

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

Present:

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

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

Minutes

Previous distribution to the Board of the regular meeting minutes of May 7, 2024, and June 4, 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 Ketchum to accept the May 7, 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]

WHEREFORE, a motion was made by Member Ketchum and seconded by Vice Chair Palen to accept the June 4, 2024, minutes as submitted. Member Kiefer was not present for the June 4, 2024, meeting and abstained from voting. 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 [X]
Member	Dave Lee	Present [Yes]
Member	Sherill Ketchum	Present [Yes]

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 will not produce an undesirable change to the neighborhood. The proposed structure, an accessory shed, will be located in a heavily wooded area in a rural setting with the neighboring property also being heavily wooded. The proposed shed will be placed in the same location as the existing 8’x14’ shed, therefore minimizing removal of trees on the property. The proposed location is the most logical place to put the new shed due to its proximity to the dwelling and driveway. There would be minimal obstruction to the landscape.

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: Yes. The overall property is 5.1 acres. The applicant could place the structure in any number of locations on the property and not be required to seek a variance. The proposed location is merely for the convenience and expressed desire of the property owner. The site is primarily wooded except for the area around the house, driveway, well, septic, and existing shed location. Locating the shed elsewhere would require the removal of several healthy, large trees and the clearing of a new area. Other locations on the property would not be as convenient for the homeowner’s use of the shed for storage of home and yard equipment.

3. Whether the requested variance is substantial: Yes No

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

Three (3) ZBA Members found the requested variance is not substantial. The impermeable surface coverage will only increase from 3.19% to 3.45%, whereas 10% is allowed. The total surface coverage will only increase from 3.19% to 3.45%, whereas 20% is allowed.

One (1) ZBA Member found the requested variance is substantial. The request is for more than 80% of the distance on side yard setback which would require 30 feet, but if approved would only be at 5 feet.

One (1) Member found that the request could potentially be considered substantial because the side yard setback would be 25 feet closer to the property line than current code allows, but this is ameliorated by the fact that a shed already exists in this location and there would be less disruption to the environment.

QUESTION 3 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 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: No. The ZBA found that the proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood. The proposed structure is a 576 square foot accessory shed to which no water or electricity will be connected. There is no open water or watercourse near the proposed location of the shed. The shed will be constructed offsite and delivered in two halves. The applicant will have a stone foundation prepared for the shed to be placed upon. There will be no site disturbance resulting from the replacement and addition of the proposed new structure. The narrative states that the proposed location only requires four trees, which are already in need of removal, be taken down. Locating the shed elsewhere on the property would require more significant environmental disturbance as a greater number of trees would need to be removed to accommodate the structure. The proposed location, being situated within a stand of trees, and the surrounding foliage should help with water distribution and absorption.

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

Reasons: Yes, based upon the foregoing listed factors.

DETERMINATION OF ZBA BASED ON THE ABOVE FACTORS:

The ZBA, after taking into consideration the above five factors, upon a motion made by Vice Chair David Palen, duly seconded by Chair Denise Rhoads, and upon a unanimous (5-0) affirmation of all Members present as recorded below, approves the variances requested, and finds as follows:

- The Benefit to the Applicant DOES NOT outweigh the Detriment to the Neighborhood or Community and therefore the variance request is denied.
- The Benefit to the Applicant DOES outweigh the Detriment to the Neighborhood or Community

Reasons: In review of the stated findings of the Zoning Board of Appeals, the benefit to the Applicant, as weighed against the detriment to the health, safety and welfare of the neighborhood, or community, lies in favor of the Applicant. This decision is based on all the evidence presented in the Application, the Record, as well as the Board members' inspection of the property, and is conditioned as follows:

STANDARD CONDITIONS:

1. That the Applicant obtain any necessary permit(s) from the Codes Enforcement Officer or otherwise commence the use within one (1) year from the filing of the variance decision. Any application for zoning/building permit(s) shall terminate and become void if the project is not completed within the eighteen (18) months from the issuance of the permit(s).
2. That the Applicant shall obtain all necessary permits and approvals from the Planning Board and any agency or authority having jurisdiction over the Property or Application.
3. That the Applicant obtain a Certificate of Occupancy and/or Certificate of Compliance, as required, from the Codes Enforcement Officer.
4. That the Applicant notify the Codes Enforcement Officer on completion of the footing of any project for which a variance has been obtained; and

ADDITIONAL CONDITIONS: The ZBA finds that the following additional conditions are necessary to minimize adverse impacts upon the neighborhood or community:

1. That in place of the standard condition of an as-built survey, the Codes Enforcement Officer will verify conformance of completed project before a certificate of occupancy /certificate of compliance is issued.

