

**Town Board Meeting**

**June 27, 2022**

Location: Skaneateles High School Auditorium

49 East Elizabeth Street

Skaneateles, NY 13152

6:30 p.m.

**Present:** Supervisor Aaron, Councilor Tucker, Councilor Alexander, Councilor Legg, Councilor Dove, Attorney Smith

**Also, Present:** Rick Bennett, Teri Elis, \Scott DeWolf, Mark Hobb, Bob Eggleston, Paul Cappuccilli, Joshua Allyn, Michael Ciabotti, Mike Quigley, Martha Quigley, Jeremy Euto, John O'Connor, Joyce Methelis, Alan Mathelis, Doug Hamlin, Bruce Seidberg, J. Seidberg, James Sheldon, Mark Potenza, Gary Grozalis, Rich Gozalis, Ed Dienst, Daniel Seidberg, Scott Brothers, Mike Mahood, Jackie Keady, Donna Hogan, Elaine Palmer Fenlong, Shirley Ricklefs, Jane Cummings, Bill Cummings, Michael Domke, John Formoza, Elizabeth Formaza, Ed Evans, Rich O'Brien, Diane O'Brien, Steve Leverich, Ralph Reid, Julie Reid, Nancy Easter, Bob Filzhowski, Beth Filzhowski, Judy Fox, Karl Bitz, Dessa Bergan.

**Authorize Establishing Shoreline Zoning Committee:** Supervisor Aaron stated the Town Board is proposing establishing a "Shoreline Zoning Committee." The committee would be made up of members of the Town Planning and Zoning Boards, Town Board, and stake holders in the community.

Supervisor Aaron made the following statement"

"Tonight, before the Town Board continues the public hearing on Introductory Local Law 2022-A Shoreline Regulations, the Board first will be authorizing the establishment of a Shoreline Regulations Committee. The purpose of this committee is to review comments that have been made to date and recommend updates to our current shoreline regulations. Regulating seasonal/temporary docks is no longer being considered."

Supervisor Aaron stated the committee would be tasked to review the Town of Skaneateles Zoning code chapter 148 "section K – Skaneateles Lake Zoning Regulations" . This section of the Town of Skaneateles had been established in 1996 when the zoning was approved. When the committee completes their review, they would submit their proposed changes to the Town Board. At that time, another Public Hearing would be held, and the public would have the opportunity to give their comments to the Board for their review. There are many steps before enacting this as law.

Councilor Tucker stated this is the current zoning that the Town had used for years until a case was brought to the Town's attention that took the authority away from the Towns and gave it the Office of General Services of the State of New York. The Town then requested Special Legislation from New York State to have the zoning authority back and it was granted. The Board had introduced an amended version that the public did not like and that was thrown out and now they are going back to the 1996 version, which is the current regulations, for review.

Supervisor Aaron introduced herself and the Town Board to the audience.

Supervisor Aaron stated the “Shoreline Zoning Committee” would consist of the following members:

Mark Tucker, Town Board  
Don Kasper, Planning Board Chair  
Denise Rhoads, Zoning Board of Appeals Chair  
Karen Barkdull, Planning and Zoning Clerk  
Howard Brodsky, Town of Skaneateles Planner  
Scott Molnar, Planning and Zoning Attorney  
Brody Smith, Town Attorney

The Committee would meet with representatives from different stakeholders in the community.

Councilor Dove asked that the committee keep the Town Board updated on the community members they appoint. Supervisor Aaron stated Councilor Mark Tucker would be the Town Board representative on the committee and would keep the Board updated on the Committee.

Supervisor Aaron stated anyone interested in the committee or wanted to meet with the committee should address their requests to Julie Stenger, Town Clerk.

On a motion of Councilor Alexander, seconded by Councilor Legg and with unanimous (5-0) affirmation of the Town Board, the Board established the Town of Skaneateles Shoreline Zoning Committee and appointed the following members:

Mark Tucker, Town Board  
Don Kasper, Planning Board Chair  
Denise Rhoads, Zoning Board of Appeals Chair  
Karen Barkdull, Planning and Zoning Clerk  
Howard Brodsky, Town of Skaneateles Planner  
Scott Molnar, Planning and Zoning Attorney  
Brody Smith, Town Attorney

**Public Hearing Continued – Town of Skaneateles Zoning Code section 178-7-1-K “Skaneateles Lake Shoreline Regulations”:** Supervisor Aaron stated this is the continuation of the Public Hearing for the proposed “Skaneateles Lakeshore Regulations”. The Board had agreed to not go further with Proposed Local Law A of 2022 and go back to the current Shoreline Regulations section K of chapter 148 in the Town of Skaneateles Zoning Code for review. Due to the comments from the public the Board heard at the last meeting on June 6<sup>th</sup>.

