

**TOWN OF SKANEATELES
ZONING BOARD OF APPEALS
MEETING MINUTES OF
August 6, 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 Zoning Board of Appeals meeting at 7:03 pm.

Minutes

Previous distribution to the Board of the regular meeting minutes of July 2, 2024, was executed, and all Members present acknowledged receipt of those minutes.

WHEREFORE, a motion was made by Vice Chair Palen and seconded by Member Lee to accept the July 2, 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 [Yes]

Public Hearing Continuance

Applicant:	Richard & Marie Garlock 81 Alexander Street Princeton, NJ 08450	Property:	1777 Russells Landing Skaneateles, NY 13152 Tax Map #063.-03-05.0
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Present: Robert Eggleston, Eggleston & Krenzer Architects, PC
Richard & Marie Garlock, Applicants

This application is for proposed modifications to an existing dwelling and detached garage on a nonconforming lot. The applicant is requesting an area variance because their lot is 17,590 SF whereas 20,000 SF is required. Applicants, Richard & Marie Garlock were in attendance and were represented by their design professional, Robert Eggleston, PC.

Mr. Eggleston noted the Johnson's, neighbor to the souths, concerns regarding the proposed garage height, which was discussed during the July meeting, adding that the height itself was not a variance issue. Mr. Eggleston and the Applicant looked at these concerns and decided to reduce the proposed height of the garage. The redesigned garage will remain at the existing height and be more in keeping with the house and its multiple pitch rooms. The new proposed south elevation now has no windows. The windows will now be focused to the northeast and northwest. The Board was informed that the Applicant had contacted the Johnson's and sent them the proposed revised garage drawings. The Johnson's were thankful and there was no further contact on the matter.

Mr. Eggleston stated that he had taken note of the Board Members' comments concerning the driveway and the ability to park cars on the property, especially given the proposed added living space and bedroom. They exchanged some impermeable surface coverage to put a Y-shaped drive area so that one could park straight in or use the old driveway, essentially two in tandem in the old drive, and one in the other. Impermeable surface coverage has been reduced, as a prerogative of the Planning Board for a Special Permit, which the applicant is currently pursuing.

Member Ketchum asked about the new garage drawings, stating that where the original drawings showed a loft, there is now an "upper bedroom". Mr. Eggleston clarified that there is no additional bedroom. "Upper bedroom" represents a vaulted ceiling for a first-floor bedroom. There is no floor space above, just higher ceilings. Member Ketchum then sought clarification on whether the overhang limit was included in the impermeable surface coverage. Mr. Eggleston confirmed that this has been accounted for.

Member Kiefer asked about the difference in garage height between the original proposal and the revised. Mr. Eggleston stated that the revised drawings have the garage height 4- feet lower than what was originally proposed. The garage will now remain at the existing height.

At this time, Chair Rhoads asked if the Board had any further questions for Mr. Eggleston. There were no further questions.

Site visits were conducted by Board Members on June 12, 2024, and July 17, 2024. Mr. Eggleston was present.

At the July 2, 2024, meeting, 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.

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

At this time, 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 on the application.

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 section of Town Zoning Code: Section 148-4-2-C.1.b.E District Regulations- Residential Side Yard Setback. 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: No. The granting of the variance requested, as amended, will not produce an undesirable change to the neighborhood. The ZBA Members observed that the neighborhood consists of seasonal and year-round homes and cottages on the lake shore, and that the design of the main dwelling will be consistent with its existing footprint and general shape. The ZBA also observed that the garage will be converted into a guest cottage, and the proposed plans for the current property reflect an updating of the structures that will enhance the overall property and the neighborhood. The ZBA Members also found the willingness of the property owners to amend their proposal to accommodate their immediate neighbors' concerns is noted and appreciated, with the ZBA also considered that the Applicant reduced the height of the roof for the garage structure as a good compromise with the neighbor's concern. Another factor listed by the ZBA is the accommodation to the parking area, to offset the loss of parking in the existing garage that would be modified by this proposal.

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 pre-existing nonconforming lot, and any construction or renovation requires a variance under the zoning code.

3. Whether the requested variance is substantial: Yes No

Reasons: No. The ZBA found that although the proposed changes to the structure and property are substantial upgrades, and the overall requested variance is substantial, the structures and property were both in need of updates and improvements. The ZBA concluded that the reduction in impermeable surface coverage and total lot coverage are both a positive feature of the variance request as it the updating of the septic system on the property. The dwelling was constructed prior to current zoning on a now nonconforming lot. The ZBA also observed that the only change that may be considered significant is the conversion of the garage to living space, however it is mitigated by the additional parking area, and the property will receive a new septic system.

