

**TOWN OF SKANEATELES  
ZONING BOARD OF APPEALS  
MEETING MINUTES OF  
January 7, 2025**

**Present:**

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

Chair Rhoads opened the Zoning Board of Appeals meeting at 7:00 pm.

**Minutes**

Previous distribution to the Board of the regular meeting minutes of December 3, 2024, was executed, and all Members present acknowledged receipt of those minutes

**WHEREFORE**, a motion was made by Member Kiefer and seconded by Vice Chair Palen to accept the December 3, 2024, minutes as submitted. The Board having been polled resulted in unanimous affirmation of said motion. Member Ketchum abstained from the vote due to her absence last month.

	<b><u>Record of Vote</u></b>	
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 [Abstain]

**Appointment of Officials**

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

**Public Hearing Continuance**

Applicant:	David & Judy Fennessy 883 Franklin Street Skaneateles, NY 13152	Property:	883 Franklin Street Skaneateles, NY 13152 <b>Tax Map #047.-04-02.2</b>
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Present: Katie Sincebaugh, SPACE Architectural Studio, PC

The lot is serviced by public water and sewer and has a seasonal watercourse on the back of the property. There is a culvert that is coming from the other side of the road that sends stormwater coming from the two ponds across the street on the way to the creek. The applicants would like to age in place and are proposing a first floor bedroom suite with a small patio next to it. The primary suite would be 592 square feet and include the bathroom and closet. Mr. Camp had visited the site and had determined that the waterway should be considered a watercourse as there is stormwater that is coming across the street through this watercourse. Ms. Sincebaugh said that the Board wanted to know what the setback would be to the watercourse, and the setback is 32.2 feet to the watercourse.

Member Ketchum inquired if there are only three variances that are required for the project as the proposal has nonconforming footprint and floor space. It was determined that as the lot is outside of the lake watershed and more than 1000 feet to the lake line, 148-8-9-A.1.g. did not apply, and the variances for footprint and floorspace were not required.

**WHEREFORE**, a motion was made by Member Ketchum and seconded by Member Lee 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.

**WHEREFORE**, a motion was made by Vice Chair Palen 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 questions regarding the application. No one spoke in favor, in opposition or had any other comments regarding the application.

**WHEREFORE**, a motion was made by Member Kiefer and seconded by Member Ketchum to close the public hearing. The Board having been polled resulted in unanimous affirmation of said motion.

At this time Counsel Molnar reviewed with the Board the statutory criteria set forth in Town Code Section 148-10-10.E.2. (a-e) for an Area Variance. Counsel stated that in making their determination the Zoning Board of Appeals is required to consider certain factors, which are:

**FACTORS CONSIDERED IN CONTEMPLATING THE AREA VARIANCES:**

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 the variance requested, as amended, will not produce an undesirable change to the neighborhood. The neighborhood is in the town of Skaneateles and borders the Village on its western boundary line. The surrounding lots are of similar nonconforming size, with this lot at .34 acres. The proposed changes are modest considering the size of the dwelling with the changes blending into the nearby properties. The proposed addition is in a neighborhood

and similar to the adjacent village lots, and the proposal is compatible with the lots in the neighborhood. There have been several requests in the area, however the area in which this is occurring is immediately adjacent to the Village, and the unusual nature of the lots would not have a detrimental impact to the neighborhood. The homes and lots in the area are consistent in size.

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. The pre-existing nonconforming lot at .34 acres and any improvements or changes to the structure would require a variance. The proposed one-story addition will be located at the rear of the existing garage and dwelling with an on-suite bedroom. The location of the addition will not impede the watercourse/drainage facility at the rear of the lot.

3. Whether the requested variance is substantial: Yes  No

Reasons: Yes. The requested variance is substantial with the actual construction of the addition will be modest. The nonconforming nature of the dwelling and lot will become more non-conforming with the proposed addition. There is no element of the property that meets the dimensional code requirements. The Board is charged with granting the fewest variances and this project has three variances, and is out of conformance for other dimensional standards.

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 location of the one-story addition will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood. The addition is only 592 square feet, and the construction of the proposed addition will require minimal site work due to the level topography of the site. The watercourse/drainage facility does appear to be handling the drainage from Franklin Road as noted at the site visit when the facility appeared dry. While there is a watercourse, the proposed changes would not have an impact on the environment or the watercourse. There have been variances approved in the area for lots that are similar to the applicant's lot. There is a drainage swale across the street on the west side which should help mitigate any water flow from directly across the property. The watercourse/drainage facility behind the property will do a good job keeping the water to the south of the property. The addition is on the north side of the property and will not have an environmental impact. The proposal is a large increase because there will be a basement under the addition that will add another 465 square feet of potential living space, increasing the size of the house to 3000 square feet; however, the environment will not be impacted.

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

Reasons: Yes, based upon the foregoing listed factors.

