

**TOWN OF SKANEATELES
ZONING BOARD OF APPEALS
MEETING MINUTES OF
September 10, 2024**

Present:

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

Chair Rhoads opened the Zoning Board of Appeals meeting at 7:01 pm. Clerk Barkdull was absent.

Minutes

Previous distribution to the Board of the regular meeting minutes of August 6, 2024, was executed, and all Members present acknowledged receipt of those minutes.

WHEREFORE, a motion was made by Member Ketchum and seconded by Vice Chair Palen to accept the August 6, 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]

Attorney Advice Session

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

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

The Board returned at 7:15 pm.

Public Hearing

Applicant: 828 West Genesee Street, LLC Property: 828 West Genesee Street
828 West Genesee Street Skaneateles, NY 13152
Skaneateles, NY 13152 **Tax Map #062.-01-09.2**

Present: Bill Murphy Jr., SPACE Architectural Studio
Josh Allyn, Tap Root Family, LLC, Applicant
Tom Fernandez, Tap Root Family, LLC, Representative

This application is for the proposed renovation of the existing building to become a cannabis dispensary. 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. 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 applicant is requesting variances for lot size, lot coverage, and signage area. The property was granted a variance in 1975 for front yard setback on a state road. Preexisting non-conforming conditions of the site are as follows: Road frontage on a state road, rear yard setback, and impermeable surface coverage. 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, founded in 2019 by Skaneateles native, Joshua Allyn, and has a farm and produce farm stand located in the Hamlet of Mottville at 4272 Jordan Rd, in the Town of Skaneateles. The business 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. Mr. Allyn was present. Architect, Bill Murphy Jr., of SPACE Architectural Studios represented the Applicant.

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.

Mr. Murphy stated that since the site visit and Planning Board meeting, the applicant had presented the Planning Board with the option to install trough style planters on top of the pavement to serve as a cap to the property line & parking lot. With the site being under remediation, no disturbance of the pavement is allowed. This proposal would prohibit vehicles from traversing over the property line through the utility poles- essentially creating a green property boundary.

Chair Rhoads asked if the trough planters were the only Planning Board comment based on their site visit. Mr. Murphy stated that the Planning Board asked them to look into specifics of the site and remediation. The Town engineer, Mike Lasell, and other professionals found that the solid cap is part of the ongoing remediation system and ventilation. They cannot disturb any of the ground on site due to this remediation. The planter idea was born as a way to achieve goals of restricting people from driving across the property line, while also providing a way to add more vegetation and greenery without ground disturbance.

Member Ketchum asked if the Planning Board discussed anything related to drainage or runoff on the site. Mr. Murphy stated that there will be no change to any impermeable surfaces on this site. Water runoff will take the same path as it does today, running towards the rear of the property where there is a low point. There is a small swale between the two septic systems.

Member Ketchum then asked about the proposed signage, clarifying that the applicant was in fact proposing three. Mr. Murphy stated that one (1) of their two (2) large landscaping elements, which would hang under the canopy, is being deemed a sign. They are also proposing two (2), more traditional signs- One on the building façade, and another on the canopy, above the living wall, both identifying "Tap Root Station". These two signs will replace the existing "The Dealer" signs. The canopy sign will be visible where view of the façade sign is restricted when heading east. Member Ketchum questioned the necessity of this amount of signage, adding that this variance was a large ask, especially seeing as signage is an issue in the Town. Mr. Murphy stated that he could discuss this with the project representatives, possibly narrowing the number of signs down to just one if that's what the Board wishes. Mr. Murphy asked which sign the Board saw as a better fit to the character of the neighborhood. Member Ketchum stated that she sees the smaller sign above the canopy as a better fit. Although smaller, it has better overall visibility from both driving directions. She added that the other sign is much larger and omitting that would substantially reduce or possibly eliminate the need for a signage variance. Representatives of the application, Josh Allyn and Tom Fernandez, both present, were in agreement to Member Ketchum's comments and suggestions. Mr. Murphy stated that they would remove the larger façade sign above the windows from the application. This omission would remove 36 SF of signage.

