

**TOWN OF SKANEATELES
ZONING BOARD OF APPEALS
MEETING MINUTES OF
March 7, 2023**

Present:

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

Chair Rhoads opened the meeting at 7:00 pm.

Minutes

Previous distribution to the Board of the regular meeting minutes of February 7, 2023, was executed, and all members present acknowledged receipt of those minutes.

WHEREFORE, a motion was made by Member Ketchum and seconded by Member Kiefer to accept the February 7, 2023, minutes as presented. The Board having been polled resulted in unanimous affirmation of said motion.

Record of Vote

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

Public Hearing Continuance

Applicant:	Christopher Nulty	Property:
	62 Woodcliff Terrace	2699 East Lake Rd
	Fairport, NY 14450`	Skaneateles, NY 13152
		Tax Map #037.-01-04.0

Present: No One Present for the Application

The applicant had submitted an updated plan, and the board members conducted site visits independently. The public hearing was open on February 7, 2023 and continued to tonight's meeting.

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

At this time Chair Rhoads asked if the board wanted to proceed with the application or carry the public hearing open to the next meeting. Member Lee said that he had questions of the viability of the grass strip and it was clarified that it was a condition of the prior approval for the property. The board

determined that the meeting should be left open for another month as not all of the board members are present, and a split vote would cause the application to automatically fail.

WHEREFORE, a motion was made by Member Ketchum and seconded by Member Lee to continue the public hearing on April 4, 2023. The Board having been polled resulted in unanimous affirmation of said motion.

Public Hearing

Applicant:	Janet & Robert Goodchild	Property:
	14 Prentiss Drive	1419 Thornton Hts
	Skaneateles, NY 13152	Skaneateles, NY 13152
		Tax Map #057.-01-30.0

Present: Robert Eggleston, Eggleston & Krenzer Architects.

A site visit was conducted on February 11, 2023, and the Planning Board had done an initial review of the proposal. A revised site plan was submitted that reflects a permeable walkway from the parking area down to the dwelling that was added at the request of the Planning Board. The steps will be constructed of wood beams and pea stone between, replacing the small remnants of a walkway. The dwelling will be replaced with a one bedroom dwelling on a similar footprint. Although it will be converted to a year round home, the applicant lives in the village, and this is their lake access property.

Total lot coverage will be at 10.4% will an allowable 20% total lot coverage for this lot. A drainage system will be added with a catch basin at the road right of way to catch the stormwater from the road that will be directed to a secondary catch basin to the southeast of the dwelling, also capturing stormwater from the roof gutters through a French drain located at the top of the bank. The stormwater will then be piped down the cliff to splash down into the lake. There will be six inch piping to the cliff with a four inch French drain connecting to the six inch pipe before it reaches the edge of the cliff.

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

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

At this time Chair Rhoads asked if there was anyone who would like to speak in favor of, against or had any comments regarding the application. Letters from Tracy Franchini, Bonnie Scott, and Allison Miller in support of the proposal have been submitted into the record.

WHEREFORE, a motion was made by Member Ketchum and seconded by Member Lee 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 148-8-9-A.1.d Nonconforming Lots – minimum side yard. Counsel Molnar stated when considering the benefit to the Applicant if the area variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community, the Zoning Board of Appeals is charged with answering these five questions:

FACTORS CONSIDERED IN CONTEMPLATING THE AREA VARIANCE:

1. Whether an undesirable change will be produced in character of neighborhood or a detriment to nearby properties will be created by the granting of the area variance: Yes No

Reasons: No. The granting of the variances for the proposed dwelling to replace the existing structure would not produce an undesirable change to the character of the neighborhood, but instead would enhance the properties. The development is consistent with other homes in the area, with improvements to impermeable surface coverage, and the lot is constrained by the area required for a possible septic field location. There will be an improvement aesthetically to the character of the neighborhood as there are many other cottages and year round dwellings that have been improved.

2. Whether the benefit sought by the Applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance: Yes No

Reasons: No, Given the size of the lot an area variance would be required for any proposed improvements., as the preexisting nonconforming lot is .17 acres. The proposed dwelling will be located on the existing footprint and the applicant is proposing a reduction in nonconformities of the lot. It would be difficult to locate the dwelling elsewhere on the lot due to the proposed area for the septic field, making the proposed location the best fit for the new dwelling.