**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 upon a unanimous (5-0) affirmative vote of all Members present as recorded below, approves the variances requested, and 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

**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 dated October 17, 2024, and Narrative dated October 7, 2024, accompanying the October 17, 2024, Site Plan, prepared by Bill Murphy Jr., of SPACE Architectural Studios, Licensed Architect, be revised to reflect the setback of the watercourse to 34.3 feet, then resubmitted and complied with in all respects; and
2. 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.

**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]

**Continued Review**

Applicant: SUNN 1017, LLC  
700 West Metro Park  
Rochester, NY 14623

Property: Jordan Rd. / Vinegar Hill Rd.  
Skaneateles Falls, NY 13153  
**Tax Map A #018.-04-31.1**  
**Tax Map B #018.-04-29.1**

The applicant has requested additional time to update the site plan and would like to move the application discussion to next month.

**Initial Review-Interpretation**

Applicant: Jolene Fitch  
Fingerlakes Fabric  
1400 E Genessee St  
Skaneateles, NY 13152  
**Tax Map #042.-01-10.1**

Present: Robert Eggleston, Eggleston & Krenzer Architects, PC  
Jolene Fitch, Applicant

Counsel Molnar said that the Planning Board has a concern for the application for an amendment to the approved retail use to also include additional transient lodging in a dormitory style as an accessory use to the retail use. The Planning Board would like an interpretation from the Zoning Board of Appeals if that is permitted under the code in order for them to take the application up again to a determination. They would like to know if they have a lawful basis to do so. The request with Mr. Eggleston’s materials with the application, the two letters of relative objection from the Codes Enforcement Officer and the Fire Chief as well as Mr. Eggleston’s rebuttal to those letters were submitted to the Board. The question for interpretation is if transient lodging within a retail permitted use approved by the code section in question. It is section 148.4-4-B.2., the allowed use table for the Highway Commercial District. Section 148-4-1-E states that accessory uses that are customarily associated with specific principal uses are allowed on the same basis as the principal use in the district. The question is whether lodging is customarily associated with retail as an accessory use. Mr. Eggleston has stated that the definitions which include lodging facility as any hotel, motel, inn, or other establishment other than a bed and breakfast providing sleeping accommodation for transient guests, with or without a dining room or restaurant. Another definition that will be material here for the Board’s interpretation is the definition of accessory use. Accessory use is defined as a use that is customarily incidental to and subordinate to the principal use of a lot or structure located on the same lot as the principal use or structure. It is boiling down to customary and incidental as

part of that definition. It is also characterized in section 4 for the Highway Commercial district set up in the use table provided. The Planning Board has asked the Zoning Board of Appeals for an interpretation of whether or not the use table and these definitions permit transient lodging as an accessory use to the retail use that is already permitted by special permit for the project. Member Palen commented that there is not a lot there as a basis in the code and said that the rebuttal was very helpful for defense of Mr. Eggleston's client.

Mr. Eggleston stated that he had put together information about quilting and sewing retreats. He continued saying that there are a lot of quilting groups and retreats, and it tends to be middle aged women who enjoy it and like to get together. Jolene Fitch leases a 3900 square foot space that is located in the center portion of the former Chase Design building, which was built in 4-6 stages. The north side of the building is mostly office use that has a common entrance. The center portion was leased by the applicant for retail space and where she also holds lessons and instruction. The southern portion of the building is retail and warehouse space. Everything has been low occupancy compared to the former Chase Design. There is plenty of parking and bathroom and sewer usage.

The applicant specializes in quilting equipment and specialty aspects of sewing and crocheting. It is a type II construction that meets the fire codes. She has had retreats in the past at Casowasco where she rents out a portion of the building, with overnight accommodations in cabins for three nights and four days. Retreat goers bring their projects and sew all weekend in a group environment. There may be training, and it is like summer camp for quilters. She has also hosted at a bed and breakfast that has five bedrooms, a lot of space, and was on Skaneateles Lake. One of the drawbacks was that there were too many steps making it difficult to get in and out. The disadvantage of doing it remote is that some of the equipment is located at the store like a quilt stretcher. By having the retreat at the fabric store there is access to the additional equipment and supplies.

One of the other challenges is that most people do not want to spend \$400 a night to stay at a hotel in Skaneateles and spend all day sewing and quilting. Included in the submittal is four specific businesses who have a quilting shop with lodging. The Canandaigua location is a converted house with a store downstairs and sleeping quarters upstairs. There is another one that has taken a dairy barn and converted it to a fabric store and the second floor has an open area to work and a one-bedroom apartment.

Ms. Fitch said that a store called Bloom, in the Catskills, is downtown with their facility in the same building behind the fabric shop. She continued saying that the fire code would be scarier because of how packed in they are. Their building is huge and has a different scenario. She continued saying that Casowasco is closing and maybe for good. They have provided an opportunity for senior citizen groups to meet. People with fixed incomes cannot afford to go to a hotel and are used to paying \$350 for the weekend like they always have. We would be sending our customers out to the village for food, or we would bring food in. Vice Chair Palen inquired on the number of people who would be at the retreat over time. Ms. Fitch said that she has had 22-24 people quarterly. The proposed facility would be for only eight people at a time.