Member Lee noted his concern about the proposed branding element on the face of the canopy, which the applicant has termed a landscape element. Mr. Murphy stated that there are two (2) vertical gardens being proposed. The first will be just a plain vertical garden located in front of one of the two existing garage doors, intended to privatize that garage bay. The second will hang in front of the existing canopy to buffer front door activity but will include the Tap Root brand/mark. He added that although the applicant was hoping to capitalize on a branding opportunity here, this living wall does not have to include the brand or logo- it could instead be just greenery. Member Lee stated that the canopy living wall is being considered a part of signage area in the application because of the Tap Root emblem. Representative, Tom Fernandez stated that they can remove any branding mark from that space and instead have a standard vertical garden. He added that they were very comfortable with making it just a landscape element, like the one proposed on the garage bay, to meet the Board's criteria. Member Lee stated that he likes the idea of the green element of the

proposed sign. However, his concern is that if approved as a sign, there is no guarantee as to what that might become years from now. If it became anything else, that would dramatically change the character of the entire element and how it would fit into the neighborhood. The applicant confirmed they would change that to serve only as a landscaping element versus a branding element. The only signage would be the smaller “Tap Root Station” sign above the canopy living wall. This would bring signage area below 50 SF, eliminating that variance. Vice Chair Palen noted that for the Board, it is more so a question of definition. Mr. Allyn added that they are trying to add greenery wherever possible since options are limited given the site remediation. He feels that this element of landscaping on the building will add to the character of the space and the neighborhood. Member Ketchum added that she likes the idea of having that screening in the front. Chair Rhoads clarified with Counsel Molnar that Town Code does not distinguish signs in terms of a specific definition for living sign. Counsel Molnar confirmed this was correct, adding that since the branding element on that living wall has been removed from the application, that variance has been eliminated, leaving the issue resolved.

Member Kiefer asked about the type of plants the applicant was planning to utilize on the living walls. Mr. Allyn stated that they hadn’t picked any particular plants yet and that it would be a challenge with the colder months. They are going to explore options and figure out which varieties would be hardy enough to withstand the conditions of our zone while also providing screening. He added that they would like to steer clear of any vine-like plants that could overtake the building. Mr. Allyn stated that they would work on gathering a list to share with the Board. Mr. Murphy was confident that they would be able to find a plant list for our particular zone as these living walls have become quite common and have been successful in New York City and Chicago, which have similar climates.

Member Ketchum asked if there was any concern about people potentially pulling over on the side of the road, noting that the shoulders are very wide in that area. Mr. Murphy stated that the road shoulder falls in the right-of-way and therefore was not a part of their site’s purview. Counsel Molnar added that the State of New York had put those curbs in.

With the omission of the sign variance, this application will now only be seeking variances for lot size and lot coverage. The lot coverage variance is needed for the exit ramp, which is required by New York State. It will be constructed as a permeable element without foundations.

A site visit was conducted by Board Members on August 14, 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)(18) 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 there was anyone who would like to speak in favor of, against or had any comments regarding the application.

Alfred Paniccia Jr. (Representing J. Marchuska II) - 3660 George F Highway, Endwell, NY

Mr. Paniccia stated that he is an attorney in Broome County, New York. He was present on behalf of his client, Justin Marchuska II, and his LLC's, which own roughly 37 acres in the Highway Commercial district in this neighborhood. He stated that he and his client were there in opposition to the proposals set forth in the application and he wished to speak about the how the proposal adversely impacts the vision of the gateway communities as set forth in both the Town's zoning ordinance and the comprehensive plan. The goals in that plan, that development in the gateway they address, among other things, densities, green space, landscaping in other ways to improve the physical appearance of the gateways. The zoning ordinance sets forth standards in furtherance of those goals. The applicants are requesting a variance from many of those standards and those proposed variances are at odds with the Town's vision for the gateway communities.

Mr. Paniccia stated that one of the primary deviations from the town code, or the zoning ordinance is the lot size. Minimum lot size, according to the zoning code is 2.5 acres. The proposed property is 0.71 acres and that's roughly 28% of the minimum. The Town allows a maximum lot coverage of 39.5% and the proposed lot coverage in this application is 47%, 19% greater than the maximum allowed. Allowable impermeable surface coverage is 39.5% where the proposal reflects 46.3%, 17% greater than what is allowed.

