

**TOWN OF SKANEATELES
ZONING BOARD OF APPEALS
MEETING MINUTES OF
April 2, 2024**

Present:

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

Chair Rhoads opened the meeting at 7:00 pm.

Minutes

Previous distribution to the Board of the regular meeting minutes of March 5, 2024, was executed, and all members present acknowledged receipt of those minutes. Member Ketchum, having been absent during the March 5, 2024, meeting, abstained from voting.

WHEREFORE, a motion was made by Vice Chair Palen and seconded by Member Kiefer to accept the March 5, 2024, 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	David Palen	Present [Yes]
Member	Kris Kiefer	Present [Yes]
Member	Dave Lee	Present [Yes]
Member	Sherill Ketchum	Present [X]

Public Hearing

Applicant:	Robert & Diana Logan 3 Fennell Street Apt #3 Skaneateles, NY 13152	Property:	2010 West Lake Road (Formerly 1892) Skaneateles, NY 13152 Tax Map #058.-01-22.0
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Present: Robert Eggleston, Eggleston & Krenzer Architects.

This application is for proposed renovations to a dwelling and construction of an accessory building on a nonconforming lot. The applicant was represented by architect, Bob Eggleston. Mr. Eggleston updated the Board on the proposal and noted that the new owners had just closed on the property.

The address of the property had been updated from 1892 to 2010 after a tax map error had been discovered. Counsel Molnar had advised the Board to re-advertise the Public Hearing under the new, corrected address. The Planning Board was provided with topography and grading plans on March 19th. The board discussed concerns from the public. Neighbors to the north, Steven and Stephanie Leverich are concerned over drainage and runoff. This issue has been mitigated through Mr. Eggleston's plans. A 6-inch berm will be added to the north property line to deter water from encroaching on other properties. The driveway will be scaled back, making it conforming and helping with any runoff from crossing the property line. A trench drainpipe will be piped to the bioswale and pick up water from rain gutters on both the garage and house. Plantings will be added to the property and the dead ash trees will be replaced with red maples. The goal is to screen buildings but not block views. The plans were modified to eliminate the need for a surface coverage variance. ISC decreased from 22.7% to 20.4%. Mr. and Mrs. Logan will make a contribution of nearly \$24,000 to the DRA Fund.

A site visit was conducted by Board Members on January 6, 2024, with Member Kiefer conducting a separate site visit with Mr. Eggleston on February 3, 2024.

At this time, Chair Rhoads asked if there was anyone who would like the public hearing notice read. No one requested the public hearing notice to be read into the record.

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 Kiefer to open the public hearing. The Board having been polled resulted in unanimous affirmation of said motion.

Chair Rhoads asked if any letters pertaining to the application were received. Letters from neighbor, Steven Leverich, and resident Don Kasper have been entered into the record. Mr. Leverich showed concern over drainage and runoff. Don Kasper had submitted a letter. He stated that he has no issue with the variance for lakefront or setback. He stated that we need to stop granting variances for expanding large houses on small lots.

Chair Rhoads then asked if there was anyone who would like to speak in favor of, against or had any comments regarding the application. Neighbor Steven Leverich was present via Zoom. His comments are as follows. The property was never a full-time residence, as the Goodman's only used it 4-5 months per year as a summer home. There was never a variance requested or received for the Leverich property. Where their garage was constructed was within the existing carport footprint. Yes, that garage is just 2 feet off the property line but given the existing carport footprint, no variance was needed. There is concern over encroachment on his property. Mr. Leverich clarified that his biggest concern is the water runoff. The Leverich property is to the North of Logan's and water runs off of 41A, down Logan's or Romano's driveway, then diverts into his property. The Leverich's claim their basement gets wet after big storms due to this. Mr. Leverich submitted pictures of the flooding during a 100-year rain event around 2017. They had recently remodeled their home and lost a lot of their landscaping. Mr. Leverich also noted that he was aware of the County's work on culverts but claimed that the ditches are still not capacitating all of the excess water. He is worries that the construction of the Logan's garage could add to this issue. Member Kiefer added that these issues have been mitigated through Eggleston's plan. Mr. Leverich also pointed out his concerns over the arborvitae trees he had planted along the property line to help mitigate the runoff. The Leverich's had it worked

out with the previous owners to put up these trees. He is now understanding that these trees may have been planted directly on the property line, if not on the Logan's property. He requested that he and his wife be notified that the placement of these trees is an issue. They spent a lot of money on the plantings and would prefer to transplant them as opposed to them being destroyed. Mr. Eggleston stated that he had the surveyor put four stakes on that property line so they can easily be seen. Also, the trunks of the trees are directly on the property line, but the Logan's have no problem with them remaining. The Logan's have also guaranteed the replacement of any arborvitae that does not survive the construction process.

