiency and would not benefit the home owner. With the proposed Renovus documentations and studies, the selected location indicated on Site Plan SP-1, dated 10/9/2019, is most feasible.
3. **Whether the requested variance is substantial:** No. The structure is a solar array which will be 3 feet off the ground at the lowest point, and the only contact with the ground will be the 11 pile driven steel supports, 6 of which lie within the 100 foot setback, they will not pose a risk of degradation to the watercourse. The 52 foot setback and 65 foot setback for the steel posts from the seasonal watercourse as proposed on SP-1, as dated 10/9/2019, is not substantial.

4. **Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood:** No. With the Renovus information and SDS (safety data sheet) documents submitted for the panels does not reflect a concern regarding the environment. A small track pile driver will be used to install the 11 steel posts, conduit and supports for the panels, if time allows the machinery will install the array while the ground is frozen to minimize disturbance. If land disturbance cannot be avoided the applicant has agreed to protect the watercourse and repair damage immediately. The Onondaga County Planning Board has indicated there will be no significant adverse implications as a result of the project.
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 prepared by Michael E. Miele, Licensed Professional Engineer, dated October 9, 2019, submitted by the Applicant must be approved by the Town of Skaneateles Planning Board, depicting the location of the ground mounted solar array, and that the Site Plan and conditions of the Planning Board be followed in all respects, and shall always be complied with.
2. The watercourse will be protected during construction of the solar array, if there are heavy rains the soil will be protected from running into the watercourse.
3. Any soil damage/land disturbance will be immediately repaired following the completion of the solar array construction to prevent erosion. If necessary, lay straw on the damaged areas to prevent soil runoff until weather permits repair.

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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Member KRIS KIEFER	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Member DAVE PALEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Initial Review

Applicant: Mary Sennett & Robert Leiss
1411 Thornton Heights Rd
Skaneateles, NY
Tax Map #057.-01-32.0

Present: Mary Sennett, Owner
Bob Eggleston, Architect

Chair Rhoads stated the application is for the replacement of stairs and a deck to meet code. Bob Eggleston, Architect, stated the property has been in the owner’s family for a number of years and she is one of multiple siblings who own the seasonal cottage. As the family ages they would like to continue to enjoy the property, however the stairs are a steep incline with a straight shot down of 20’. NYS code states a flight of stairs should not continue any further than 12’ of height in a single run. The existing stairs are both very narrow and very steep, which was likely a simple solution to get down to the shoreline about 50-60 years ago. There is a pump house at the bottom of the stairs allowing for minimal storage ability. A large dock area of about 670 sq. ft. acts as a landing for the stairs. Mary Sennett, owner, described it as a bulk head, as it is a solid seawall with rocks underneath. Mr. Eggleston added this structure counts as part of the shoreline structures for the zoning density control. There are three generations of family utilizing the stairs that are in disrepair. Ms. Sennett explained the family has owned the property for over 24 years and over time they have occasionally “sured-up” the existing stairs. The family opened the camp in the spring and found the top stair had separated from tree root growth, the entire flight of stairs is in need of replacement but that is not allowed as the structure is not up to code.

Mr. Eggleston referenced the site plan, explaining the applicant needs more length and width to make the stair case code compliant. The dwelling is west of the staircase 28.6’ from the road line; there is a deck off the south side of the dwelling with a concrete sidewalk extending east toward the stairs. The oak tree north of the staircase is damaging the concrete at the top of the stairs. Proposed is the extension of the stairs on an angle to gain length, the stairs will then come down to a deck. Currently there is a nonconforming 8’x12’ deck located on a slope that has a grade greater than 30%, whereas decks are not allowed on a grade greater than 30%. The landing deck will be relocated onto the dock, creating a smaller dock area, but allowing for the creation of enclosed storage underneath, which will increase the building footprint. From the top of the stairs the first flight will come down no more than 11 feet to a landing which will be supported by 4 posts driven into the bank. The second flight of stairs will connect from the landing down to the deck area. The third flight of stairs will come from the deck area down to the existing dock. The deck area will not go all the way to the southern edge of the dock to allow access to the swimming area, which is slightly shallower and easier to enter the lake, and the owners use to north side of the dock to park their boat. The deck area allows for an increase in length to allow the rise and run to work well without the use of a tower structure, additionally being useful allowing for a storage area underneath. Mr. Eggleston referenced page 2 of the Site Plan to explain the moving section of the staircase and deck as depicted in Section A, showing a 10” tread with a 7” riser which is a comfortable stride down to the landing. The concrete