Regarding setbacks, Mr. Paniccia noted that it is a preexisting condition but in terms of density of the area, the minimum required is 30 feet from the road right-of-way. This property only has a 7.5-foot setback, 25% of what is required. Rear setback is also 30 feet where actual is 11.9 feet, 39.7% of the required. He noted that he pulled these numbers off the site plan submitted. Mr. Paniccia then discussed parking at the proposed site. He stated that zoning ordinance states that there is no parking within the required front yard that is within the first 30 feet of the property from the road and with anything more than ten vehicles at the front of the building, there must be a visual buffer.

Mr. Paniccia then discussed signage, saying that the original proposal was for 184 SF of signage where the maximum allowed is 50 SF. Mr. Paniccia noted that he did hear discussion prior to public comment about the sign at the canopy and that it would remain at least in part but that it is well over 50 SF. He noted that the applicants in this case, would have the ZBA substitute its own vision for the gateway, the community's vision, and that set forth by the Town Board and the zoning ordinance and comprehensive plan. He then suggested that the ZBA does not have the authority to so deviate from said plans.

Mr. Paniccia stated that he saw in discussion in the application that there would be no injury to the neighbors and to the Town as a result of this development, adding that he takes issue with this because the neighbors and his client in particular have bought into the Town's vision for the gateway areas, that they have invested money and are willing to invest more into that vision. He feels that if the ZBA allows an applicant to cut corners, as he says is set forth in the application, the neighbors and his client would be concerned that the ZBA would be lax with other applicants who come forth and also want to cut corners. He stated that the approval of this application or others like it do not go

with the vision his client has bought into. He suspects that other neighbors would have the same things to say about the change this would cause to the neighborhood.

Mr. Paniccia then spoke about the discussion in the application regarding the hardship to the existing owner. He argues that there would be no hardship to the existing owner if the development were not allowed. The size of this lot would be allowable for most other uses in the district- just not cannabis retail. He also noted hardship to the proposed owner. He claims there would be none because to his knowledge, there has been no purchase. He went on to note other sites within the Town's Highway Commercial district which would be, in his opinion better. In looking at zoning maps, Mr. Paniccia stated that he found other plausible along East Genesee Street, West Genesee Street, and on Fennell Street.

Mr. Paniccia concluded stating that because of the significant impact upon the vision for the gateway communities, on the impact for his client and for other property owners who have invested money in that area on the basis of rules that the Town Board adopted, with the expectation that any developments that come in would have to abide by those rules, this project would adversely affect my client and others similarly situated. Mr. Paniccia requested on behalf of his client that the application be denied. Mr. Paniccia thanked the Board for hearing his comments.

Shelly Kraetz - 16 West Elizabeth Street, Skaneateles, NY

Ms. Kraetz stated that she is a neighbor to the proposed site. Her physical therapy and balance center is located in the building to the west, owned by Mirabeau. Ms. Kraetz stated that she is concerned about the traffic flow and estimated number of cars throughout the day. There is a new hotel coming across the street and traffic can already be tricky getting in and out of her business's lot. Ms. Kraetz thanked the Board for hearing her comments.

Richard Malcolm - 851 West Genesee Street, Skaneateles, NY

Stated that he represents the properties which the Mirabeau companies are landlords to- Finger Lakes Lodging as well as the Fyzical building. Their biggest concern is parking and traffic flow. They have had to come up with a solution for the Fyzical lot to make it one way in and out for safety. At Finger Lakes Lodging, their lot is adequate for the number of units there but there is no additional parking. He added that at times, they have had to rent additional acreage from Mr. Marchuska's business in order to facilitate any extra cars. Access to the highway can be "dicey". Mr. Malcom feels that some of the work the State had done to the roadway did nothing to enhance the as of getting in and out of those lots. Mr. Malcom added that he agrees with Ms. Kraetz's concern over the significant development across the street which will be more densely populated in the near future. Ultimately, parking and accessibility are already relatively dangerous and those are the things that come to mind for them. Mr. Malcom thanked the Board for hearing his comments.