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 concluded the proposed variance could have an adverse effect or impact on the physical or environmental conditions in the neighborhood as the dwelling is only 37.1 feet to the steep slope by the lake. The ZBA weighed the demolition of the existing dwelling and relocation the structure further from the lake, which could potentially have a greater impact to the environment, so renovation the existing dwelling makes the most sense. The ZBA further considered that creating the accessory unit for the property will increase the use that could impact the environment, however, adding the new septic system should ameliorate the impact. The ZBA concluded that reduction in impermeable surface coverage and total lot coverage along with a redesigned septic system should mitigate any adverse effects resulting from the changes to the property, or at best the changes will reduce any negative effects.

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) 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, the ZBA deliberation factors listed above, as well as the ZBA 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 July 16, 2024, with Narrative dated July 16, 2024, prepared by Bob Eggleston, of Eggleston & Krenzer Architects, Licensed Architect, be complied with in all respects.

MEMBER NAME	RECORD OF VOTE		
	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: Joseph & Mary Coco
8323 Zenith Drive
Baldwinsville, NY 13027

Property: 1387 Thornton Heights
Skaneateles, NY 13152
Tax Map #057.-01-38.0

Present: Robert Eggleston, Eggleston & Krenzer Architects, PC

This application is for the proposed demolition of an existing cottage and construction of a new two-bedroom, two story dwelling with a deck, new septic, new shoreline stairs, bridge, and landing with a shed underneath. Applicants, Joseph & Mary Coco were represented by their design professional, Robert Eggleston, PC.

The applicant is requesting variances for existing nonconforming lot size, nonconforming lake yard setback, and nonconforming lake frontage. The lot size is 13,414 square feet whereas 20,000 square feet is required. The structure is less than 100 feet from the lake. The property has 69 feet of lake frontage, where 75 feet is required.

Mr. Eggleston stated that the Coco’s have owned the property for many years. They would like to demolish the existing seasonal dwelling and improve with a year-round dwelling. As they prepare for retirement, the Coco’s are intending to make this property their summer home. They will spend the rest of the year down south. The proposed new dwelling will be constructed substantially on the existing footprint. Since the lot is just 13,400 SF, and 50 feet wide, a variance would be required for just about anything done to the property. The Coco’s have owned the property since 1986 and have not made any substantial modifications in that time. In their design, they sought to maximize the allowed footprint and living space for the property, keeping it in compliance. Putting the new dwelling in the same location as what exists allows for the new septic with expansion area to be relocated to the back of the lot. The house itself will sit back an additional 10-12 feet from the existing, and the deck will sit back another foot from the existing house, making it less nonconforming. They will maintain the existing south side yard and will have a conforming north side yard. The applicant did contact their adjacent neighbors, the Vivian’s and the Connor’s, who are in support of the project. No objection letters from both neighbors have been entered into the record.

At this time, Mr. Eggleston asked if there were any questions from the Board. Chair Rhoads asked if the existing dwelling had a basement. It does not. Chair Rhoads then asked the reason for adding a basement to the proposed new dwelling. Mr. Eggleston stated that it is necessary to have a foundation that goes at least 4 feet below grade. The property as it exists, has the natural topography for that. He added that the proposed is not technically a basement, but rather a cellar as it is not a habitable space. Chair Rhoads asked the difference in height between the proposed and what is considered habitable. Mr. Eggleston clarified that the proposed cellar height is 6’-8” where a habitable basement would measure at least 7’-6” high.

Member Ketchum asked why the design reflects an abundance of windows and doors in the cellar, making it appear as though it is going to be a walkout basement and seemed unusual for an inhabitable space. Mr. Eggleston stated that with the lack of a garage on the property, the walkout cellar would give the Applicant a place to store summer furniture and other seasonal items. Member Ketchum also wondered how the 655 feet of lakeshore structures that exist today came to be. Mr. Coco stated that the shoreline structures were constructed in 1932, prior to him buying the property

in 1986. They had only maintained what existed by replaced boards as necessary. Member Ketchum then asked for clarification on what a septic expansion area is and its necessity. Mr. Eggleston explained that in designing a new septic, it is also necessary to include a 100% expansion area for that space. In other words, you must account for double the space of the designed septic as the Health Department wants to see a “Plan B”. There are a few exceptions for certain kinds of septic systems not needing an expansion area, but a conventional system requires one. It is essentially protection for everyone.

Member Palen asked if the property would be used seasonally or year-round. Mr. Eggleston stated that the dwelling would be constructed as a year-round home, but the Applicant would only be using it as their summer retirement home, as they will go south for the majority of the winter. They have another home on Onondaga Hill which they plan to sell.