pad at the top of the stairs will be removed, with the creation of a new landing sitting on posts so it will be free of the movement from the oak tree roots, also reducing some of the impermeable surface coverage. There will be 4 posts driven into the bank for the 1st landing, then the deck will be built on the existing dock therefore it will have no effect on the steep slope of the bank. The impact of disturbance to the bank will be a total of 8 posts driven into the ground for the installation of the new stairs. As the new stairs are being constructed in a new location, the existing stairs can be utilized during the construction of the deck/storage structure on the dock, as well as for bringing materials down when driving in the new posts. Once the new landing is created the old staircase will be broken loose to allow the installation of the pre-constructed flights of stairs. The anticipated material used for construction is pressure treated wood. The new stairs will come down at a slight angle to a landing, turn northeast to come straight into the deck, and then parallel the bank to meet the dock.

Vice Chair Condon asked if the back of the treads will be open. Mr. Eggleston explained there can only be an opening for a 4" ball to pass through according to code so the plan is to stiffen the riser without creating a solid riser that way debris will be swept down the steps rather than onto the bank. Vice Chair Condon then asked what kind of landscaping will be incorporated when the old stairs are removed. Mr. Eggleston described the stairs will float above the bank and underneath there will be a jute mesh pinned to the bank with some mulch throughout with the addition of some ground cover to restore the area. Ms. Sennett added it should not be an issue as she already maintains old growth in that area. Vice Chair Condon asked if there will be another set of stairs to the water, and how do people enter the swimming area. Mr. Eggleston stated the existing stairs to enter the swimming area are removable. Member Palen asked if the shed will move. Mr. Eggleston explained the existing shed will remain intact; the storage underneath the deck will be a new addition. Vice Chair Condon asked if the existing shed was a pump house. Ms. Sennett answered it is a pump house with some storage. Ms. Sennett added there is a little walkway between the bulkhead and the pump house, the existing walkway will be widened slightly toward the bank to allow the new staircase to come down to the dock landing and maintain a small walkway. Currently there is lattice under the existing stairs going to the dock, with one section acting as a door to allow some storage, however it is open to the weather allowing the formation of mosquito larvae. Mr. Eggleston explained even though the area is not currently a building/structure, it is permeable and being used as storage.

Mr. Eggleston stated the variances being requested begin with the one regarding existing nonconforming lot as this parcel is 15,067 sq. ft. where 20,000 sq. ft. is required. Town code requires small lots along the lake to undergo a more scrutinizing review by the ZBA to help protect the lake and because the lot is less than 20,000 sq. ft. there is no way to proceed with a project of this nature without a variance. The second variance requested stems from the addition of the 96 sq. ft. enclosed storage building increasing the building footprint to 8.2%, where before the storage area was open decking with a 7.1% building footprint. Any increase in building footprint between 6% and 10% along the shoreline requires a variance. Mr. Eggleston stated the shoreline structures are increasing from 949 sq. ft. to 1,075 sq. ft., where the applicant is only allowed 600 sq. ft., therefore requiring a third variance. The applicant has tried to minimize by moving the existing deck further south onto the existing dock, but it has to be accounted for twice since it is a deck as well as storage. The greatest increase in shoreline structure square footage comes from the widening of the walk way and lengthening of the staircase to become code compliant.

A site visit was scheduled for *Saturday, December 7, 2019 at 9:00 am.*

WHEREFORE, a motion was made by Vice Chair Condon and seconded by Member Palen to schedule a public hearing for *Tuesday, January 7, 2019 at 7:02 pm.* The Board having been polled resulted in unanimous affirmance of said motion.