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"/>

Vice Chair Palen asked if there was any way to work around the proposed increase in garage height. The Board had received a letter from the Johnson's, neighbors to the south, stating concerns over their lake views if the garage were to increase in height. Mr. Eggleston stated that he had submitted a revised plan to show existing garage height on June 25, 2024, after the Johnson's inquiry. The existing garage height is 15'-2 1/2". That is the average grade up to the peak. A structural engineer was sent to the site that day to measure from the garage floor up to the peak and found that it was 14'-3", but the average grade is just a little lower than that. They are proposing to add 4 feet onto the height. Mr. Eggleston wanted to clarify these measurements for the Johnson's as they were unsure of the measurements relative to their concerns. Mr. Eggleston addressed the pictures submitted with the Johnson's letter. The camera was set on their deck railing, facing northeast towards Garlock's garage. Mr. Eggleston stated that he assumed the railing was 36 inches high as that would be conforming. He superimposed 4 feet of height to the garage picture. There is a substantial tree between Garlock's house and garage with foliage that blocks the Johnson's lake view. The applicant wants to be a good neighbor and is proposing to limb up the tree to provide a nicer lake view to mitigate a concern that the Johnson's "do not have entitlement to". The Johnson's also submitted a location map from Onondaga County's website. Mr. Eggleston drew in view lines to give perspective, pointing out that Johnson's house sits the farthest back. He noted that from Johnson's deck, you are looking across three properties to see the lake, but only when there is no foliage. The applicant is proposing a much nicer year-round view of the lake by limbing up this large tree. Mr. Eggleston stated that the Johnson's have a second deck with a view they already "own," adding that the only way to keep control over a view is to own the land.

Member Kiefer asked Mr. Eggleston for clarification on the distance between Johnson's deck and Garlock's garage, as well as the orientation of the garage roof. He wondered if the peak faces Johnson's deck. Mr. Eggleston stated that the distance between the garage and dec is 12 feet and that the peak does face Johnson's deck. There will be one small window on the loft level. There is currently a ship ladder that goes to the loft area. Member Kiefer questioned whether a window facing the neighbor's deck could be a privacy issue. Mr. Eggleston stated that the window was optional. Mrs. Garlock added that the window was just to let light into the lofted area and that something smaller, above eye height could work for that purpose.

Member Ketchum asked what the purpose of the loft area was. Mr. Eggleston explained that it will be a place for their adult sons to sleep and hang out while visiting. Member Ketchum wondered if the loft and ship ladder already existed and if it would be turned into a sleeping area. Mr. Eggleston confirmed that the loft and ladder were existing and that the loft would be a sleeping area. A new septic will be installed which will accommodate four bedrooms for this reason. Member Ketchum stated that her issue is with the loft and the neighbor's concerns. If the loft is just excess space for sleeping and living, you are essentially turning a garage into a rental dwelling unit (RDU). She added that turning the garage into an RDU poses a potential environmental impact. Adding more vertical space would increase the potential for environmental impact. A 4/10-acre lot seems small to have two living structures. Mr. Eggleston noted that the other option was to add a second floor to the main house.

Member Kiefer referenced a recent application for a lakefront property on East Lake Road which proposed improvements to a single story detached garage to make it a two-story accessory building. He asked if anyone could confirm the height measurements of that garage for reference. The original proposal was to increase the garage height to 25 feet, which was denied. Upon submission of an entirely new application, the Board approved a garage height of 21 feet. This garage was not turned into living space though. It did not include a kitchen, bathroom, or living space. It was essentially

made into an office/workout space with storage. The Garlock's are proposing a garage height of 19.2 feet. In respect to garage use and adding an accessory space to the property, Member Ketchum noted that the Garlock's lot is smaller than many others with detached garages in the neighborhood. Mr. Eggleston replied that the White's, to the north, added an accessory space above their garage about two years ago. The Johnson's, also to the north, added a studio space with a bathroom to their garage 3-4 years ago.

The owner is prepared to make a \$ 3,673.30 payment into the Town's LDRA Fund in respect to impermeable surface coverage on their property exceeding the allowable.

A site visit was conducted by Board Members on June 12 ,2024. The applicant and their design professional were present.

Chair Rhoads stated that the ZBA would open the public hearing and carry it over to the following month so that Board Members had adequate time to review the revised plans and neighbor correspondence which they had received that afternoon.

Mr. Eggleston asked the Board if they would like to conduct another site visit. Member Ketchum stated that she would like to visit the site again. The rest of the Board agreed.