Member Ketchum then asked if there was any way this proposal could have been designed to sit further from the property line and if there was anything to the north of the house that was preventing this. Mr. Eggleston stated that their design naturally fits the slope of the land at this point. There is a natural grade transition which works well for the cellar. If pushed back, everything would be slightly raised. They thought it made sense to maintain keeping the structure in line with neighboring cottages which are similarly situated. It was also necessary to leave room for the septic expansion area.

Member Kiefer clarified that it was three (3) variances which were being requested. Mr. Eggleston stated that the property is conforming as it currently sits but the teardown and rebuild would make it nonconforming. Member Kiefer then asked the height of the existing cottage. Mr. Eggleston stated that the existing height is not shown on the site plan but the proposed is 30 feet to the peak. He estimated that the existing height is probably in the 15–20-foot range, like Garlock’s garage.

The Board had no further questions for Mr. Eggleston.

A site visit was conducted by Board Members on July 17, 2024. The Applicant’s design professional, Bob Eggleston, was present.

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

At this time, Chair Rhoads stated that letters of support from the neighbors had been entered into the record.

At this time, Chair Rhoads asked if there was anyone who would like to speak in favor of, against or had any comments regarding the application. No one spoke on the application.

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 section of Town Zoning Code: Section 148-4-2-C.1.b.E District Regulations- Residential Side Yard Setback. 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. No, by majority vote reflected below.

Three (3) ZBA Members found the requested variance would not produce an undesirable change to the neighborhood, concluding that the existing one-story cottage, while functional, is in need of repairs and the proposed replacement of that structure will improve the character of the neighborhood. The ZBA also observed that the proposed dwelling would sit on a similar footprint as what currently exists, and the proposal reflects an increase in lake yard setback from the existing 61.3 feet, the new deck would fall at 62 feet and the dwelling at 74 feet, and any increases in building height or footprint would have minimal impact on neighboring properties.

Two (2) ZBA Members found the requested variance would produce an undesirable change to the neighborhood, by observing that, given the overall size and type of the proposed dwelling, there will be an impact on the property. These ZBA Members found the proposed dwelling will be two stories with an above grade lower level. Due to the slope of the site, these ZBA Members found the dwelling would appear to be three stories above grade as viewed from the lake, and the lot is only 0.31 acres. These ZBA Members also found the neighbor to the south has a small one-story structure which would make the proposed 2.5 story structure look out of character as it would sit geographically in line with a significantly smaller dwelling, with just a five-foot setback.

QUESTION 1 RECORD OF VOTE

MEMBER NAME	AYE	NAY	ABSTAIN
Chair DENISE RHOADS	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>
Member SHERILL KETCHUM	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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 ZBA concluded this is a preexisting nonconforming lot, so any redevelopment would require a variance under the current code. However, the ZBA observed more could be done to make the application less nonconforming, reflecting that while reducing all three variances cannot be achieved because of the nonconforming lot size, the applicant could potentially eliminate one or two variances by locating the structure further back from the lake and/or further north from the property line.

QUESTION 2 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 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"/>

3. Whether the requested variance is substantial: Yes No

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

Three (3) ZBA Members found the requested variance is substantial, concluding there is not a significant effort to address the nonconforming nature of the requested variances. These ZBA Members found that there is a significant increase in the lot coverage and impermeable surface coverage. Given the size of those increases relative to the lack of adjustments in the nonconforming nature of the property, as well as the size of the proposed dwelling, these ZBA Members found the variances are indeed substantial, reflecting that the proposed dwelling is significantly larger even though the existing footprint would be maintained, the proposed dwelling would have an above grade lower level, increasing the overall height, and the living area would increase from 604 SF to 1339 SF

which is only 2 feet short of the maximum floorspace allowed on this preexisting nonconforming lot. These ZBA Members also found that, at less than 1/3 acre, this lot is not conducive to building a new 2.5 story house. Given the existing nonconforming south side yard setback, even though a cottage currently exists, expanding the size of the dwelling only five feet from the south property line is substantial.

Two (2) ZBA Members found the requested variance is not substantial, concluding the proposal falls in line with current codes, with the proposed building footprint, impermeable surface coverage, total lot coverage, and building height all conforming.

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 type="checkbox"/>	<input checked="" 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: Yes and No. Yes, by majority vote reflected below.

Four (4) ZBA Members found that the requested variance would have an adverse impact on the physical or environmental conditions of the neighborhood or district, stating that the existing small seasonal cottage is to be replaced with a larger year-round house, and that a small, seasonal cottage has less of an environmental impact versus the potential impact of a larger year-round house. These ZBA Members also found that excavation of the site and replacement of the existing cottage with a new two plus story structure may have an impact on the environment or the condition of the lake, and that there will likely be more use of the property and consequently more septic use. These ZBA Members also found that there does not appear to be a meaningful effort to address the setbacks which the ZBA is being asked to look at, and in exchange, there will be a much large dwelling located within roughly the same setbacks that existed for a significantly smaller dwelling.