Initial Review

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

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

The proposal is for the remodel of an existing multifamily dwelling with the addition of off-street parking. Bob Eggleston, Architect, stated the owner of the building has experience with major renovations in the restoration of older buildings. The property is located in Skaneateles Falls; historically it was part of the Waterbury Felt properties as it was once factory housing. Mr. Eggleston prepared a sketch to develop a history of the cross-easements. In the hamlet on Jordan Road the Waterbury Felt factory, which is currently an abandoned factory, has gone through many phases and the current owner is Heather DeMarco of Elbridge. The factory is sitting on approximately 15 acres, originally the property under review was built as an 8 townhouse apartment building for factory workers, later an American four square house was added to the north for the manager and as time progressed more houses associated with the industry were added to the south of the apartments. In 1938 the property along the road to the south of the apartments was split in two with a house on each parcel. The house closest to the road has access to the common driveway via an easement across the property of the house to its west. By 1971 the properties to the south, Mr. Eggleston had labeled Property A and Property B, were also split from the original factory property. Property C contains the common driveway that wraps around the west of the apartments and American four-square house to the factory itself. Parcel D, east of the apartments, was previously occupied by a 5,000 sq. ft. storage building that has since been demolished. Property E consists of the 8 townhouse apartments, and Property F, north of the apartments, is the location of the manager's American four-square. Properties D & E have been merged to create one parcel on Jordan Rd with access via the common driveway to the south. The common driveway serves Properties A, B, C, and D/E. Property F shares a driveway with the industry factory to the north separate from the other properties.

Mr. Eggleston stated the septic system for the townhouses is currently shared with Property F and Property A. There are two large leach fields located on Property F, as well as the septic tank. The sewer from Property A runs across the road to the back of the apartment building tying in, and then north east to the frame house where the system then terminates in the leach fields and septic tank on Property F. The applicant is consulting with Andy Watkins, an environmental engineer, to design a new septic system for the townhouses. The advantage the current owner has was the demolition of the 5,000 sq. ft. storage building since 2003 when the previous owner was working on restoring the apartment building. This will allow for placement of a septic system in an area with percolation rates in the minutes as the soils perk well. The owner of the townhouses would like to have a separate septic system for the townhouse buildings and will work with the County to address the shared septic between Property A & F. There are various solutions for each property to have a functioning septic system. Mr. Eggleston explained this is going to be a condominium project, which Onondaga County requires the building to have its own Town Sewer District as there will be 8 different owners for the condominiums. This solution was used on Lauder Lane when Alan Briggs began the construction of 24 condominiums. Currently they are working on building number 3 all tied to a new septic system designed and installed by the developer which then became a Town Sewer District taxed and maintained by the Town of Skaneateles. The applicant is confident in their ability to create a good septic system that will be accepted by the Town to create a sewer district which will be financed by the 8 beneficiaries.

Mr. Eggleston described the townhouse units as being covered by the 1&2 family dwelling building code, where each unit will be restored to consist of three living levels. The front of the building shares a porch which is accessible from each unit through the walkout basement, allowing for front access to the kitchen and dining areas

of the unit. On the basement level the kitchen will be toward the back of the building with access to the pantry and mechanical room as you walk through. The half-bath is adjacent to the kitchen. The dining/family area is located toward the front of the building with stairs to the second level separating it from the bathroom and kitchen. Each unit is almost identical across. The second living level will have access from the rear of the building with the addition of a porch for each unit; an existing basement access for each unit will be removed. Upon entry there will be a small closet next to a full bath and den, with a large living space toward the front of the building and stairs going to each level in the center. The top level will have the bedroom with a large bathroom, walk-in closet and laundry hook ups. Each unit will be 1,600 sq. ft. broken up into three levels, creating 8 one-bedroom townhouse units. The intended market is for “empty nesters” looking to downsize or people who are young professionals and just starting out.