Chair Rhoads then asked if there was anyone else who would like to speak in favor of, against or had any comments regarding the application. There were no further comments.

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.

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 sections of Town Zoning Code: 148-8-9-A.1.d Nonconforming Lots- Side Yard Setback; 148-8-9-A.1.g.i.a Nonconforming Footprint; 148-8-9-A.1.g.i.b Nonconforming Floorspace; 148-8-9-A.1.b.G Nonconforming Lots- Nonconforming Minimum Lake Frontage. 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:

FACTORS CONSIDERED IN CONTEMPLATING THE AREA VARIANCE:

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 for the proposed dwelling will not produce an undesirable change to the character of the neighborhood. The existing dwelling is old and in need of repairs. The proposed garage will increase the density of the neighborhood but is of modest size and is in keeping with the neighborhood. Neighboring properties have been improved with similar dwellings, garage structures, and patios. The proposed improvements will enhance the property and neighboring properties aesthetically, and by mitigating current drainage and runoff issues. Modifications were made to the plan to include a bioswale to aid in addressing drainage. Without further action, the current drainage issues will persist. A plan has been established to mitigate the adverse impact of current runoff issues affecting the Applicant's property and neighboring properties. The Applicant has committed to replacing any damaged arborvitae along the north property line if necessary, and the neighbor to the south has no objection to the project.

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 property is a preexisting nonconforming lot. The property was developed

in the 1960's and therefore does not comply with the current Zoning Code because the lot is 50 feet wide, whereas the current Code requires 75 feet, and the setbacks are nonconforming per today's Code. There are no alternatives other than an area variance and payment into the Town's LDRA Fund.

3. Whether the requested variance is substantial: Yes No

Reasons: Yes. The requested variance is substantial because the application seeks improvements to an existing nonconforming lot, which is only 50 feet wide, whereas 75 feet is required. However, the applicant is requesting minimal changes to the property and has reduced the original proposal, including eliminating one variance for a lakeshore patio. Total surface coverage will therefore remain the same. The screened porches will be enclosed for living space which will increase the living space from 12.2% to 14.5% where 10% is allowed. The building footprint is currently 7.9% where 6% is allowed, with a proposed increase to 10%. The increase in total floorspace will increase by 19.15% and the building footprint will increase by 25%. The proposed 484 square foot garage is adequate yet small and reasonable and will be constructed over a portion of the existing impermeable driveway. The overall driveway will be reduced while still maintaining a turnaround for safe exiting of the property. The proposed reduction to the driveway will lower ISC on the property from 22.7% to 20.4%, and there is a stormwater plan in place to mitigate drainage and runoff issues for the applicant property and neighboring properties, including the construction of a bioswale. The substantial nature of the request has been reduced to the minimum variance necessary, with provisions in place to improve the property and neighboring properties.

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: Yes and No. Yes, by majority vote according to the votes reflected below.

Three (3) ZBA Members found that the proposed variance will potentially have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district, but issues such as management of stormwater runoff and mitigating the neighbor's concerns over their arborvitae are acknowledged and addressed as part of the Application. In addition, the proposed drainage plan and the construction of a bioswale will mitigate runoff issues, and the Applicant has agreed to maintain communication with the neighbor to the north regarding arborvitae near the property line, to be replaced by the Applicant should they die during construction. The Applicant could have opted to tear down the existing dwelling and rebuild entirely, which would have greater adverse environmental effects or impacts.

Two (2) ZBA Members found that the proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district because the proposed garage will be built over a portion of the existing driveway, and the existing driveway will be reduced in size, lowering the ISC. The site will also be developed with stormwater improvements which would benefit the applicant's property as well as neighboring properties. An evaluation of the existing septic system was completed by Eric Buck and was found to be in good condition, with the existing leach field showing no signs of fatigue. Mr. Buck did state in his evaluation that the pump

chamber, pump, and alarm system will need to be replaced.