One (1) ZBA Member found that the requested variance would not have an adverse impact on the physical or environmental conditions of the neighborhood or district, stating that the proposed new septic and drainage plans will improve the existing site conditions and benefit the lake, and that the proposal maintains conforming impermeable surface coverage and total lot coverage.

QUESTION 4 RECORD OF VOTE

MEMBER NAME	AYE	NAY	ABSTAIN
Chair DENISE RHOADS	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Vice Chair DAVID PALEN	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>
Member SHERILL KETCHUM	<input checked="" type="checkbox"/>	<input checked="" 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 and ZBA deliberation thereon, upon a motion made by Vice Chair David Palen, duly seconded by Member Sherill Ketchum, 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 variance was granted. Since four (4) 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 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 checked="" type="checkbox"/>	<input type="checkbox"/>
Member SHERILL KETCHUM	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Public Hearing

Applicant: James Ranalli
1200 State Fair Blvd
Syracuse, NY 13209

Property: 1808 West Lake Road
Skaneateles, NY 13152
Tax Map #062.-01-09.2

Present: Robert Eggleston, Eggleston & Krenzer Architects, PC
James Ranalli, Applicant (via Zoom)

This proposal is to add a 13'x36' covered boat slip surrounded by 6-foot docks to the existing dock. The applicant, James Ranalli was represented by design professional, Robert Eggleston, PC. The applicant is requesting three shoreline variances. Offshore Structures- Permanent Dock; Offshore Structures- Covered Boat Slip; and Offshore Structures Maximum Cumulative Area. The property is a large conforming lot, at 2.9 acres with 200 feet of lake frontage. The property has existing onshore and offshore lakefront structures. The onshore structures include a 1025 SF shed, 177 SF deck, a 40 SF section of the concrete boat launch, and 284 SF of gravel, totaling and to remain at 1025 SF. Existing offshore structures include a nonconforming 812 SF permanent dock, and 114 SF of the concrete boat launch, totaling 926 SF. The 97-foot dock is nonconforming in that it is 812 SF where 800 SF is allowed and could not be any shorter due to the low water mark and the need to access the dock with a large boat. The shallow water eliminates the option of constructing a boathouse which is why the applicant is requesting to construct a 574 SF boat canopy off the side of the existing dock, with an additional 215 SF of dock around the canopy. This will increase the square footage of the dock to 1027 SF. Total offshore structures would increase by 215 SF, to 1715 SF.

Mr. Eggleston stated that the property has an existing dock which was constructed at a length of 97 feet out of necessity, adding that by today's standards, is allowed based on the water depth at the end of the dock. The existing dock is 812 SF, and the existing boat launch is 114 SF, for a total of 926 SF in offshore structures which is nonconforming by today's standards. The Applicant would like to put in a covered boat hoist, which is allowed to be 300 SF per today's code. The Applicant owns a larger size boat and requires a 36x13 foot boat slip area. According to contractor, Phil Ricklefs, dock structure is needed to support the piers of a canopy. This allows for the substantial lateral support necessary in making the canopy structurally sound. This is why 6 feet of dock has been proposed to be added to the south and west side of the proposed canopy. It will also provide access to all sides of the boat for preparing, boarding, launching, and covering.

To put the proposal in character with the neighborhood, Mr. Eggleston provided the size and drawing of the boat canopy, which was built around 2000 by the Applicant's father, neighbor to the north. He added that this structure goes out about the same length as what they are proposing. To put size into perspective, the father's canopy is about three times the size of what is being proposed. The Applicant is looking for the convenience of being able to hoist their boat up and have it covered. The alternative is a temporary dock which would need to be put in and pulled out of the lake each year. Mr. Eggleston noted that this would occur during times that the DEC is concerned with the disruption of the lakebed due to the reproduction cycle of fish. He added that what they have proposed is a cleaner way of handling the necessity of providing protection, coverage, and access for the boat. Mr. Eggleston stated that the Zoning Law surrounding shoreline is new. In terms of what would be considered a conforming canopy structure, 300 SF is allowed, which would work for a smaller boat. This is why they are asking for a variance- to meet the need. He added that he thinks it should be

taken into consideration that this is an oversized lot, larger than the minimum required acreage; and the area consists of a series of estate homes as opposed to being a tight neighborhood with several nonconforming lots.