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

WHEREFORE, a motion was made by Member Ketchum and seconded by Vice Chair Palen to consider the proposed action as a Type II SEQR action as per section 617.5(c)(12) and not subject to SEQR review. The Board having been polled resulted in the unanimous affirmation of said motion.

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

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

Chair Rhoads stated that the neighbor's letter and supporting documents would be entered into the record.

A second site visit was scheduled for July 17, 2024, at 5:30 pm.

WHEREFORE, a motion was made by Member Ketchum and seconded by Member Kiefer to continue the public hearing on August 6, 2024, at 7:02 p.m. 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]

Tom O'Toole stated that when their original site plan for the pole barn was submitted in the Fall of 2022, there was never any intention of residential use as Collin always intended to store business equipment and materials in the structure. He expressed their uncertainty over how or where there was a misunderstanding regarding use of the property and pole barn and that when the building permit was issued, they built 50 feet from the south side yard where they were told 30 feet was required. They were unaware of any need for a 100-foot setback which is the reason they are seeking a special permit and side yard variance.

Member Ketchum asked applicant, Collin O'Toole, about his plans for the privacy fence. Collin stated that the 80-foot privacy fence would be white PVC with a 6-foot height. Based on the Board's approval, an application for a fence permit would be submitted to the Codes Office. Collin added that he would like to also continue the 3-rail white vinyl horse fencing that runs along the front of the property, up the south property line until it meets the privacy fence. He will add plantings along the entire hedge row/ fence line for aesthetics.

Member Kiefer was not present for the June meeting, when the public hearing was opened. At this time, Chair Rhoads updated Member Kiefer on the reasoning for the continuance of this public hearing and asked if he had any questions or needed to review any part of the proposal. Member Kiefer asked the applicant if the building permit application submitted in 2022 for the storage barn indicated commercial use. Tom O'Toole stated that they do not consider it commercial use- they are just storing equipment for Collin's business. He added that the house is currently being constructed on the property so there are construction vehicles in and out throughout the day. Once construction is complete, there will be little to no on-site disturbances as Collin's business does not conduct their work on site. Employees pick up equipment in the morning and return it at the day's end. Member Kiefer also inquired about noise abatement in relation to business vehicles and equipment. Collin stated that none of his vehicles or equipment have back up alarms. There is currently one machine on the property with a backup alarm, but it is not affiliated with his business or owned by him. It is being used by the contractors building his house and will be gone once construction is complete. Counsel Molnar added that Special Permit criteria requires that the Planning Board review the noise abatement issue and prepare and conclude findings of the fact that there is no intrusive noise, dust, glare, odor, etcetera. They may review and set times for operation hours and limits.

At this time, Chair Rhoads asked if there were any other questions or comments.

Connor O'Toole – 2354 East Lake Road, Skaneateles

Stated that at the time the building permit application was submitted for the storage barn, the property to the south was already being used as a wedding and event center but was under different ownership. The previous owners were aware of Collin's business and intended use for the property and storage barn and had no issue.

Connor O'Toole then referenced the section of Town Code which states that in the rural and farming zoning district, a storage barn is permissible, and a special permit is not needed. He wondered at what point does a storage building fall under service business use.

Counsel Molnar stated that personal use and service business use are different. Both uses are called out and defined in Town Code. Landscaping is a service business and to conclude, a service business requires a special permit.

Connor O'Toole questioned whether this still applied to a business listed under and based off a different address than the property which the business merely stores equipment. Though he is in the process of changing his business address, Collin's landscaping business currently operates and is listed under a different address than the Benson Road property in question.

Counsel Molnar stated that the definition and the code are clear that landscaping is a service business and therefore requires a special permit to have any affiliation to a property zoned residential.

At this time, Chair Rhoads asked if there were any other comments or questions.

Clerk Barkdull noted that the Planning Board would be looking at drainage on the property.

Member Lee stated that he was most interested in what conditions the Planning Board would impose. A buffer area was previously discussed, and he assumed it would be up to the Planning Board to define the terms they might accept. Member Lee added that he would like to see those conditions before he would be comfortable voting. Counsel Molnar responded to Member Lee stating that the revised narrative would identify and answer his question. Questions such as "What is the service business?", "What are the terms and conditions presented by the applicant?", "How would they like to or intend to manage the business?" should be outlined. Clerk Barkdull added that upon receipt of the updated narrative, it had been presented to the Board through email and SharePoint. A hard copy was also distributed to Board Members present at the meeting that night.