Justin Marchuska II – 408 Commerce Road, Vestal, NY

Mr. Marchuska owns 37 acres surrounding the proposed site. He stated that he has been coming to Skaneateles since he was 20 years old. He is now 50 and since then has built a home here with the help of Mr. Eggleston. After that, he became interested in local real estate. He is a real estate developer in Suffolk County, Broome County, Tompkins County, and Cortland County, adding that he rarely objects to anything. Mr. Marchuska thinks the hotel going in across the street is great but does not believe the Tap Root dispensary is the right use for the proposed property. He owns 37 acres of the surrounding land. Mr. Marchuska stated that he has received many calls through the years about different requests to improve his property, adding that he played “interference” of said proposals because he believes so much in this Town. He described Skaneateles as being “not the real world.” Some of the businesses he has turned down include a Dollar Store, Tractor Supply, and a fish hatchery.

Mr. Marchuska stated that this proposal is upsetting to him because he believes this is not the spot for a cannabis business, adding that people are going to be entering and exiting the property, possibly lacking a fully clear, cognitive mind. He says this could cause accidents and fatalities out front. He asks if this is the direction we want to go.

Mr. Marchuska then references the water tower project possibly coming to the west side of Town. He thinks this is game changing for the Town and could be part of something really special for the Western Gateway. There is so much that could be done. Mr. Marchuska then states that this is comparable from Richard Cunningham’s property up o Greenfield’s property- this is the smallest piece of property he knows of smaller than Mirabeau, adding his good rapport with Mirabeau over the years. He suggests that the applicant go farther up the road or to the other side of Town, noting the Byrne Dairy East property which was for sale. He then states that if he were doing this project, he would have called those who own neighboring lots. Mr. Marchuska stated that he has received no calls. He has plans to create a green space for the community with park and outdoor art area, and to create mixed-use housing- a place where people can go be outside on the weekends and enjoy it “without the smell of skunk or something like that.”

Mr. Marchuska notes that this is something he really believes and asked that it is carefully considered. Mr. Marchuska asked that if this application is approved, what opportunities does that open for him, asking what these numbers mean. He has had several drive throughs come to him. He asked if cannabis is allowed, will those or national Chain businesses now be allowed as well. He stated that drive throughs are a necessity for those with mobility options. By putting a cannabis dispensary on main street, Mr. Marchuska asks if we want to normalize the use of drugs and compares that to a drive through business asking how that could be worse. He noted that at the State level, marijuana is allowed but not the federal level. He also worries about safety and cash handling in the neighborhood.

Mr. Marchuska again stated that “Skaneateles is not the real world” and asked that the Board consider the aforementioned items in making a decision. He thanked the Board for hearing his comments.

Tom Fernandez - 17 East Elizabeth Street, Skaneateles, NY

Mr. Fernandez asked to comment on Mr. Marchuska's statements. He stated that as an applicant, but also as the owner of the Hilltop project across the street, this spot is particular. It is pre-existing, not conforming, and it's contaminated. There's not a lot of uses for this location. He stated they found a use for this site, and they can really create an adaptive reuse that is something that would be betterment for the site that is utilizing something that is being done here in Skaneateles. He thinks that is the story that needs to be told. This isn't cannabis that is being grown outside of Skaneateles. Everything that is being done here is being done in Skaneateles. This farm is here. This farm is being operated by Skaneateles residents. Pretty much every single dollar starts in Skaneateles and ends in Skaneateles. So not only is it the investment that Josh has made in this site is the investment that has been made in the farm and it's the tax dollars that will stay in the Skaneateles area as well. Mr. Fernandez added that yes, it is a bit of a shock that they are bringing this into what can be referred to as mainstream, because this is the Main Street that he is investing heavily in as well. He stated that this is something that they are investing in our community from seed to sale. It is not just this spot itself, but it's everyone that works on the farm, it's the community that's being affected, he believes in a much greater way. He added that this building that really has kind of been a blight in the area that they are hoping to bring new life into.