QUESTION 4 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 type="checkbox"/>	<input checked="" 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"/>

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 Member Sherill Ketchum and a unanimous (5-0) affirmation 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 December 15, 2023, revised January 30, 2024, revised again March 19, 2024, with Narrative dated January 30, 2024, prepared by Bob Eggleston, of Eggleston & Krenzer Architects, Licensed Architect, be complied with in all respects; and
2. That the applicant will make a payment of \$23,909.15 to the Town’s LDRA Fund to offset ISC; and
3. That the applicant give notice to neighbors to the north, Steven & Stephanie Leverich, if arborvitae trees planted along property line need to be moved during construction, with a commitment to replace any of said trees, if they die during construction.

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"/>

Public Hearing

Applicant: Kevin & Kathy LaGrow
 PO Box 528
 Skaneateles, NY 13152

Property: 2510 Wave Way
 Skaneateles, NY 13152
Tax Map #054.-04-03.0

Present: Robert Eggleston, Eggleston & Krenzer Architects
 Kevin & Kathy LaGrow, Applicant (via Zoom)

This application is for the proposed construction of a roof over the existing deck for covered porch. The property is located at 2510 Wave Way and in the RF LWOD District. The applicants, Kevin & Kathy

LaGrow were present via Zoom and represented by Architect Bob Eggleston. This request was seen as an entirely new application as the LaGrow's previous application was not approved. The Board had concerns over building footprint and impermeable surface coverage. The LaGrow's felt that they could sacrifice enlarging the bedroom as they would prefer having complete first floor accessibility with the addition of a roof over the existing impermeable deck, making it a porch. These changes from the original plan eliminated one variance- building footprint. The property was originally a multi dwelling camp which was not well maintained. It was redeveloped about 20 years ago and had previously received variances. A watercourse on the north side of the property has been well maintained. A site visit was conducted by Board Members on January 6, 2024, with Member Kiefer conducting a separate site visit with Mr. Eggleston on February 3, 2024.

Recusal and Abstention:

Prior to ZBA discussion and deliberation on Applicant's request for the variances referred to herein, ZBA Member David Lee declared that he would abstain from ZBA discussion and deliberation on the Application, on the basis that Member Lee owns property immediately adjacent to the subject property owned by the Applicant.

At this time, Chair Rhoads asked if there was anyone who would like the public hearing notice read. No one requested the public hearing notice to be read into the record.

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.

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

Chair Rhoads asked if any letters pertaining to the application were received. An email was received from neighbor Anne Lee. Anne and husband David Lee have no objection to the project. Chair Rhoads then asked if there was anyone who would like to speak in favor of, against or had any comments regarding the application. There were no comments.

WHEREFORE, a motion was made by Member Ketchum and seconded by Member Kiefer 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 sections of Town Zoning Code: 148-8-9-A.1.g.i.b Nonconforming Floorspace. 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:

FACTORS CONSIDERED IN CONTEMPLATING THE AREA VARIANCE:

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 for the proposed dwelling would not produce an

undesirable change to the character of the neighborhood. The proposed construction involves the placement of a roof over an existing first floor deck making it a porch. Building floorspace will increase from the current 14.3% to 15.2% which is a slight increase in noncompliance. Building footprint and ISC will not change.

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 proposed construction is within 200 feet of the Lakeline, making a variance necessary for the expansion of the existing floorspace from 14.3% to 15.2% on this property. The property is a preexisting nonconforming lot, and Building footprint and ISC will not change.

3. Whether the requested variance is substantial: Yes No

Reasons: Yes and No. No, by majority vote according to the votes reflected below.

One (1) ZBA Member found the requested variances are substantial. The allowed building floorspace is 10%. The existing floorspace is nonconforming at 14.3% and will be increased to 15.2%.

Three (3) ZBA Members found that the requested variance is not substantial because there will be minimal to no impact upon the lake or surrounding environment, and the ISC will remain the same, which should not impact current drainage and runoff.

QUESTION 3 RECORD OF VOTE

MEMBER NAME	AYE	NAY	RECUSED
Chair DENISE RHOADS	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Vice Chair DAVID PALEN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Member KRIS KIEFER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Member DAVE LEE	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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: Yes No

Reasons: No. The proposed construction will not have any adverse or negative effect or impact upon the environmental conditions of the neighborhood. The impermeable deck currently exists, and the proposal calls for a roof to be constructed over the impermeable deck. No disturbance to the ground will occur around the construction.

