

**TOWN OF SKANEATELES
ZONING BOARD OF APPEALS
MEETING MINUTES OF
January 3, 2023**

Present:

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

Chair Rhoads opened the meeting at 7:00 pm.

Minutes

Previous distribution to the Board of the regular meeting minutes of December 6, 2022, was executed, and all members present acknowledged receipt of those minutes.

WHEREFORE, a motion was made by Member Lee and seconded by Member Ketchum to accept the December 6, 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	Present [Yes]
Member	Dave Lee	Present [Yes]
Member	Sherill Ketchum	Present [Yes]

Initial Review

Applicant:	Christopher Nulty	Property:
	62 Woodcliff Terrace	2699 East Lake Rd
	Fairport, NY 14450`	Skaneateles, NY 13152
		Tax Map #037.-01-04.0

Present (Zoom): Christopher Nulty, Applicant

Mr. Nulty said that he has lived in the dwelling for two years and had a conversation with the CEO regarding placing a shed on a property. The property does not have a garage or any structure to house a lawnmower, propane tank, and lawncare supplies. Mr. Herrmann said that if a shed was under 144 square feet that it did not need a building permit. The shed was purchased and installed, and later he had received a letter from Mr. Herrmann stating that the shed was not in compliance with the lot coverage limitation. He continued saying that Mr. Herrmann told him that he did not realize what property he had called regarding a potential shed.

Chair Rhoads inquired if the shed required a building permit based on the size of the shed. The shed would need additional permissions based on the lot coverage of the property. It was unclear whether Mr. Herrmann had reviewed the file on this property. If the lot was a conforming property with impervious coverage compliant and with the shed maintaining compliance, then no building permit would have been required.

The lot had an approved impermeable surface coverage of 10.7%, with the as built survey reflecting 12.5% without the shed, and including the shed, the coverage would be 13.6%.

Mr. Nulty is proposing the parking area to be converted to grass and parking his vehicle in the road right of way as shown on page two of the submitted plans, to reduce the impermeable surface coverage of the lot. The plans submitted were modified from the plans created by Mr. Eggleston. Mr. Eggleston said that the applicant can use the site plan but that any pages that have been modified should have his stamp, signature, prior owner name and the Architect Firm information removed as they have not created the modifications. Also, the proposed site plan should reflect the date of the proposed modification. Mr. Nulty said that he would update the site plan to comply.

Member Ketchum requested further details on the proposed parking area. Mr. Nulty said that his concern is the snowplow damaging the grass strip in the driveway. He is proposing it to be completely grass and parking in the road right of way. Vice Chair Palen commented that parking in the road was a problem with the original approvals. Member Ketchum explained that the parking area was created because there is no approved parking in the state right of way. Mr. Nulty said that he spoke to plow drivers about the difficulty of plowing a gravel driveway with a grass strip. Member Ketchum said that if you are parking on the grass parking area then it would be considered impermeable surface coverage. Mr. Nulty inquired if alternative materials could be used instead of grass in the strip and Member Ketchum stated that if the grass strip driveway is designed correctly with the grass strip set lower than the drive strips, then it can perform correctly. Counsel Molnar commented that they are used throughout the town successfully, including a Planning Board member's property.

Member Lee noted that the as built survey reflected nonconformance with the approved impermeable surface coverage of 10.7%. Chair Rhoads asked for guidance as there were some errors made by the Codes Officer and the as built survey is not compliant. Counsel Molnar said the board can consider those factors when considering the overall application; however, the town does not waive its right to strict compliance with the code unless meaningfully in writing, which has not happened. There is no statute of limitations in the town enforcing the code as it relates to properties that would not be following code requirements. This board has the authority to weigh the equities of the situation and establish an outcome that is fair to all parties including the town.

Member Ketchum commented that if the grass strip is installed and the shed kept, then the property will be at 11.8% impermeable surface coverage. A site visit was discussed with the applicant and Mr. Nulty will let the board know when he would be available for the site visit.

Mr. Nulty inquired whether he could replace his permeable patio with a deck. Member Ketchum clarified that replacing a permeable patio with a deck would not reduce the impermeable surface coverage of the lot as both the patio and deck are considered permeable surface coverage. Member Kiefer commented that the board is not granting authority to do that without the proper review or permits.

WHEREFORE, a motion was made by Vice Chair Palen and seconded by Member Kiefer to schedule a public hearing to February 7, 2023 at 7:02 p.m. The Board having been polled resulted in unanimous affirmation of said motion.

Other Board Business

Retention of Counsel & Appointment of Vice Chair

WHEREFORE, a motion was made by Member Ketchum and seconded by Member Kiefer to re-appoint Member David Palen as Vice Chair for the Zoning Board of Appeals through the year 2023. The Board having been polled resulted in unanimous affirmation of said motion.

WHEREFORE, a motion was made by Vice Chair Palen and seconded by Member Ketchum to retain Attorney F. Scott Molnar as counsel for the Zoning Board of Appeals through the year 2023. The Board having been polled resulted in unanimous affirmation of said motion.

Reappointment of ZBA Member

The Board congratulated Member Kiefer on his re-appointment to the ZBA for a 5-year term beginning 1/1/2023 and ending 12/31/2027.

Discussion

The board had received the comments from the Planning Board at their last meeting. The board decided to continue the solar discussion at the next meeting. Vice Chair Palen inquired about pending state legislation and the potential impact to the town. Member Kiefer said that on December 19th the Climate Action Counsel voted to approve the scoping plan for the state regarding the leadership community protection act. One of the provisions of the extensive document is coordination with local and county entities on some of the issues regarding siting, and distributive generation. There may be more coming from the state and may be interested in working with municipalities on.

Attorney Advice Session

WHEREFORE a motion was made by Member Kiefer and seconded by Member Ketchum to enter an attorney advice session. The Board having been polled resulted in favor of said motion.

WHEREFORE a motion was made by Member Kiefer and seconded by Member Ketchum to return from attorney advice session. The Board having been polled resulted in favor of said motion.

The Board returned at 7:59 pm. There being no further Board business, a motion was made by Member Lee and seconded by Member Kiefer to adjourn the meeting. The Zoning Board of Appeals meeting adjourned at 7:59 pm.

Respectfully Submitted,

Karen Barkdull
P&Z Clerk

Additional Meeting Attendees(Zoom):

Christopher Nulty
Dessa Bergen

Aimee Case

Sharon McCabe

Bob Eggleston