Mr. Fernandez then stated that although hesitant to say during a public hearing, he can say that people will be much more affected after drinking at his bar at the hilltop, there will be more coming out of that parking lot than they will be coming out of the dispensary. He agreed that yes, they will work on parking, traffic flow, work together as a community coming out of the western gateway. Mr. Fernandez believes that they have found an excellent approach to what is an underutilized contaminated site, and we are asking for variances. There is not much that can be done with this property. They do have water across the street but are not going to have sewer for a very long time. Being in the water district and watershed, there's not much that can be done, and it is going to be an uphill battle. He added that this is a use that will bring more tax dollars to the Town, and one that will not impact environmentally in any way and it's a use that we feel they can really aid in their western gateway. Mr. Fernandez ended with saying that he'd love to work more with Mr. Marchuska, talk about what's going on there. He wants to be a good neighbor and asked that Mr. Marchuska please give him a call.

Mr. Fernandez thanked the Board for hearing his comments.

Josh Allyn - 4274 Jordan Road, Skaneateles, NY

Mr. Allyn asked to add to Mr. Fernandez's comments stating that the biggest factor that he sees is they're taking offline, a business that works in chemicals and has already been affected, from ever having that issue again in our lake's watershed. His company itself, that's their whole purpose is to protect our lake and add to the community because without that lake, none of this is going exist. Mr. Allyn stated that they have their harvest party coming up.

It is to support the Finger Lakes Land Trust which is acquiring the 100 acres out of Victory Sports site. His business is a big supporter of that, and they are helping raise money for more trails to be built. He and his team are “invested here in this community, we’re not going anywhere”. All of Tap Root’s employees are from this community. They are creating jobs.

Regarding the lot size variance, Mr. Allyn stated that 2.5 (acres) is a big number but there are only so many properties that could coexist. He stated that the retail space would only hold their own locally grown products and would not be covering any outside products. He clarified that they do not need a big showcase facility to accomplish that. The proposed will be nothing like FlynnStoned out of Syracuse. Per law, they will only have three cases. Since dispensaries have been established more widely the last few years, the idea isn’t as new, and they do not foresee a big rush coming through upon opening their doors. Unfortunately, the state delayed with some lawsuits, but he thinks that rush is kind of over at this point. Overall, Mr. Allyn does not think they’re going to add more to traffic issues within the community. Their goal is to help their community, especially those who are a bit older and could use some pain relief.

Mr. Allyn stated that he and the team which make up the Tap Root business take a natural approach to all of the things that they do, and that their options are limited. This site isn’t the best site for them; however, the Byrne Dairy across Town is unfortunately more contaminated. He feels there aren’t really any other options for them, and they aren’t trying to change all that much. He thinks the variances that they are asking for will only minimally impact our environment and what happens to our lake.

Mr. Allyn thanked the Board for hearing his comments.

Chris Buff - 780 Sheldon Road, Skaneateles, NY - Present via Zoom

Ms. Buff stated that she is a lifetime resident of Skaneateles and thinks this proposal would be a wonderful addition and resource for the long-term residents who live here year-round as opposed to tourism, not for other business. Ms. Buff asked that it be taken into consideration that these are minor variances, and it is known that cannabis does a lot of good health wise. She added that the VA is even unofficially supporting cannabis use for veterans with PTSD, for TBI, and many other ailments. This is a chance for us. For residents to go someplace in our home instead of to Syracuse or Rochester, to get something for ourselves. Ms. Buff thanked the Board for hearing her comments.

John Sutton - 878 West Elizabeth Street, Skaneateles, NY

Stated that he lives right down the hill from the proposed property and is in favor of this project. Mr. Sutton added that he has been in a dispensary in Portland, Ithaca, and Syracuse and that they are all high end, very fine businesses. He is completely in favor of this project and believes it will improve the neighborhood. Mr. Sutton thanked the Board for hearing his comments.

At this time, Mr. Murphy submitted letters of support to the Board. Chair Rhoads stated that the correspondence would be entered into the record.