At this time, Mr. Eggleston asked if there were any questions from the Board. Chair Rhoads stated that at the site visit, Mr. Ricklefs showed measurements to give Board Members an idea of the proposed canopy size. His tape measure was not long enough. She wondered if they were extending the existing dock out further into the water. Mr. Eggleston clarified that they would not be extending the existing dock. On the site plan, gray shows existing, yellow is new dock structure, blue is canopy structure, and green shows where the canopy will overlap the dock for structural support.

Member Ketchum asked if the canopy would be actual roof structure as opposed to a canvas-like material. Mr. Eggleston clarified that the canopy would be a permanent, truss roof structure with structural posts that come above the dock. It will have a solid roof. Everything will be built out of quality materials and will look similar to what the Applicant's father has existing next door. It has essentially been designed to match and blend with the house and adjacent structures. The applicant, James Ranalli, was present via Zoom and stated that they were very conscientious in using the same quality building materials that match the house exactly. The canopy will have the same metal roof that is on the house so everything will match, be durable, and structurally sound. Mr. Eggleston noted that metal roofs are preferred near the lake because with asphalt roofs you get a granular erosion that becomes introduced to the lake, adding that there would be minimal lighting on the canopy and dock. Mr. Ranalli confirmed that there would be no spotlights whatsoever.

At this time, Chair Rhoads asked the Board if there were any other questions for Mr. Eggleston or Mr. Ranalli. There were no further questions.

A site visit was conducted by Board Members on July 17, 2024. Mr. Ranalli was present on site with his design professional, Bob Eggleston and contractor, Phil Ricklefs.

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

At this time, 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.

At this time, Chair Rhoads confirmed that there was no written correspondence received on the application.

WHEREFORE, a motion was made by Member Lee 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 section of Town Zoning Code: Section 148-4-2-C.1.b.E District Regulations- Residential Side Yard Setback. 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: No by majority vote reflected below. The ZBA observed that there are other docks and boat slips of varying sizes nearby and because of the water depth in the area, some docks are rather lengthy. The ZBA also observed that the property is currently improved by an 8-foot wide by 97-foot-long dock and concrete boat launch on the shore, and the proposal to add a boat slip with a canopy to the existing dock will not change the character of the neighborhood. The property has 202 feet of lakefront, and due to the natural curve of the shoreline, the property is somewhat shielded from the neighboring properties to the south. There are several large properties in the area with large canopies similar to the proposal. The property is located in a small cove and the length of the dock and covered boat slip will not impede access by boaters. Yes, the proposal does create an undesirable change as it is in conflict with the intent of the zoning code regulating offshore structures. The application is requesting a 70% increase in allowable offshore structures, 90% increase in allowable covered boat slip, and 28% over the area for a permanent dock.

QUESTION 1 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Member DAVE LEE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Member SHERILL KETCHUM	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

Response: Yes, by majority vote reflected below.

The ZBA concluded that due to the depth of the lake in that area and the size of the boat, there would not be an alternative that could be applicable; however, with a smaller boat it would be possible to reduce the size of the slip and its cover and thereby reduce or possibly eliminate the need for a

variance. The ZBA also observed that there is no other option to achieve the desired result without an area variance; concluding this request is not for the minimum amount necessary. The ZBA also found there are no alternatives to the variances requested as the property is over the amount of shoreline structures allowed, and the addition of a boat slip with canopy can be achieved by a feasible alternative, since the applicant could utilize a seasonal boat slip and additional docking. The ZBA concluded that the variances requested are due to the size of the boat, and there are other means by which someone could store a boat such as a mooring or a seasonal hoist.

QUESTION 2 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 checked="" type="checkbox"/>	<input type="checkbox"/>
Member KRIS KIEFER	<input checked="" type="checkbox"/>	<input checked="" 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"/>

3. Whether the requested variance is substantial: Yes No

Reasons: Yes, by unanimous vote. The ZBA found that total shoreline structures offshore already exceed the zoning code allowance and total proposed offshore structure including the covered boat slip, will further exceed the property’s allowance by a substantial amount, concluding that the existing offshore structures are 926 square feet whereas the proposal calls for a total of 1715 square feet, nearly doubling the square footage and is substantial. The ZBA observed that granting approval for a larger than allowed boat slip to house a larger boat does not constitute a hardship. The ZBA also concluded there was a significant amount of work, effort, and deliberation, by numerous members of the Town Board, Planning Board, and Zoning Board of Appeals in terms of developing the shoreline regulations; that effort reflects that the dimensional standards have significance, and that this particular proposal has a significantly larger request to exceed the dimensional standards that were developed as part of that shoreline regulation process.