Supervisor Aaron asked for comments.

**Donna Hogan, Ammerman Road, Skaneateles:** Ms. Hogan read the attached statement for the records. \*See attached.

Ms Hogan's statement discussed the issues she and her neighbors are having with a neighbor that had installed a "pop-up" marina and is charging for boat dockage. The neighbor in question stated they are only allowing family and friends to dock their boats.

**Jeremy Euto, 1008 The Lane, Skaneateles:** Mr. Euto stated he is here tonight to give his comments and concerns over the proposed Shoreline Regulations he read the attached statement for the record. \*See attached.

Mr. Euto stated that he had researched the minutes and agendas of the past year of Planning and Town Board meetings and he found no reference to these proposed zone change. He found no research as to how these regulations were formulated and what the reasoning for the changes were.

He stated there is no evidence of deliberation, comments or studies that justify the level of regulations in proposed Local law A of 2022. He stated in his written statement he submitted a FOIL request for any relevant documents regarding the proposed Local Law A of 2022.

He stated he and his neighbors are asking for an estimated cost of regulation and policing this Local Law if approved. Town residents are very concerned about regulating seasonal docks and that this proposed Local Law which the Town Board is no longer considering could become a tool for the new amended law.

Mr. Euto reviewed the previous comments at the Public Hearing on June 6<sup>th</sup> as stated in his letter which is attached, and he submitted to be a part of the record.

If the Town proceeds with this Shoreline Regulations, he asked the Board to keep the public involved and informed throughout the process and fully consider all property owners.

**Arnold Rubenstein, 2 East Genesee Street, Skaneateles:** Mr. Rubenstein stated he has three boat houses and 5 boat slips. He had been an antique boat owner and his concern is the threat of the sun to wooden antique boats on the lake. The sun is the biggest threat to a wooden boat. Wooden boat owners want to put their boat in a boat house, currently there are 20-24 wooden boats on our lake. These owners need to be able to have a boat house to protect them.

**Bill Cummins, West Lake Road, Skaneateles:** Mr. Cummins thanked the Board for listening to public and withdrawing the proposed local law. He stated the Board should consider a more holistic approach and combine with other Town around the lake.

Supervisor Aaron stated the Village and the Town jointly requested legislation on the lake from the State Legislature, 1500 feet from the shoreline. Prior to this it was the New York State Office of General Services that regulated shoreline activity. She stated she had meet with the Supervisors of Towns around the lake and they are also interested in this. The other Towns will need to enact their own legislation.

**Phil Ricklefs, business owner and lake contractor:** Mr. Ricklefs stated up to this point when he had done work on the lake he would contact the DEC, send a picture of the project and get a

determination from the DEC Officer. This is important for repairs, when a storm comes through docks and sea walls need to be repaired and sometimes quickly. He stated he has a back log of jobs and does not know what to tell people or how to move forward with the Town at this time.

Mr. Recklefs stated he would work with the Town and the Zoning Committee to help understand what it is like on the lake. These docks in emergency repair need to be addressed quickly before there is more damage to the lake. He has met with the Office of General Services and the DEC about many issues on the lake. He reviewed various lake conditions.

He stated his hands are tied. He is working in the other Towns at the South end of the lake since he can still work with the DEC. Without legislation or guidance from the Town of Skaneateles he can not do the work that needs to be done. This could be a safety issue for homeowners with docks in need of repair.

Mr. Recklefs stated the Town needs to give him and other contractors guidance. Attorney Smith stated the current law in Chapter 148 section K is still in effect, nothing has changed. Mr. Recklefs stated he has applications in front of the Planning Board now for jobs that he had approval from OGS last year. Now he is at a standstill with these projects that need to be completed. Attorney Smith stated he would talk to Mr. Recklefs after the meeting.

**Dan Seidberg, Lakefront Lane, Skaneateles:** Mr. Seidberg thanked the Board for listening and looking at this law. He stated many properties are less than 200 feet of lake frontage. The current regulation restrictions on properties that have less than 200 feet of lake frontage are too restrictive in the current section K “ Shoreline Regulations”. The setbacks on a small lot do not add up. The 20-foot setback could take up all the lake frontage on a lot of 80 feet to 40feet. This does not make sense. This should be looked at as a percentage for a more reasonable approach.

Mr. Seidberg stated the DEC and OGS were not looking at this they were looking at navigation law and if it was obstructing reasonable access to navigable water. All properties on the lake are different and should be looked at individually. There are so many variables around the lake.