Vice Chair Condon asked what the blank spaces are on page 2 of the Elevations. Mr. Eggleston answered the units are repetitive so rather than draw each floor 8 times on three separate sheets, a space was used to indicate a variation between the first, second, and third floors as each unit will be identical. Vice Chair Condon asked if each unit will be considered two and a half stories or three stories. Mr. Eggleston stated they are two stories by code, with three levels of living space where the lowest level is identified as a basement because the average grade of the first floor is less than 7' above ground level. Vice Chair Condon asked if the floors themselves are currently made of wood. Mr. Eggleston stated yes, and the end unit on the south has a cellar underneath it which may or may not be kept for common use. The plan instead of having a wood floor over a 1-2' tall crawl space, is to fill the crawl space creating slab on grade with in floor heating, gaining 6" of height in the first floor level. Vice Chair Condon asked if the outside of the building will be maintained as it exists. Mr. Eggleston explained it will be restored, so from the outside the floor change in the first level will not be seen. The top level has a sloped ceiling from the east to the west, and the roofline will remain the same. Foam insulation will be used throughout to make the building energy efficient. Each unit will have its own heating system; the site plan reflects individual air conditioning units between the porches allowing for independent townhouses with no common space. Vice Chair Condon asked if there will be boiler heat with in floor heating. Mr. Eggleston answered the mechanicals are being worked out. Member Palen inquired about how long the building has been vacant. Mr. Eggleston stated any remaining occupants vacated the building in 2003 after a storm blew the roof off. A new owner purchased the building in 2003 after the storm and immediately put a new roof on the building with the goal of renovating the building into apartments with the approval of the ZBA. The new owner could no longer fund the project as it became more expensive than anticipated, so construction stopped. Around 2010 the building was sold to another owner, who had a vision similar to the current proposal, however he did not get permits for the process and rather than advancing the project setback the build by constantly having to seek forgiveness from governing agencies. A result of the unapproved demolition caused some of the brick walls to collapse in the back, fortunately the area is restorable. Mr. Meunier noticed the building and felt it was worth pursuing.

Mr. Eggleston explained the existing rear entrances will be removed and replaced with small versions of the front porch. Eight parking spaces will be added behind the building and accessible to each condominium through the new porch on the rear of the building. There will be an additional eight parking spaces added in the front of the building allowing for access to the building through the front as well. The applicant feels most tenants will be single people or possibly a couple, however code requires two parking spaces per unit. Mr. Eggleston explained this leads to the variances being requested. The first variance is regarding the zoning density law which requires there to be 4 units per acre, meaning 8 units would require 2 acres, whereas there are 8 units proposed on 0.67 acres. Currently the zoning code has the same density ratio for the RF district and the HM district, even though the HM district allows for a smaller lot depending on your water and sewer access. This lot does have Town water and will have a sewer district, which could allow for a denser ratio than 1:4 being in a hamlet. The second variance required is to allow parking in front of the building. The applicant is required to have a 30' front yard setback, where there will be 160' to the building and 110' to the parking. Originally there was a storage building in front of the multifamily dwelling; it has since been demolished allowing for off-street parking. There will be vegetation of various native species at the 110' setback, screening the off-street parking from the road. There are a

number of criteria the Planning Board will be reviewing, such as conservation area versus buildable area. Mr. Eggleston is proposing the area between the road and off-street parking in front of the building will be maintained as conservation area, which allows for a septic system, given the septic is approved for the proposed location it will always be a grassed area that is forever open. Considering the limitations of the site it is ideal to have parking in the front and rear of the building allowing access to two of the three living levels; and provided the parking in the front is setback 110' there will be screening from the road as well as a 6' fence screening the north adjacent neighbor.

Member Ciaccio asked if a Phase I Environmental had been conducted. Mr. Eggleston was unsure but offered to look into it. Member Palen asked if there were any effects from the old Stauffer plant on the opposite side of the road. Mr. Eggleston stated there are none that he is aware of even though Stauffer is directly across the road. Member Palen asked if there are any test wells on the property. Mr. Eggleston stated not on this property, although he just received information about the close-out permit for the Stauffer property which is mostly clean with some limitations several hundred yards southeast of the proposed condominiums. Mr. Eggleston explained he is unaware of any spills on the parcel and if a Phase I has not been completed already, it is required and the applicant will comply.

Vice Chair Condon inquired about the proximity to the house north adjacent of the multi-family dwelling. Mr. Eggleston explained that will not be addressed as it is a pre-existing nonconforming aspect, the applicant is aware 10' side yard setbacks are required where the building is 8.3' from the property line and the porch is 3.5' and 3.9' from the adjacent building. The applicant is allowed to add 500 sq. ft. (5,000 cubic feet) to the building, where 193 net sq. ft. are being proposed in addition to the 1996 figure.