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, by majority vote as reflected below. The majority of ZBA Members found that granting the variance would have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district, concluding that while the property has 202 feet of shoreline, however it is shallow which requires the dock to be longer to be functional for boating usage and docking, granting the variance does have an adverse effect on the environment by creating a permanent structure for seasonal or temporary use, based on the size of the covered boat slip, the extension into the water, and the size of the canopy, the lake will be impacted by the size of the boat.

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 and ZBA deliberation thereon, upon a motion made by Chair Denise Rhoads, duly seconded by Vice Chair David Palen, to approve the variances; concluded by a three to two (2-3) vote recorded below that the benefit to the Applicant does not outweigh the detriment to the neighborhood or community if the variance was granted, which vote resulted in the motion failing to achieve approval by a majority vote of at least three (3) Members of the ZBA as fully constituted. Since only two (2) of the five (5) ZBA Members voted in favor of the motion to approve, 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 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 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:	828 West Genesee Street, LLC 828 West Genesee Street Skaneateles, NY 13152	Property:	828 West Genesee Street Skaneateles, NY 13152 Tax Map #062.-01-09.2
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Present: Bill Murphy Jr., SPACE Architectural Studio
Josh Allyn, Tap Root Family, LLC, Applicant

This application is for the proposed renovation of the existing building to become a cannabis dispensary. The building has historically been used as a gas station, vehicle repair shop, and vehicle dealership. The property is owned by Carroll Enterprises, LLC. The proposed contract vendee is 828 West Genesee Street, LLC, and Tap Root Family, LLC is the proposed lessee. The proposed dispensary will be operated by Tap Root Family, LLC, a licensed Cannabis Microbusiness in the State of New York, regulated by the Office of Cannabis Management. Tap Root was founded in 2019 by Skaneateles native, Joshua Allyn, who was present. Architect, Bill Murphy Jr., of SPACE Architectural Studios, represented the Applicant.

Mr. Murphy stated that The property is situated on a 0.71-acre parcel in the Highway Commercial Zoning District, which is the only zoning district where a Cannabis Dispensary may be located under the Town Code. The property is improved with a two-story commercial building that was historically operated as a gas station and is currently operated by Carroll Equipment as a vehicle and equipment dealership and repair facility.

Tap Root has a farm and produce farm stand located in the Hamlet of Mottville at 4272 Jordan Rd, in the Town of Skaneateles. Tap Root utilizes regenerative farming practices in all its endeavors, including its cannabis cultivation, and seeks to educate the public about responsible land use activity as stewards of the environment and natural resources in Skaneateles. This property is ideal for the proposed use for many reasons. First, is located on Route 20 in the Western Gateway of Skaneateles. Route 20 provides easy ingress and egress. At 0.71 acres, the property is an appropriate size to accommodate the necessary parking with some excess parking. The building situated on the

property is an ideal size and configuration for the proposed use. As shown on the floor plan submitted with the application, the first floor of the building will be renovated to provide approximately 591 square feet of sales floor space, with additional room for private consultation, education of consumers, office, restroom, vault, and parking. The vault will be in one of the two existing garage bays. The other bay will provide convenient and secure access for a delivery vehicle and will avoid the need to park outside and transfer products through the parking lot. When the structure was used as a gas station, an onsite attendant was required. A second-floor apartment was established in the building for this reason. That apartment will be utilized as part of the business, serving as an employee lounge, office, and IT space. The basement will be maintained as the mechanical room. In assessing the requested variance and Special Permit, the Zoning Board of Appeals and Planning Board may inquire about traffic, parking and other concerns expressed through the adoption of cannabis related Town Code.

The opening of a Cannabis Dispensary in Skaneateles will not create a frenzied descent of customers upon the Town. Dozens of legal Cannabis Dispensaries are already open in New York State, and a dispensary in Skaneateles will have a local, not regional, draw. This dispensary will also be extremely limited in nature. Pursuant to Tap Root's Microbusiness License, it may only sell its own products which are also sold throughout New York State. This is a dispensary solely for the distribution of products, locally grown here, in Skaneateles. Through attractive cosmetic improvements to the property, it should enhance the area and the neighboring properties while providing a safe, legal and convenient outlet for local cannabis products to be sold to responsible and legal consumers. State and local law will regulate the licensing, signage, and operation. Under their current license, Tap Root is permitted to and intends to deliver cannabis from the proposed location. This would mean less traffic and activity on site.