At this time, Mr. Paniccia, legal representative of Mr. Marchuska, requested to analyze the newly submitted correspondence. Counsel Molnar offered to email Mr. Paniccia these documents upon receipt from Clerk Case the following morning.

At this time, Chair Rhoads asked for a motion to close the Public Hearing, carrying the decision over to the October 8, 2024, ZBA Meeting, at 7:02 pm.

WHEREFORE, a motion was made by Vice Chair Palen and seconded by Member Ketchum to close the public hearing and carry the decision over to the October 8, 2024, ZBA Meeting, 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]

At this time, Counsel Molnar advised that the record be kept open for ten (10) days for written comment and that the Board amend their motion.

WHEREFORE, a motion was made by Vice Chair Palen and seconded by Member Ketchum to close the public hearing and carry the decision over to the October 8, 2024, ZBA Meeting, at 7:02 pm, leaving a ten (10) day period for written comment to be 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]

*A motion was made later in the meeting to revise the scheduled time from 7:02 pm, to 7:20 pm on October 8, 2024. (pg. 13).

Initial Review

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
John Langey, Applicant's Attorney

This proposal is to add a 12'x31' covered boat slip surrounded by 5-foot-wide docks, to the existing dock. The applicant, James Ranalli, was present with his 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.

Mr. Eggleston stated that 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 existing 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 non-conforming 812 SF permanent dock, and 114 SF of the concrete boat launch, totaling 926 SF. The 97-foot dock is non-conforming 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 434 SF boat canopy off the side of the existing dock, with an additional 170 SF of dock around the canopy. This will increase the square footage of the dock to 982 SF. Total offshore structures would increase by 604 SF, to 1530 SF.

In considering Board Member comments on the original application, Mr. Eggleston stated that he and his client made every possible reduction and felt they had submitted a substantially different application as far as the size of the proposed boat canopy, slip, and docks. The canopy will now measure 14 x 31 feet, a 140 SF reduction. The slip will measure 12 x 31 feet, a 96 SF reduction. The 6-foot-wide docks originally proposed will now measure 5 feet wide, with an overall reduction of 45 SF. The total shoreline structures have been reduced by 185 SF. The existing dock was built 97 feet out due to shallow water. Even then, you are only in about 3 feet of water during low water. As a part of the solution, Mr. Ranalli started looking at smaller boats to further reduce size requirements of offshore structures needed for his current boat. The new boat has an overall length of 30'-8" with the beam measuring 9'-6".

Mr. Eggleston stated that temporary canopies are an option but one large enough to hoist a 9000-pound boat would be bulky and difficult to move in and out of the water. He noted that this would occur during the DEC fish reproduction restricted period, before July 15th and after September 30th. Constructing an attractive permanent dock with a canopy and hoist eliminates the need for metal temporary alternatives which would be stored onshore for six months out of the year.

Mr. Eggleston stated that when drafting the current Lakeshore Regulations, the Town took time to speak with multiple stakeholders. The limited size of canopies was brought to the attention of the Town Board at multiple meetings and public hearings. He noted that in her final comments, Supervisor Aaron stated that "We need to start someplace, and consideration needs to be taken for

the application and how regulations apply to large, conforming estate lots with shallow lake frontage.” The regulation allows the same for a 50-foot lot in a tight neighborhood as it does for a two-acre conforming lot. The applicant’s lot is 3 acres. Mr. Eggleston shared with the Board that he has four (4) to five (5) other property owners wanting to build canopies and permanent docks, but it is difficult to keep within regulation as written, with a 300 SF limit on covered boat slips.