Mr. Eggleston said that in the center of the store they have an instruction center. That is where the instruction would occur, and when they want a break they could go downtown to do some touristy things. He continued saying that lodging is permitted in the district and although what is being proposed is different, that is what the people driving the horse and buggy thought about the horseless carriage going down the road. He chose to call it an accessory use to the fabric shop to put a limit so that it would not be rented out to any transient guest who is not part of the quilting

retreat. They could have lodging as a separate use in the mixed-use building. The question is customary, and it has been done before in the examples given. The Woodbine hotel has a retail accessory use, Habermaass has retail to a warehouse use. He was disappointed with the fire chief and CEOs letters. He had talked to Mr. Herrmann about a pathway to approval.

Member Lee said that the Planning Board is in the process of reviewing the proposal with the lodging as an accessory use to the retail use as an amendment to the existing special permit and they could place any conditions on the approval. Counsel Molnar said that the Planning Board agrees that lodging is a permitted use in the district as shown on the use table as a primary use. This situation is different from the Woodbine Hotel, which has retail as an accessory use to the lodging use. There is no other like example in the town, and they may be other examples elsewhere. There are no examples in Skaneateles and it is not reflected in the code. The Planning Board has requested an interpretation of whether lodging is an accessory use customarily associated with a retail use. Vice Chair Palen asked if what the Zoning Board determines will become part of the code. Counsel Molnar said the Zoning Board determination would become the precedent.

Member Lee asked if there were any special conditions with the retail use approval. Counsel Molnar said that the standard conditions, and the approval from 2022 require strict adherence to the narrative and site plan. Member Lee asked if the special permit goes away when the applicant goes away. Counsel Molnar said if the use is abandoned for 18 months. Member Lee asked if the use is clearly for women only. Mr. Eggleston said that it is not; they are in an inclusive environment. They could make special accommodations if a man wanted to attend the retreat. Ms. Fitch said that she has never had a man who has attended any of the retreats she has been involved with. She continued saying that there are separate men's and women's bathrooms. Mr. Eggleston said that the bathrooms have full walls for each of the stalls, so it becomes a unisex bathroom by nature. They will be converting the women's handicap stall into a shower and then converting two of the women's stalls into a handicap stall. Mr. Eggleston added that a 4H club could have a sewing retreat as there is no age limit. Once she has the facility, they will see how it develops, it could be four times a year or ten times a year. She also lives two miles down the road so there will be no onsite supervision just like boutique hotels. He added that a letter of support from the neighbors has been submitted.

Member Keifer said that this is coming down to customary and whether this is a customary use. Also, this interpretation will be precedent setting. What other retail operations could this open the door for this for as an accessory use. Counsel Molnar said that that will be one of the pressures and recommended that despite all of the good factors that applicant has provided and the benefits this could provide to community members, the function of the Board is for an interpretation function, to interpret the code. Does it or does it not permit lodging as an accessory use to retail. While the applicant can propose that this will be managed for the time of use and operational demands that will suit the retreats, it comes down to the legal question for an interpretation and whether the code allows it or not. Mr. Eggleston suggested that the Board also consider customary and incidental accessory use. He continued saying that the education they do is associated incidental use with the retail use now. Counsel Molnar said that the Planning Board's perspective when asking for the interpretation was whether they have the lawful ability to deliberate on this and take the application through to its completion.

Member Ketchum inquired about the process for an interpretation. Counsel Molnar recommended that the Board conduct a site visit and schedule a public hearing. The legal interpretation is the focus of the review. Member Ketchum asked if the Board would go through the five criteria, and Counsel

Molnar said that the Board will not, but develop findings for their decision. He can provide a case law memo to the Board, and upon conclusion of a public hearing, the Board can deliberate and render findings of fact, and the interpretation of the code. Member Kiefer jokingly asked if the documentation would include a validation of Mr. Eggleston’s statement that quilting retreats are on par with the invention of the automobile. A site visit will be conducted by the Board on January 11, 2025.

**WHEREFORE**, a motion was made by Member Keifer and seconded by Vice Chair Palen to schedule a public hearing for February 4, 2025, at 7:02 pm. The Board having been polled resulted in unanimous affirmation of said motion.

**Discussion**

- The next ZBA Meeting will be held on February 4, 2025, at 7:00 pm.
- The next P&Z Staff Meeting will be held on January 16, 2025, at 6:30 pm.

There being no further Board business, a motion was made by Member Lee and seconded by Vice Chair Palen to adjourn the meeting. The Zoning Board of Appeals meeting adjourned at 8:11 pm.

Respectfully Submitted,

Karen Barkdull  
Planning & Zoning Clerk

**Meeting Attendees:**

Bob Eggleston, Eggleston & Krenzer Architects	Annabel Wells
Katie Sincebaugh, SPACE Architectural Studio	Cole Burke
Mckenna Cheney	Zachary Cerimeli
Jolene Fitch	Quinn Cheney
Tim Fitch	
Gianna Caruccio	

**Meeting Attendees Via Zoom:**

Mark Tucker  
Judy Fennessy  
Brian Buff