Local municipalities were given the opportunity to opt out of permitting Cannabis Dispensaries in their jurisdiction by enacting a local law on or before 12/31/21. A local municipality that declined to opt out during that time could not thereafter prohibit dispensaries, but could regulate the time, place, and manner of operation provided. After careful consideration, the Town of Skaneateles did not opt out. However, by amendment to their Zoning, the Town of Skaneateles adopted an ordinance to regulate the location and operation of dispensaries within its borders. Pursuant to the Town of Skaneateles Code, a Cannabis Dispensary is a conditionally permitted use, requiring a Special Permit. Pursuant to Town of Skaneateles Code, Cannabis Dispensaries are only permitted in the Highway Commercial District and must be located on a parcel at least 2.5-acres, entirely within that district. Cannabis Dispensaries have a more stringent parking requirement than other commercial uses in the Town Code. For every 75 square feet devoted to merchandising space within the dispensary, one parking space is required. Town Code also limits the hours of operation for dispensaries from 9:00 am to 9:00pm, Monday through Saturday, and 10:00 am to 6:00 pm on Sunday.

The proposed location also complies with the regulations put forth by the State of New York. These dispensaries may not be located closer than 500 feet from any school or 200 feet from any house of worship. In any municipality having a population of 20,000 or less, no retail dispensary shall be permitted within a 2000-foot radius of another dispensary. Therefore, if approved, this would be the only dispensary allowed on the west side of Town. On the east side of Town, the Highway Commercial District is a little larger, so depending on how they are sited, there could be an additional two placed on the east side while maintaining 2000 feet between said facilities. Additionally, no dispensary shall permit entry of or sale of cannabis to any person under the age of 21. Valid proof of age is required for every transaction. In our design, we've included a queuing space as well as an ID

room. Access from that ID room to an immediate exit from the facility has also been incorporated into the plan. This would be utilized in a situation where an individual was denied entry if they could not provide proper identification.

Tap Root Family, LLC is a microbusiness operation. This is a specific license within the New York State Cannabis program. This local company and brand has a farm on Jordan Road and is devoted to supporting the Skaneateles community and protecting its natural resources. Most notably, The Tap Root Family leads by example in the agricultural community by utilizing environmentally sustainable growing techniques. No-till regenerative practices are key to their success. While these regenerative practices are more expensive up front, they are cheaper in the long run because they require less water and no harmful pesticides. Responsible farming practices are a core value at Tap Root and are utilized not only in cultivating cannabis, but also their fruit and vegetables grown on the same property, which they sell throughout the local community. Tap Root's microbusiness license will permit them to showcase its values and sustainable farming practices through its local retail operation. Tap Root's retail dispensary will serve as an outlet to inform customers about its practices and environmental stewardship. Consumers will know where and how the products they purchased were grown, as it should be. A microbusiness license is unique in New York to the extent that it permits a vertically integrated operation. No other license category in the State is permitted to grow, process, and sell products at retail. A microbusiness license, however, authorizes cultivation processing, distribution retail sale, and delivery. The licensee's own cannabis products are the only ones that it can retail, sell, and deliver. Tap Root will perform all five core business functions of the microbusiness license: cultivation, farming in a greenhouse at Tap Root Farm, processing, wholesale distribution, retail sales through the proposed dispensary, as well as local deliveries.

At this time, Vice Chair Palen noted that the proposed lot was shy of 2.5 acres and wondered if there was a rationale behind that lot size requirement when written into local law. Counsel Molnar stated that an answer could be found by pulling the legislative intent as determined by the Town Board when it adopted the statute, adding that it may be as a result of ZBA and Planning Board comment as it was referred to both Boards. The answer to that question is in the legislative intent that the Town Board compiled in its record, which we could mine to find the answer. Member Ketchum added that she thought they recall something to do with locating proposed dispensaries on the outskirts of Town. She added that she was unsure of the reasoning behind that but added that having a requirement for a larger Highway Commercial property would have done that. Mr. Murphy stated that most of the Highway Commercial properties in the Town do not meet the 2.5-acre requirement. He added that from his and his client's point of view, they really do not need more space than their proposed 0.71-acre lot. There is a lot of infrastructure already in place that allows plenty of room for the proposed use. Within that 0.71 acres, they can provide all required parking. Additionally, they would be replacing a less environmentally friendly business within the watershed. Mr. Murphy noted that they would be cleaning up the existing building from its current condition, with no increase in the size or amount of infrastructure. This is a preexisting nonconforming lot in terms of impermeable surface coverage, but their proposal will not make the ISC any more nonconforming. Clerk Barkdull added that this is correct and that their increase in total lot coverage, which flagged the need for a variance, was only due to the OCM requirement for a secondary exit which creates the need for the proposed secondary wheelchair ramp to the east of the building. Mr. Murphy explained that the parking lot would be milled and resurfaced. The virtual walk-through videos provided to the Board give a good visualization of this.

Vice Chair Palen asked about parking. Mr. Murphy stated that they are able to meet parking requirements on the proposed lot, with a total of 16 spaces of which only 12 are required. They

included a few double stacked spaces for employee parking in hopes of maximizing customer parking space and safe pedestrian access from any of those 16 spaces to the entryway stairs and ramp. Vice Chair Palen wondered if the double stacked parking spaces were included in the total 16 spaces or if they were additional. Mr. Murphy stated that they were inclusive.