Mr. Seidberg stated according to the Town assessor the first 20 feet of lake frontage is the most valued of the frontage after the 20 feet the value goes down. The property owners with 20 feet of lake frontage are paying the highest rate of tax but they are the most restricted. This is not equitable or fair. He asked the Board to look at the individual properties due to the variables round the lake.

**Bob Eggleston, Architect:** Mr. Eggleston stated he submitted a letter to the Board for the record. He urged the Board where possible to align the regulations with the DEC regulations. The Town and the DEC look at the how you figure the sideline projection into the lake differently. The Town goes to the high-water mark and then perpendicular to the center of the lake. The DEC goes to the low water mark and then to the center of the lake. No one has come up with a definition of the center of the lake. Try to align with the DEC so there are not 2 different standards being used.

Mr. Eggleston asked the Board to consider lessening the load on the Planning Board by allowing administrative staff, codes enforcement and zoning, to approve repairs and replacements. This would be helpful to the staff and residents.

Mr. Eggleston asked the Board to listen to the stake holders and use their knowledge.

Supervisor Aaron stated this public hearing would continue on Wednesday June 29<sup>th</sup> via Zoom for those that could not attend in person. He thanked the public and the Board.

Councilor Legg thanked the residents, stake holders and contractors for their comments and their true concern of the lake. As a retired naval officer, he understands navigation law and the limits, and all your points are extraordinary and helpful. All your comments will be examined going forward. He encouraged all to read the current section Skaneateles Like Shoreline Regulations and start from there and send any comments or questions to the Board.

Mr. Recklefs asked if the Board would be making any decisions soon regarding repairs, there are docks on the lake that need to be repaired now and he does not know what to do. Supervisor Aaron stated they would reach out to the Planning Board for their recommendations.

Mr. Recklefs stated he has contacted Codes Officer Bob Hermann and he has been told anything over 200 square feet needs to go before the Planning Board, permanent, temporary or repair. Attorney Smith stated he would contact him and the Planning staff after the meeting and get more details. This is something they could take care of administratively.

**Minutes of June 6, 2022:** On a motion of Councilor Alexander, seconded by Councilor Tucker, and with a (5-0) affirmation, of the Town Board, minutes of May 2, 2022, were accept as presented.

**Schedule Town Board Special Meeting – June 29, 2022, at 7:00 p.m. attendance via Zoom ONLY:** On a motion of Councilor Legg, seconded by Councilor Alexander and with unanimous (5-0) affirmation of the Town Board, a Special Meeting was scheduled for June 29, 2022, at 7:00 p.m. via Zoom only for continued comments on proposed Local law A of 2022 “ Shoreline Regulations’

**Schedule Public Hearing - MWB Family, LLC Zone Change Request:** Supervisor Aaron stated the Board was in receipt of a zone change request from the MWB Family for the property at 1326 New Seneca Turnpike. At the June 6, 2022, Town Board meeting the Board referred the application to the Town of Skaneateles Planning and Zoning Boards as well as the Onondaga County Planning Board. At that time, the Board did not schedule the public hearing.

Supervisor Aaron stated the applicant had requested this for the existing LAB building. Their proposal included space for retail, which is not an allowed use in the Rural Residential District, which it is currently zoned as, but is an allowed use in the Highway Commercial District.

Councilor Dove asked if the Board could be provided with the research of why this parcel was changed from Highway Commercial to Rural Residential when the current zoning was adopted in 1996. Supervisor Aaron stated she was looking for that information and would provide her findings to the Board.

Supervisor Aaron stated a notice would be sent to all the surrounding neighbors of this public hearing.

On a motion of Councilor Alexander, seconded by Councilor Dove and with unanimous (5-0) affirmation of the Town Board, scheduled the public hearing for the application for a zone change from MWB Family for 1326 New Seneca Turnpike on August 15, 2022, at 7:00 p.m.

Councilor Alexander stated she would

**Introductory Local Law C of 2022 regarding Video Conferencing:** Supervisor Aaron stated under the New York State Public Meetings Law the State is requiring a Local law to conduct public meetings by video conferencing in the future.

Supervisor Aaron stated it is the purpose and intent of this local law to authorize the Town Board of the Town of Skaneateles, its committees and subcommittees, and any other public body of the Town of Skaneateles to use videoconferencing to conduct its meetings pursuant to the requirements of the New York Public Officers Law.

New York State is now requiring municipalities to enact a Local Law to continue to offer public meetings via video conferencing or a combination of in person and video conferencing. This has worked well during the past 2 years during the COVID 19 pandemic, and the Board would like to continue offering this option.