Relative to Member Lee's mention of the Planning Board imposing conditions, Chair Rhoads clarified that the ZBA would also be able to impose certain conditions such as the buffer area, screening, or fencing, etcetera, if the variance were approved. Member Lee stated that he felt there was an absence of conditions as to how the buffer area or open green space might be created or used, adding that if the ZBA were to approve a building this close to the property line, these would be important considerations. Counsel Molnar clarified that although the updated site plan does not show the suggested plantings, it does show the privacy fence, relocated mulch bins, and buffer area. This is all set forth in the updated narrative as well.

Collin O'Toole stated that he would be happy to submit planting plans to the Board. He noted that planting thirty 6-foot pine trees would be a huge expense, upwards of \$15,000. The fence will also be a large expense. Tom O'Toole stated that he thinks the fencing, plantings, and buffer zone all make sense but for Collin to map that out is "not allowing him his artistic views".

At this time, Counsel Molnar recommended that the Board make a motion to reopen the public hearing.

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

At this time, Chair Rhoads asked if there were any other questions or comments.

Robert Eggleston, PC - 1391 E Genesee Street, Skaneateles

Stated that he was working with Heather Vasile, owner of Aster Estates Weddings & Events. Mr. Eggleston and Mrs. Vasile had both submitted letters in June supporting the granting of the variance. At that time, and in the absence of a Special Permit, updated narrative, and updated site plan that addressed the issues presented, he had suggested a number of conditions which he thought would make the two properties more palatable. He emphasized that Mrs. Vasile is supportive of Collin running his landscape business, but she also wants respect shown towards her established event center. Historically, there has been conflict between these neighbors, but he feels that both parties can run compatibly given proper conditions are put in place to mitigate the issues surrounding the storage barns noncompliant, 50-foot setback. Mr. Eggleston clarified that the building itself is not the issue, but rather the use of the building. The goal is mutual respect between neighbors for each other’s businesses and Mr. Eggleston said he appreciates the progress that has been made.

There being no further comments, Counsel Molnar recommended that the ZBA make a motion to close the public hearing.

WHEREFORE, a motion was made by Member Kiefer and seconded by Vice Chair Palen 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 will not produce an undesirable change to the neighborhood. If properly managed, and with the right conditions, the side yard setback will not be a detriment to nearby properties. The storage building is of good quality and design. The site is located in an area of agricultural properties. The applicant agreed to maintain an open buffer area between the storage building and the side yard setback line. It is reasonable to have a building to

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, as well as the Board members’ inspection of the property, and is conditioned as follows:

STANDARD CONDITIONS:

1. That the Applicant obtain any necessary permit(s) from the Codes Enforcement Officer or otherwise commence the use within one (1) year from the filing of the variance decision. Any application for zoning/building permit(s) shall terminate and become void if the project is not completed within the eighteen (18) months from the issuance of the permit(s).
2. That the Applicant shall obtain all necessary permits and approvals from the Planning Board and any agency or authority having jurisdiction over the Property or Application.
3. That the Applicant obtain a Certificate of Occupancy and/or Certificate of Compliance, as required, from the Codes Enforcement Officer.
4. That the Applicant notify the Codes Enforcement Officer on completion of the footing of any project for which a variance has been obtained; and

ADDITIONAL CONDITIONS: The ZBA finds that the following additional conditions are necessary to minimize adverse impacts upon the neighborhood or community:

1. That the Site Plan dated June 18, 2024, and Narrative dated June 4, 2024, prepared by Janice Miller, Licensed Architect, be complied with in all respects; and
2. An as-built survey of the entire property, including lot coverage calculations be submitted to the Codes Enforcement Officer with verification of conformance of completed project within (60) days of completion of the project; and
3. That the applicant completes and maintain a 50-foot buffer area of open green space between the southern property line and storage building, starting from the west end of proposed 80-foot privacy fence, and extending to the road along the southern property line.

RECORD OF VOTE

MEMBER NAME	AYE	NAY	ABSTAIN
Chair DENISE RHOADS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vice Chair DAVID PALEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Member KRIS KIEFER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Member DAVE LEE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Member SHERILL KETCHUM	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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
Joseph & Mary Coco, Applicants

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 present with 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 seasonal dwelling and improve with a year-round dwelling. Proposed shoreline improvements include relocating the existing nonconforming shoreline stairs to make them conforming. What exists today is less than 2 feet off the property line. The proposed replacement stairs will be constructed further south on the property, over a landing with a shed underneath. This will alleviate the existing nonconforming side yard setback. There is a small pump house on the property which will be removed. Mr. Eggleston stated that they are essentially replacing and relocating the existing pumphouse structure by building a shed underneath the landing of the new shoreline stairs. The proposed shed would be used as lakefront storage for items such as oars and life jackets.