Vice Chair Condon asked for clarification on the whether the two properties sharing the existing septic system are part of the multi-family dwelling property. Mr. Eggleston stated they are separate properties; they share a septic system. Clerk Barkdull clarified historically the Stauffer property across the road was once one large property which included the filtration factory, multi-family dwelling and the surrounding houses. Through the years the property has been consolidated down, during the process some of the houses on the west side of the street have required new septic systems as their existing septic was on the east side of the street on Stauffer property. Vice Chair Condon stated the applicant will require a Town Sewer District in order to proceed with the project. Mr. Eggleston agreed. Vice Chair Condon asked if the applicant had contacted the Town Board. Mr. Eggleston stated they have not reached out to the current administration about this project; the previous administration was pleased with the proposal for the revitalization of a "historic" building. There are about five areas in the Comprehensive Plan the applicant has fallen in line with the intent of the plan and this project, as explained in the Narrative. Member Palen stated after looking at this building in this state for so many years, this would be a wonderful project. Mr. Eggleston agreed, stating this is the first hurdle as without the variance, the project cannot progress.

Vice Chair Condon stated in addition to the two requested variances the applicant will have to request a variance for the rear and side yard setbacks. Clerk Barkdull explained that is not necessary as those are pre-existing nonconforming elements and a porch is allowed to encroach into a side yard setback by 8', so this porch is technically conforming. Vice Chair Condon asked what the building footprint is, as there is a '?' on the CRW. Mr. Eggleston stated the building is about 4,320 sq. ft.

Vice Chair Condon asked if there is rainwater runoff. Mr. Eggleston stated the plan is to include bio-swales; however that can only be put into place after the septic system is approved. There are some contours existing behind the building, Mr. Eggleston anticipates the inclusion of some rain gardens or bio-swales to mitigate that. When the septic is resolved, the inclusion of bio-swales in front of the building will be addressed. The parcel is well over 100' from the water course, Skaneateles Creek, north of Parcel F.

Vice Chair Condon asked what the 'OHW' is indicated on the Site Plan. Mr. Eggleston stated it is an overhead wire. The waterline also shows on the Site Plan as it runs up the common driveway and along the back of the building, it is believed to service the houses along the driveway and the applicant is investigating if it is a private or municipal line. Attorney Tom Blair is researching existing easements associated with the parcel for the past 150 years.

Vice Chair Condon inquired if there are any fire hydrants or fire protection. Benjamin Garrett, Contractor, stated there is a hydrant at the end of the common driveway. Mr. Eggleston stated the hydrant falls well within 500' of the dwelling. Vice Chair Condon asked if the hydrant is fed by the 4" main. Mr. Eggleston clarified the hydrant is fed by the 8" main off the street. Mr. Eggleston continued the Planning Board reviews fire access, the existing driveway is 15' wide, with access on three sides of the building for emergency vehicles. Vice Chair Condon then asked what the overall height of the building is. Mr. Eggleston stated, as reflected on the elevation, it is 26.6' average grade to the highest peak, where code allows 35'.

A site visit was scheduled for *Saturday, December 7, 2019* after the completion of the site visit for 1411 Thornton Heights Rd.

WHEREFORE a motion was made by Member Palen and seconded by Member Ciaccio to schedule a public hearing for *Tuesday, January 7, 2019 at 7:10 pm*. The Board having been polled resulted in unanimous affirmance of said motion.

Other Board Business

Chair Rhoads asked the record reflect Member Ciaccio arrived during the Sennett application review; she then summarized the meeting up to that point and informed Member Ciaccio the Naro application had been approved. Member Ciaccio asked if there were any limitations on the distance to the watercourse. Vice Chair Condon stated it is merely a seasonal watercourse and the applicant has already moved the location away from the watercourse by 5%.

There being no further Board business, a motion was made by Member Ciaccio and seconded by Vice Chair Condon to adjourn the meeting. The Zoning Board of Appeals meeting adjourned at 8:08 p.m.

Respectfully Submitted,
Kim Benda