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 Vice Chair David Palen, duly seconded by Chair Denise Rhoads, and upon a unanimous (4-0) affirmation 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 February 12, 2024, with Narrative dated February 12, 2024, prepared by Bob Eggleston, of Eggleston & Krenzer Architects, Licensed Architect, be complied with in all respects; and
2. That verification of conformance of completed project be certified by Robert O. Eggleston, Licensed Architect, within (60) days of completion of the project with verification submitted to the Town.

RECORD OF VOTE

MEMBER NAME	AYE	NAY	RECUSED
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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Member SHERILL KETCHUM	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Public Hearing

Applicant: Francis & Lauren Kaduc
 14 Indian Spring Lane
 Rochester, NY 14618

Property: 1250 Greenfield Lane
 Skaneateles, NY 13152
Tax Map # 053.-01-09.0

Present: Robert Eggleston, Eggleston & Krenzer Architects
 Fank Kaduc, Applicant
 David Graham, Neighbor

This application is for the proposed construction of shoreline structures including shoreline stairs, a permanent dock, and a boathouse. Applicants, Francis & Lauren Kaduc were represented by Architect Bob Eggleston. Francis Kaduc was present, as was their neighbor, David Graham. The property is in the RF LWOD has an existing 2-bedroom dwelling with 651 square feet of floorspace and a 752 square foot building footprint, including a small shed. The property only has about 18,491 square feet of land, and is 56.88 feet wide, with 150.3 feet of shoreline. Current Zoning law would require most redevelopment to obtain an area variance given the lot is less than 20,000 square feet with a nonconforming structure. The only variance needed for the proposed project is for lot size. Specifically, redevelopment on a lot less than 20,000 square feet as the proposed plan shows an additional 107 square feet of total onshore improvements for a total of lakefront structures of 518 square feet. The proposed dock, boathouse, and stairs all conform with Zoning law as they have less than 800 square feet of dock structure over water, and the boathouse has a 20% footprint on land where only 10% is required. The existing stairs to the shoreline will be maintained. They are conforming and gently sloped. The existing bank is steep and lacks stability. Member Lee noted that the stability of the bank is very much dependent on the root systems within as well as the health of the remaining trees. Mr. Eggleston added that the stairway covers the bank so there will be minimum disruption to vegetation and that some smaller trees may need to be trimmed back but there Are no plans to remove trees 8” or larger.

A site visit was conducted by Board Members on March 12, 2024, with Member Kiefer conducting a separate site visit with Mr. Eggleston on April 1, 2024.

At this time, Chair Rhoads asked if there was anyone who would like the public hearing notice read. No one requested the public hearing notice to be read into the record.

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

Chair Rhoads asked if any letters pertaining to the application were received. There were none. Chair Rhoads then asked if there was anyone who would like to speak in favor of, against or had any comments regarding the application. Neighbor to the south, David Graham was present on behalf of the Jean Graham Trust. Mr. Graham stated that the Kaduc's had been good neighbors for many years. There are two boathouses on either side of their lakefront, plus two to three more within ¼ mile in either direction. Mr. Graham added that he had through this process a few years ago and was in support of the project.

WHEREFORE, a motion was made by Vice Chair Palen and seconded by Member Kiefer 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 sections of Town Zoning Code: 148-8-9-A.1.a Existing nonconforming lots- Lot size. 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:

FACTORS CONSIDERED IN CONTEMPLATING THE AREA VARIANCE:

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 for the proposed would not produce an undesirable change to the character of the neighborhood. The property is located within a neighborhood with various size dwellings on various sized lots, many of which have been redeveloped over the years. Many neighbors to the north and south have onshore boathouses and permanent docks. All the proposed on and offshore structures in this project meet or exceed current zoning code requirements and will not create a detriment to nearby properties. Neighbor, Mr. Graham's statements of support further indicated that the proposed project is in keeping with the character of the neighborhood.

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. Given the size of the lot and its location with its proximity to the lake, a variance is necessary, since the property is nonconforming. The Current Code requires a lot to be 20,000 square feet while this lot is just 1,109 square feet short of that, so almost any development would trigger an area variance. There is no feasible alternative. This lot is larger than most neighboring lots with similar redevelopment.