Attorney Smith stated prior to COVID meetings were allowed to be done by video conferencing but there had to be public access at each location. During COVID New York State passed special legislation to allow for municipal meetings to be conducted via video conferencing without the public access to locations, under a temporary emergency. Now they are allowing video conferencing to continue if the municipality passes a local law. The State has put specific restriction and on a limited basis. The new law would allow Board members not to be present, but it would still require a quorum of the Board to be present. The State law also requires a valid excuse to not be present. The Local Law in front of the Board stated the Town would follow the maximum requirements of the State of New York. The State will change the requirements of time and this will allow the Town to follow the Stats changes.

**RESOLUTION  
OF THE TOWN BOARD  
OF THE TOWN OF SKANEATELES**

**Proposed Local Law Authorizing Use of Videoconferencing to Conduct Public Meetings**

**WHEREAS**, pursuant to Municipal Home Rule Law Section 20(4), Board Member Tucker has introduced for consideration Local Law No. C of 2022 entitled “A Local Law Authorizing the Use of Videoconferencing to Conduct Public Meetings” (the “Proposed Local Law”); and

**WHEREAS**, the purpose of the Proposed Local Law is to authorize the Town Board of the Town of Skaneateles (the “Town Board”), its committees and subcommittees, and any other public body of the

Town of Skaneateles (the "Town") to use videoconferencing to conduct its meetings pursuant to Section 103-a of the New York Public Officers Law; and

**WHEREAS**, the Town Board desires to comply with the requirements of the State Environmental Quality Review Act ("SEQRA") and its implementing regulations set forth at 6 NYCRR Part 617 (the "Regulations"), with respect to the adoption of the Proposed Local Law; and

**WHEREAS**, the Town desires to comply with the requirements of the New York Town Law and the New York Public Officers Law and shall schedule a public hearing to allow the public to comment on the Proposed Local Law.

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board will hold a public hearing on July 18, 2022 at 7:00 p.m. to hear all persons interested in the Proposed Local Law and to consider the adoption of the Proposed Local Law; and

**BE IT FURTHER RESOLVED** that the Town Board hereby classifies the Proposed Local Law as a Type II Action under SEQRA involving the "adoption of regulations, policies, procedures and local legislative decisions" as set forth in Section 617.5(c)(33) of the Regulations; and

**BE IT FURTHER RESOLVED** that the Town Clerk shall cause notice of such public hearing to be published in the official Town newspaper in accordance with all legal requirements.

The adoption of the foregoing Resolution was moved by Councilor Tucker, seconded by Councilor Alexander, and duly put to vote, which resulted as follows:

Janet Aaron	Voting	Aye
Courtney Alexander	Voting	Aye
Sue Dove	Voting	Aye
Chris Legg	Voting	Aye
Mark Tucker	Voting	Aye

**Reserve Fund Transfer Equipment Repair Reserve – not to exceed \$6,800 for Loader Repair:** On a motion of Councilor Alexander, seconded by Councilor Dove and with unanimous (5-0) affirmation of the Town Board, the Clerk was instructed to advertise to transfer from the Equipment Reserve Fund an amount not to exceed \$6,800 subject to the permissive referendum requirements of Town Law for repairs to the loader at the Transfer Station.

**Authorize advertising for Part Time Laborer I – Transfer Station:** Supervisor Aaron reported the Transfer Station would like to advertise for a seasonal part-time position.

On a motion of Councilor Legg, seconded by Councilor Tucker and with unanimous (5-0) affirmation of the Town Board, the Board authorized the Municipal Recycling Liaison, Brian Buff to advertise for a seasonal part-time position at the Transfer Station.

**Hamlet Committee Appointment – Tamara Place:** Councilor Legg stated Tamara Place has been involved in the Hamlet Committee and she would be a good younger addition to the Hamlet Committee.

Supervisor Aaron thanked Tamara and welcomed her to the Hamlet Committee.

On a motion of Councilor Legg, seconded by Councilor Alexander and with unanimous (5-0) affirmation of the Town Board, the Board authorized the appointment of Tamara Place to the Hamlet Committee.

**Open Space Committee Appointment – Maxwell Krause and Jonathan Holbein:** Councilor Tucker stated he had 2 community members he is recommending being appointed to the Open Space Committee, Maxwell Krause and Jonathan Holbein. He stated they would both be a good addition to the committee.

On a motion of Councilor Dove, seconded by Councilor Tucker and with unanimous (5-0) affirmation of the Town Board, the Board authorized the appointment of Maxwell Krause and Jonathan Holbein to the Town of Skaneateles Open Space Committee.