The proposed project maintains 6.0% building footprint and 10% living space. Impermeable surface coverage will only rise slightly but remain below the allowed 10%. The new house will remain

substantially in the same location as what exists today. A new septic will be installed with an expansion area. The applicant will maintain the existing driveway. Mr. Eggleston also noted that the Vivian property next door has a similar setback, as do most of the other houses in the building line.

Mr. Eggleston asked if there were any questions from the Board. Member Lee asked if the gravel driveway that serves the house is on the actual property. Mr. Eggleston explained that Thornton Heights runs north-south and that the ROW/lake access easement for the neighborhood runs along the applicant's north property line. This is where the driveway has always been and where it will remain.

Member Lee then sought clarification on the letter received from Sally Bevier, neighbor to the north, regarding a shed that was located over the property line and on her property. Mr. Eggleston stated that the shed had been placed in that location by a previous owner and that an attorney letter, dated 1993, granted the Coco's permission to keep and maintain the shed on the neighboring property. The applicant shared this letter with the Board to be entered into the record. Mr. Coco then provided the Board with more details surrounding the existing off-site shed. The property was purchased by the Coco's in 1986, at which time the shed, being built in 1932, was already existing in its current location. The aforementioned letter was received from Lavery Attorneys in 1993 and granted permission for the shed to remain in place. Mr. Coco stated that he is just now getting word that the shed needs to be removed, as the neighbor has recently stated she made several attempts at conveying this. Mr. Coco added that there had never been any prior correspondence regarding removal of the shed. He believed that the attorney letter from 1993 was essentially granting a ROW or easement allowing for the shed to remain in place. He was in the process of seeking legal advice on the matter.

Counsel Molnar shared that his perception of the 1993 attorney letter is that it is arguably a license. When the former owner gave permission for the shed to remain, they essentially granted a license as opposed to an easement which runs with the land. Therefore, if there is a change in ownership, the new owner holds the right to revoke said license. Counsel Molnar then stated that it is his observation, based on Ms. Bevier's letter, that this is what she would like to do. He recommended that the applicant continue to seek independent legal advice on the matter.

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

Board Members will conduct a site visit on July 17, 2024, at 5:45 pm.

At this time, Chair Rhoads asked for a motion to schedule a Public Hearing for August 6, 2024, at 7:10 pm.

WHEREFORE, a motion was made by Vice Chair Palen and seconded by Member Kiefer to schedule a public hearing for August 6, 2024, at 7:10 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: James Ranalli Property: 1808 West Lake Road
1200 State Fair Blvd Skaneateles, NY 13152
Syracuse, NY 13209 Tax Map #062.-01-09.2

Present: Robert Eggleston, Eggleston & Krenzer Architects, PC

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.

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 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.

Member Kiefer asked Mr. Eggleston about the necessity of extending the dock to wrap around the proposed canopy. Mr. Eggleston stated that this is typically how boat canopies are constructed. The additional dock surrounding the canopy serves as more than wrap around boat access in that it provides greater stability. By fixating the canopy to a dock structure, as opposed to a single row of posts, the end result is much more structurally supported and sound.

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

Board Members will conduct a site visit on July 17, 2024, at 6:00 pm.

At this time, Chair Rhoads asked for a motion to schedule a Public Hearing for August 6, 2024, at 7:20 pm.

WHEREFORE, a motion was made by Member Ketchum and seconded by Member Kiefer to schedule a public hearing for August 6, 2024, at 7:20 pm. The Board having been polled resulted in unanimous affirmation of said motion.

Record of Vote

Chair	Denise Rhoads	Present [Yes]
Vice Chair	David Palen	Present [Yes]
Member	Kris Kiefer	Present [Yes]
Member	Dave Lee	Present [Yes]
Member	Sherill Ketchum	Present [Yes]

Discussion

The next ZBA Meeting will be held on August 6, 2024, at 7:00 pm.

The next P&Z Staff meeting will be held on Thursday, July 18, 2024, at 6:30pm.

There being no further Board business, a motion was made by Member Kiefer and seconded by Member Ketchum to adjourn the meeting. The Zoning Board of Appeals meeting adjourned at 8:50 pm.

Respectfully Submitted,

Aimie Case
ZBA Clerk

Meeting Attendees:

Elizabeth Patton
Wilson Patton
Bob Eggleston, Eggleston & Krenzer Architects
Rich Garlock
Maria Garlock
Collin O'Toole
Melissa Severance O'Toole
Cathy O'Toole

Tom O'Toole
Connor O'Toole
Jack Severance
Joseph Coco
Mary Coco
Katherine Stegner
Roberto Margas

Meeting Attendees Via Zoom:

ZBA Member David Lee
Councilor Sue Dove
Shari Ross
Heather Vasile
Michael Drake