3. Whether the requested variance is substantial: Yes No

Reasons: No. The requested variance is not substantial because the lot is only 1,109 square feet from being conforming. All proposed structures meet the required setbacks and zoning code requirements. An additional 107 square feet of onshore structures is minimal. The lot remains in compliance with ISC and total lot coverage. The maximum of onshore structures allowed is 600 square feet while the proposed falls at 518 square feet. The maximum of offshore structures is 1,000 square feet while the proposed falls at just 902 square feet. The only factor triggering an area variance is lot size.

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 in the neighborhood or district. Most of the work will be performed from a barge with minimal disturbance to the steep slope. This is one of the few remaining properties in the neighborhood to be redeveloped. The ISC will only increase by 0.2%, to 6.6% where 10% is allowed. Total Lot Coverage will only increase by 0.5%, to 9.7% where 20% is allowed. Both the proposed dock and boathouse will be at or above the 867-foot 100-year flood level. Efforts have been taken in the construction sequencing to mitigate impacts. The roots of any foliage removed will be left in place to provide stability to the steep slope.

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 Member Sherill Ketchum and seconded by Chair Denise Rhoads, and upon a unanimous (5-0) affirmation 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 February 12, 2024, with Narrative dated February 12, 2024, prepared by Bob Eggleston, of Eggleston & Krenzer Architects, Licensed Architect, be complied with in all respects.

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"/>

Public Hearing

Applicant: Jim & Kimberly Tracy
2833 Shamrock Road
Skaneateles, NY 13152

Property: 2833 Shamrock Road
Skaneateles, NY 13152
Tax Map # 036.-02-02.1

Present: Robert Eggleston, Eggleston & Krenzer Architects

This application is for the proposed construction of a horse barn and addition to an existing service building. Additionally, a lot line relocation will add 2 acres from an adjacent lot to the existing lot. Applicants Jim and Kim Tracy were represented by architect Bob Eggleston. Mr. Eggleston explained that his client would like to construct a 20x150 foot addition to the side of an existing pole barn which they had received variances to construct. The purpose of this addition is to store the business tractor trailer inside. This is a mixed-use property. Zoning law originally allowed 6,000 square feet of commercial buildings in the RF District until it was raised to 8,000 square feet, 10,000 square feet with animals on site. At the time this building was constructed, a variance was needed. The current limit is 12,000 square feet. The proposed addition will increase the total building footprint from 15,106 square feet to 18,110 square feet. A variance is therefore being requested for building footprint of business-use buildings on the property. Mr. Eggleston explained that instead of spreading their business buildings over different lots, the applicant opted for a lot line relocation, adding 2 acres to their lot, and making it 17.8 acres. This will maintain keeping the ISC below 10%. By adding 2 acres, the total lot coverage will decrease by 0.2%, putting it at 10.7% where 20% is allowed.

A site visit was conducted by Board Members on March 12, 2024, with Member Kiefer conducting a separate site visit with Mr. Eggleston on April 1, 2024.

At this time, Chair Rhoads asked if there was anyone who would like the public hearing notice read. No one requested the public hearing notice to be read into the record.

WHEREFORE, a motion was made by Member Ketchum and seconded by Chair Rhoads to consider the proposed action as a Type II SEQR action as per section 617.5(c)(9) 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 Kiefer to open the public hearing. The Board having been polled resulted in unanimous affirmation of said motion.

Chair Rhoads asked if any letters pertaining to the application were received. Neighbor, Sigmund Rogalia called to state that he is in support of the project.

Chair Rhoads then asked if there was anyone who would like to speak in favor of, against or had any comments regarding the application. No comments were made.

WHEREFORE, a motion was made by Member Ketchum and seconded by Member Kiefer 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 sections of Town Zoning Code: 148-4-2-C.1.b Maximum Nonresidential Building Footprint. 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:

FACTORS CONSIDERED IN CONTEMPLATING THE AREA VARIANCE:

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 variances for the proposed addition to the existing business use building would not produce an undesirable change to the character of the neighborhood. Being primarily comprised of rural agricultural type residences and farms, the neighborhood has several other properties of similar nature. Adding to the existing business storage building would allow for the reduction of clutter that could be apparent from this type of operation. Having a place to house the tractor trailer would improve the aesthetics of the property.

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 total footprint will be increased, but other efforts have been made to minimize the variances needed. The applicant has acquired an additional two (2) acres through a lot-line adjustment, increasing the total acreage to 17.3 acres. There are no other alternative besides subdivision, but the Applicant is trying to keep the operation compact.