Mr. Eggleston shared details regarding the factors which brought them to their revised plan. A boat slip should have an additional 18 inches of clearance on each side to allow for bumpers and hoist mechanisms to work. Therefore, they should be building it at 13x33 feet, or 429 SF. The columns supporting a canopy must be at least 12 inches beyond the boat slip to be properly installed. This would make for a 15x36 foot, or 540 SF canopy. The dock width has been reduced from 6 feet to 5 feet. Putting steel piles 3 feet apart is difficult and not preferred by contractors. Perfect conditions would be a necessity. For example, an 8-foot-wide dock, piles are driven 6 feet apart. Mr. Eggleston presented reverse engineering of the regulation. If allowed 300 SF of canopy, the canopy could be 13x26 feet, with an 11x22 foot slip. This means the boat would need to be 18x21 feet or smaller to fit and is not large enough to accommodate the applicant’s needs. Mr. Eggleston reiterated that the Board should keep in mind that this neighborhood consists of large, conforming, oversized lots in a shallow cove. The physical restriction of shallow water accounts for the necessary extra dockage. The existing dock was constructed prior to current regulations and at 97 feet in length, the water depth is still only 3 feet in low water. The 114 SF concrete slip/launch is not utilized by the applicant so they could remove it but decided that disruption of the lakebed would not be worth the benefit. Another potential way of making reductions would be to take out an replace piles on one side of the existing dock to make it 6 feet wide as opposed to 8 feet, but again, disruption of the lakebed would occur, and the cost would be high with minimal benefit. Mr. Eggleston noted that overall, the applicant made significant reductions by choosing a smaller boat and reducing the requested are variances to still accomplish the requirement for additional offshore structures.

Chair Rhoads asked about exterior lighting on the canopy. Mr. Ranalli stated that there would be minimal lighting and that the lighting issues on the property were taken care of about a year ago. Chair Rhoads then asked if there was any neighbor correspondence received on the original application. Clerk Case clarified that there was none. Mr. Ranalli added that he had spoken to Teller’s, his father, and Bradley’s, none of whom had any issue with the proposal.

Member Lee asked what would make removing the boat slip environmentally destructive. Mr. Eggleston stated that doing this would mean that the lakebed would need to be restored once the concrete was removed but they would agree to removal if deemed necessary. Mr. Ranalli added that for the amount of environmental disturbance for the benefit yielded, removing the slip did not seem worth it. Mr. Eggleston added that removal of the lip would only yield a 5.5% reduction in nonconformity. Mr. Ranalli also stated that removing piles from the existing dock to reduce surface area was a route he was not willing to take. When the existing dock was first constructed, it was built at 77 feet and was conforming to regulations at that time. He soon found that the water levels were far too shallow to utilize a hoist even at 77 feet and had to hire Mr. Ricklefs to construct an additional 20 feet just to reach deep enough water to avoid having his boat stuck on the hoist. The Ranalli’s prefer a permanent structure because it can be constructed to match what already exists on the property. Additionally, they would like to avoid having a temporary hoist and dockage sitting in the yard for more than half of the year.

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

Board Members conducted a site visit on July 17, 2024, during review of the Applicant’s previous proposal. Mr. Eggleston asked the Board if they wanted to make another site visit. Board Members did not feel that a second site visit was needed.

John Langey was present as legal representative for the applicant. Mr. Langey is the Town Attorney as well as the Planning Board and Zoning Board Attorney in the Town of Cazenovia. He believes that what’s happened with the Ranalli application is the right thing in a sense, which is that his Zoning Board goes through that same push and pull on their lake applications. He believes this becomes an advantageous compromise between an applicant and the Board’s concerns. Mr. Langey stated that he has read everything the Board has said and thinks that Mr. Eggleston and Mr. Ranalli have listened to the comments made, gone back to the drawing board, and tried to design a project that met some of those concerns. Mr. Langey believes that the applicant has arrived at something that should be acceptable, particularly because of the size of the lot and the conditions they’ve described. He stated that the applicant should be able to achieve the benefit, and the Board can address concerns with modifying the project over the next month.

At this time, Chair Rhoads made a motion to schedule a public hearing for October 8, 2024, at 7:02 pm, moving the *Tap Root Public Hearing Decision to 7:20 pm.

WHEREFORE, a motion was made by Chair Rhoads and seconded by Vice Chair Palen to schedule a public hearing for October 8, 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]

Initial Review

Applicant:	Joseph & Mary Coco 8323 Zenith Drive Baldwinsville, NY 13027	Property:	1387 Thornton Heights Skaneateles, NY 13152 Tax Map #057.-01-38.0
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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 non-conforming lot size, non-conforming lake yard setback, and non-conforming 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 in considering the comments of the ZBA, he and the applicant submitted a substantially different application. Since the applicant intends to turn this into their summer home, they decided to accommodate parking onsite as opposed to keeping it in the right of way. They have reduced the existing parking area in the ROW and included a 20 x 23-foot parking area onsite to accommodate two (2) vehicles.