Mr. Murphy pointed out that the existing building has a lot of signage, which he believes is in excess of what is allowed. They are looking to utilize some of the existing signage area. They are proposing a large branding element on the street facing façade. A large living wall is being proposed in front of the one garage bay to privatize the vault area and ultimately lessen visibility to that area. The branding element, which some might call a sign, will be another section of living wall that would be more of a sculpture. This would be situated on the south facing façade of the existing entrance overhang. The primary purpose is to provide screening to the front door and entryway in case a lot of queuing is occurring. It would eliminate the visual of people standing at the door. The Applicant has chosen to build a wooden box with 3D plants growing inside of it to emulate the Tap Root brand. Mr. Murphy added that they do not see it as signage as it is just calling out Tap Root as opposed to stating the name or type of business. If we include the area of this branding element as signage (+/- 130 SF), the allowable signage package limitations are exceeded. This is where the third variance comes from. There is an existing "The Dealer" sign on the south façade, to the east of the overhang which the Applicant is hoping to replace with a similarly sized (+/- 36 SF) "Tap Root Station" sign which would serve as the primary signage. Additionally, they would like to place a smaller, secondary "Tap Root Station" sign (+/- 18 SF) on the front of the overhang, above the living branding element. The reason being that the primary sign is impacted visually by the canopy. All existing dealership and mechanical repair shop licensing signage will be removed. Mr. Murphy stated that although they are requesting a signage variance, he and his client feel that what they have proposed is in keeping with the existing site and neighborhood and that they have cleaned up and improved with less square footage of signage than what exists today.

At this time, Member Ketchum asked if the Applicant anticipated any pushback from neighbors. Mr. Fernandez, a representative of The Woodbine Group, owner of the property across the street, stated that they are in support of the plans. Mr. Murphy noted that Gary and Linda Dower, who own Finger Lakes Lodging, neighbor to the east, seemed largely in favor of the proposal. They did request some landscaping improvements between the properties, namely, to avoid light pollution. He added that there is an existing hedge separating the properties and the Applicant wants to be mindful of planting anything too substantial where the roots might impact the building. Mr. Murphy and his client are going to continue working with the Dower's to develop a landscape buffer plan on that east side. They do not feel that this is an approval type issue as it can easily be handled between neighbors. The Applicant has lighting hours in place and there will be no additional lighting compared to what currently exists. They are just replacing fixtures to make night sky compliant. This is shown in the photometrics provided as part of the Site Plan.

At this time, Chair Rhoads asked the Board if there were any more questions for Mr. Murphy. There were no further questions.

Board Members will conduct a site visit on August 14, at 6:00 pm.

At this time, Chair Rhoads made a motion to schedule a Public Hearing for September 10, 2024, at 7:02 pm.

WHEREFORE, a motion was made by Chair Rhoads and seconded by Member Kiefer to schedule a public hearing for September 10, 2024, at 7:02 pm. 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 [Yes]

Discussion

The next ZBA Meeting will be held on September 10, 2024, at 7:00 pm.

The next P&Z Staff meeting will be held on Thursday, August 15, 2024, at 6:30pm.

Draft Shoreline Guidelines- Clerk Barkdull provided a revised diagram and reference. Counsel Molnar stated that these guidelines had been developed over the course of months, with Howard Brodsky’s assistance. This will help eliminate gray area and give a better understanding of what is expected and allowed. He noted that there may be amendments to the Code over time and the adoption of guidelines would act as a placeholder until the Code is finalized. It is essentially instructive material to serve residents and Boards. After ZBA and Planning Board review and comment, it would pivot back to the Town Board for adoption.

At this time, Counsel Molnar asked the Board if they would like an attorney advise 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 9:00 pm.

WHEREFORE, a motion was made by Member Palen and seconded by Member Kiefer to adjourn the meeting. The Board having been polled resulted in the unanimous affirmance of said motion. There being no further Board business, the Zoning Board of Appeals Meeting adjourned at 9:00 pm.

Respectfully Submitted,

Aimie Case
ZBA Clerk

Meeting Attendees:

Bob Eggleston, Eggleston & Krenzer Architects
Bill Murphy Jr., SPACE Architectural Studio
Rich Garlock, Applicant
Marie Garlock, Applicant
Josh Allyn, Applicant
Lee Buttolph
Mike Balestra
Tom Fernandez

Meeting Attendees Via Zoom:

James Ranalli, Applicant
Brian Buff
Councilor Mark Tucker
Chris