3. Whether the requested variance is substantial:

Yes No

Reasons: Yes. The requested variance is substantial because the application is to add 3,000 square feet to an existing large building. The overall size of the building would increase by 20%, and the property was previously granted a variance for this reason in 2020.

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 in the neighborhood. Completing this project would help keep the site organized, provided the conditions of the special permit issued remain intact. The property is already improved with the existing storage building and adding an expansion of 3,000 square feet makes more sense in terms of keeping the structures contained to one area on the lot versus subdividing. The Planning Board will keep water runoff controlled with the inclusion of plantings and

other foliage. The bioswale will provide additional control of runoff.

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 Member David Lee, duly seconded by Chair Denise Rhoads, and upon a unanimous (5-0) affirmation 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 February 21, 2024, with Narrative dated February 22, 2024, prepared by Bob Eggleston, of Eggleston & Krenzer Architects, Licensed Architect, be complied with in all respects.

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"/>

Public Hearing

Applicant: Joe & Marcia Zappia
2629 East Lake Road
Skaneateles, NY 13152

Property: 2629 East Lake Road
Skaneateles, NY 13152
Tax Map # 037.-01-16.0

Present: Bill Murphy Jr., SPACE Architectural Studio

This application is for a proposed second-story addition to an existing one-story garage, including a second story access staircase with a small deck. The property is in the RF District & LWOD. Applicants Joe & Marcia Zappia were represented by Architect Bill Murphy Jr.

Mr. Murphy explained that a recent windstorm caused a tree to fall on the garage roof, causing damage to several roof framing members and creating the need for an entirely new roof. Since the roof needs to be replaced and there is minimal storage on the property, the Zappia's are hoping to take this opportunity to create storage space by means of a second-story addition to the garage. The 2-acre lot is deep and has a lot of slope to it. Due to the amount of slope, the existing basement has several steps and some low foundation, restricting storage space. The Planning Board wanted to see a few Rose of Sharon or something similar around the base of proposed stairs to replace the two birch trees that would need to be removed for the project. Several other birches would remain. Member Lee asked about changes to the site to make the stair plan work. He stated that he didn't see any in the plans. Mr. Murphy explained that there would be no changes to the grade as they would be using Sonotube at varying heights as footers. With the proposed building height being nonconforming, Vice Chair Palen asked whether Code stated which height would be conforming. Clerk Barkdull stated that no measurement was stated in the Code. Some Members stated that the proposal isn't in keeping with the neighborhood on account of neighboring properties not having two story garages close to the road. The Board was concerned with use of the space. Mr. Murphy responded stating that during the winter months, outdoor furniture would be stored in the new space, while it would be used for exercise and office space in the summer, when empty. He also noted that Mr. Zappia wanted higher ceilings so he could swing his golf club upstairs. The structure will not be tied into the existing septic and would need to have approval from Onondaga county if in the future they wanted to change that.

A site visit was conducted by Board Members on March 12, 2024, with Member Kiefer conducting a separate site visit with Mr. Eggleston on April 1, 2024.

At this time, Chair Rhoads asked if there was anyone who would like the public hearing notice read. No one requested the public hearing notice to be read into the record.

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

Chair Rhoads asked if any letters pertaining to the application were received. No Letters were received.

Chair Rhoads then asked if there was anyone who would like to speak in favor of, against or had any comments regarding the application. There were no comments.

WHEREFORE, a motion was made by Member Lee and seconded by Member Ketchum 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 sections of Town Zoning Code: 148-8-9-A.1.g.i.a Nonconforming Footprint; Section 148-8-9-A.1.g.i.b Nonconforming Floorspace; and Section 148-8-4-B Nonconforming Height. 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:

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: Yes and No. Yes, by majority vote reflected below.

Two ZBA Members found that the granting of the variance for the proposed garage addition would not produce an undesirable change to the character of the neighborhood, based upon the observation that there would be no change in footprint as the proposal would be adding to the footprint of the existing garage. In addition, ZBA Members observed that due to the slope of the land, height should not impose any view changes for neighboring homes, concluding that the proposal is an improvement over the existing garage with its damage and aging condition.