3. Whether the requested variance is substantial: Yes No

Reasons: No. The reductions to the existing nonconformities with the project do not make the requested variances substantial. The only modified portion of the proposal is the increase in total lot coverage although it is conforming at 19.4%, under the total lot coverage allowed and in response to the Planning Board’s recommendation for the addition of a permeable walkway. Reducing the nonconformities of the lot with this proposal will be an improvement to the neighborhood.

4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district: Yes No

Reasons: No. The proposed stormwater management system being proposed to control stormwater with catch basins and French drains on the property, in addition to the reduction of impermeable surface coverage will benefit the area. The proposed dwelling will be smaller than the existing dwelling and there will also be a new septic system.

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

Reasons: _____.

DETERMINATION OF ZBA BASED ON THE ABOVE FACTORS:

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

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

Reasons: In review of the stated findings of the Zoning Board of Appeals concludes that 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 Site Plan 1 of 4 through 2 of 4 dated March 6, 2023 and Site Plan 3 of 4 through 4 of 4 dated January 26, 2023, with narrative dated January 25, 2023 prepared by Robert Eggleston, Licensed Architect, be followed in all respects; and
2. That the Applicant obtain Town of Skaneateles Planning Board approval of the Site Plan and Narrative, and that the Planning Board issue its Special Permit/Site Plan Approval, and that any conditions of the Special Permit be complied with in all respects.

<u>Record of Vote</u>		
Chair	Denise Rhoads	Present [Yes]
Vice Chair	David Palen	Absent
Member	Kris Kiefer	Present [Yes]
Member	Dave Lee	Present [Yes]
Member	Sherill Ketchum	Present [Yes]

Initial Review

Applicant: Lee Scott & Karen Bishop
2425 Wave Way
Skaneateles, NY 13152
Tax Map #056.-02-15.0

Present: Robert Eggleston, Eggleston & Krenzer Architects.

The lot is under 20,000 square feet with a dwelling that conforms with all the setbacks., and the building footprint and floorspace calculation are nonconforming. A shed will be removed from the property. Proposed is a 12ft x 19 ft deck on the east side of the split level dwelling, The existing stoop will be replaced with a permeable stoop and steps down to the driveway. The enclosed porch on the west side of the dwelling will be replaced. Impermeable surface coverage will be reduced from 13.2% to 11.1% with the removal of the shed, impermeable stoop, and reduction of the existing paved driveway surface. A site visit will be conducted on March 11, 2023 beginning at 8:30 am.

WHEREFORE, a motion was made by Member Lee and seconded by Member Kiefer to schedule a public hearing to April 4, 2023 at 7:02 p.m. The Board having been polled resulted in unanimous affirmation of said motion.

Initial Review

Applicant: David & Lynn Curtin
Curtin Long Lake Property
345 4th St S
Naples, FL 34102
Property:
3137 East Lake Rd
Skaneateles, NY 13152
Tax Map #040.-01-30.0

Present: Robert Eggleston, Eggleston & Krenzer Architects.

The lot is under 20,000 square feet and the applicants have owned the property since 1994. The proposal is the replacement of the seasonal dock with a permanent dock the extends 90 feet to reach four feet of navigable water depth as the area is very shallow. The adjacent properties also have long docks, with some of the docks also being permanent docks. The proposed dock will be 612 square feet, increasing total shoreline structures to 803 square feet and over the 400 square feet allowed. Due to the length of the dock, the width of the dock is proposed at six feet. There will also be an “L” shape to the dock at the end to provide stability to the dock and provided improved egress from a boat.

Member Ketchum inquired about the environmental impact of the permanent docks and Mr. Eggleston explained that NYSDEC required that the docks have open bases built upon piles to prevent debris build up. A site visit will be conducted on March 11, 2023.

WHEREFORE, a motion was made by Member Kiefer and seconded by Member Ketchum to schedule a public hearing to April 4, 2023 at 7:10 p.m. The Board having been polled resulted in unanimous affirmation of said motion.

Discussion

There is a P&Z Staff meeting on March 16, 2023 at 6:30 pm through Zoom only.

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 7:45 pm.

Respectfully Submitted,

Karen Barkdull
P&Z Clerk

Additional Meeting Attendees:

Bob Eggleston