The Applicant has also proposed a less non-conforming lake yard by pushing the house back from the lake as far as possible. The existing lake yard is non-conforming at 61.3 feet whereas 100 feet is required. The new cottage will be built farther back than what exists today, with an 83-foot and 89.4-foot lake yard relative to the dwelling, 75 feet to the deck. A concern of Mr. Eggleston's is how homes will line up so the backyard of one home does not look into the front yard of another. There will be an 8-foot overlap of the Vivian cottage and the proposed dwelling. Mr. Eggleston stated that the north and south side yards were made conforming, noting that the deck is allowed to encroach 4 feet on the required side yard setback. In hearing the Board's concerns on the previously proposed cottage regarding a building height of 30 feet, with the cellar making it look like three stories from the lake view, the proposed height has been reduced to 27.75 feet. By pushing the house further back, the originally proposed walkout cellar has been omitted from the revised plan, only leaving room for doors. The cellar will only allow enough space for waterfront and outdoor recreation storage. Mr. Eggleston noted that building height was not a variance issue, but a concern of the Board which he and his applicant were mindful of in their revisions. Overall, in working with the property owners, they were able to reduce and make variances substantially less non-conforming.

Member Ketchum asked if the new dwelling proposal was the same size. Mr. Eggleston stated that the proposed dwelling remains conforming with 10.0% living area and 6.0% footprint. Vice Chair Palen asked what the difference in height was between the original proposal and the new proposal. Mr. Eggleston stated that the original proposal reflected a 30-foot building height whereas the new proposal reflects a 27.75-foot building height. Member Kiefer asked which direction the door of the shed beneath the proposed shoreline stairs would be facing. Mr. Eggleston stated that the stairs would face sideways, and the shed doors would face the lake. The existing non-conforming stairs would be removed, making the side yard setback conforming.

Board Members conducted a site visit on July 17, 2024, during review of the Applicant's previous proposal. Mr. Eggleston asked the Board if they wanted to make another site visit. Board Members did not feel that a second site visit was needed.

At this time, Chair Rhoads asked for a motion to schedule a Public Hearing for September 8, 2024, at 7:10 pm.

WHEREFORE, a motion was made by Member Ketchum and seconded by Member Kiefer to schedule a public hearing for October 8, 2024, at 7:10 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 October 8, 2024, at 7:00 pm.

The next P&Z Staff meeting will be held on September 19, 2024, at 6:30pm.

Supervisor Legg sent out an email to Board Members regarding an upcoming Planning & Zoning training opportunity at the end of September. Clerk Case was not in receipt of the email but stated that she would talk to Supervisor Legg or Clerk Barkdull and follow up with Board Members about registration.

Chair Rhoads reported that Shoreline Structure meetings had been going on. Clerk Barkdull passed out information to Board Members at the August meeting. The ZBA still has time to review and submit comments.

Chair Rhoads also reported that the Town’s newly formed Lighting Committee had been meeting.

There being no further Board business, a motion was made by Member Kiefer and seconded by Member Lee to adjourn the meeting. The Zoning Board of Appeals meeting adjourned at 8:41 pm.

Respectfully Submitted,

Aimie Case
ZBA Clerk

Meeting Attendees:

Bob Eggleston, Eggleston & Krenzer Architects
Bill Murphy Jr., SPACE Architectural Studio
James Ranalli, Applicant
John Langey, Attorney (Ranalli)
Josh Allyn, Applicant
Mike Balestra
Tom Fernandez
Justin Marchuska II
Al Paniccia, Attorney (Marchuska)
Margie Sutton
John Sutton
Rick Kraetz
Shelly Kraetz
Richard Malcolm

Meeting Attendees Via Zoom:

Councilor Mark Tucker
Councilor Sue Dove
Councilor Courtney Alexander
Mike Lasell
Chris Buff