Three ZBA Members found that the granting of the variance for the proposed garage addition

QUESTION 3 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 type="checkbox"/>	<input checked="" 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"/>

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 ZBA found that the proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood because the drainage design on the property is effective, with plenty of foliage, and based upon the observation that proposed construction would take place on top of an existing structure. Though the site plan, as proposed, does not demonstrate any septic tie in, there is concern with the potential for that to happen in the future.

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

Reasons: Yes, based upon the foregoing listed factors.

QUESTION 5 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"/>

DETERMINATION OF ZBA BASED ON THE ABOVE FACTORS:

The ZBA, after taking into consideration the above five factors and ZBA deliberation thereon, upon a motion made by Member Kiefer, duly seconded by Vice Chair Palen, concluded by a four to one (4-1) vote recorded below that the benefit to the Applicant does not outweigh the detriment to the neighborhood or community if the variances were granted, which vote resulted in the motion failing to achieve approval of a majority vote of at least three (3) Members of the ZBA as fully

constituted. Since only one (1) of the five (5) ZBA Members voted in favor of the motion, the ZBA must deny the variance requested, and find 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 ZBA, and the record of votes set forth herein, the ZBA concludes that the benefit to the Applicant, as weighed against the detriment to the health, safety and welfare of the neighborhood, or community, does not lie 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 the Board’s articulated factors on the record while deliberating the statutory questions presented.

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"/>

Initial Review

Applicant: Wayne & Susan LaFrance 2100 West Lake Road Skaneateles, NY 13152	Property: 2125 Lakeview Lane Skaneateles, NY 13152 Tax Map #057.-03-10.0
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Present: Guy Donahoe, Donahoe Group
Wayne LaFrance, Applicant (via Zoom)

This application is for the proposed construction of a new single-family home on a vacant 0.72-acre lot in the RF LWOD District. Applicants Wayne & Susan LaFrance were represented by Architect Guy Donahoe. Wayne LaFrance attended via Zoom. Mr. Donahoe explained that the LaFrance’s live in the adjacent property to the west. They had bought both lots at the same time. They are now looking to sell the home they raised their family in and build their retirement home on their vacant lot. Since the proposal is within 1500 feet of the lake, it would require Site Plan Review by the Planning Board. The

Town had concern that the lot was adjacent to a watercourse. John Camp inspected the property, per the owner’s request. He determined that it is in fact a water course. The watercourse runs along Route 41 and crossed south of the property on Route 41, it crosses the east side of the road and runs directly down to the lake. Over the years, many additional tiles have been tied into the ditch so there has been an increase in the amount of water flowing through it.

Mr. Donahoe noted that Mr. LaFrance’s intention in his design was to keep the building as far from the watercourse as they can develop it for both the residence and septic system. Clerk Barkdull noted that the property is a preexisting undersized lot. Developing this property cannot be done without a variance. The best form of mitigation would be to push any development as far from the watercourse as possible. When the neighborhood was developed, there was no 100-foot watercourse setback written into the Town Code. There are other houses in the neighborhood with less than 50-foot setbacks. Mr. Donahoe added that since the lot is about 31,000 square feet, it has a lot of restrictions. They are trying to keep the structure as vertical as possible. The basement will be built into the hillside while the other two levels will be above grade.

Board Members will conduct a site visit on April 24, 2024, at 5:30 pm.

At this time, Chair Rhoads asked for a motion to schedule a Public Hearing for May 7, 2024, at 7:02 pm.

WHEREFORE, a motion was made by Vice Chair Palen and seconded by Member Ketchum to schedule a public hearing for May 7, 2024, at 7:02 pm. 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]

Discussion

The next ZBA meeting will be held on May 7, 2024, at 7:00 pm.

There being no further Board business, a motion was made by Vice Chair Palen and seconded by Member Kiefer to adjourn the meeting. The Zoning Board of Appeals meeting adjourned at 9:50 pm.

Respectfully Submitted,

Aimie Case
ZBA Clerk

Meeting Attendees:

Bob Eggleston, Eggleston & Krenzer Architects
Bill Murphy Jr., SPACE Architectural Studio
Guy Donahoe, Donahoe Group
Frank Kaduc
David Graham

Meeting Attendees Via Zoom:

Councilor Mark Tucker
Sue Dove
Lori Milne
Don Kasper
Wayne LaFrance
Kevin & Kathleen LaGrow
Steven & Stephanie Leverich
S. Gasparini
Ben Klein