**Resignation – Miranda Robinson, Town Engineer:** Supervisor Aaron stated the Board was in receipt of the letter of resignation from Town Engineer Miranda Robinson. Miranda had been with the Town for 2 ½ years and would be missed. She had been a great addition to the Town. Engineer Robinson had been offered a remote position that would allow her the opportunity to move back to her family in Oneonta.

On a motion of Supervisor Aaron, seconded by Councilor Alexander and with unanimous (5-0) affirmation of the Town Board, the Board accepted the resignation of Town Engineer Miranda Robinson effective July 15, 2022.

**Resignation – Kim Benda, Clerk I:** Supervisor Aaron stated the Board was in receipt of the of resignation from Clerk Kim Benda. Kim holds three positions with the Town on a part-time basis. She worked as Clerk to the Assessor, Zoning Board Clerk and Second Deputy to the Town Clerk. She had done an excellent job and would be missed. Kim was also offered a full-time remote position with a local company that would allow her to work from home.

On a motion of Supervisor Aaron, seconded by Councilor Alexander and with unanimous (5-0) affirmation of the Town Board, the Board accepted the resignation of Clerk Kim Benda effective July 6, 2022.

Councilor Dove stated both these resignations are a loss to the Town, they are both amazing women and she wished them well. The Town should consider remote work for some positions in the future.

**Public Comment:** Paul Plummer 4550 State Street Road and Peace Officer with the Mottville Fire Department. He commented about his concerns with the intersection of Route 321 and Stump Road. The intersection is hazardous and asked if the Board had considered any signage or a stop light.



Supervisor Aaron stated Route 321 is a state road and it would be the New York State Department of Transportation that would have jurisdiction to make any changes.

He asked if the Town would be willing to make a request to the State. Supervisor Aaron stated the Town had been in contact with NYS DOT regarding this intersection in the past. The NYS DOT has a large backlog, but the Town would be happy to send in a request to look at this intersection again.

Supervisor Aaron asked Mr. Plummer if he could submit any support letters or documentation from residents to put with a request from the Town to do a traffic study at this intersection.

**Budget Amendments:** No budget amendments


**Abstract #22-12:** : On a motion of Councilor Tucker, seconded by Councilor Alexander and with unanimous (5-0) affirmation of the Town Board vouchers #22-0753 - #21-0866 were authorized from the following funds:

General Fund:	\$ 107,331.36	Highway:	\$ 5,791.99
Sewer:	\$ 29.44	Trust & Agency	\$ 625.95
Water:	\$ 4,809.15	Part Town:	\$ 6,970.89
Hwy Part Town	\$ 15,999.52		

**TOTAL: \$141,558.30**

On a motion of Councilor Alexander, seconded by Councilor Dove and with unanimous (5-0) affirmation of the Town Board the meeting was adjourned at 8:00 p.m.

Respectfully Submitted,

  
Julie A. Stenger  
Town Clerk

May I address the Board regarding a serious issue that not only affects my immediate neighbors but also has the potential to change the character of the lake?

My name is Donna Hogan and I reside at Amerman Road and have for 18 years without an issue.

Last summer, my neighbors and I arrived at the lake to find a new "pop-up" Marina next door to us. Upon research, we found there was no business licensing, no permit, probably no insurance, no security, no oversight and unknown people coming and going at all hours. As I will elaborate, my proposed solution until more permanent action can be taken, is to request a cease and desist on this illegal business.

At the height of operation last summer there were 12 hoists and 13 watercraft documented and running out of this illegal marina. The surrounding neighbors began bringing this to the attention of code enforcement in what has now been a year long quest to stop the operation of this Marina in what was once a safe and quiet community.

When Code Enforcement questioned the O'Briens, of 1668 Amerman Road, he was told that this was for "family use" and was not being used for commercial purposes. I think it is very generous of the O'Briens to install new docking, 12 hoists, a separate staircase for friends and family but just close your eyes and for a moment and picture what each home on the lake would be with 5, 7 or 12 hoists and boats on their water front. Is this sustainable and the path that we want to travel? Commercializing each resident.

My neighbors and I came to the Board in good faith beginning April 6 of 2021, with the understanding that the Skaneateles Code Enforcement was of the strictest nature. Our first encounter with the Board indicated that they did not have jurisdiction and that the legislation giving them the jurisdiction was sitting on Gov. Cuomo's desk waiting to be signed. We felt that this would be the solution we were looking for and that we could finally return to our pre marina quality of life and retain our property values.

Gov. Hochel signed that legislation in December but the Town then embarked upon an effort to over burden and over regulate those of us who pay exorbitant taxes to the town instead of dealing with and stopping the abuses on the lake. Most of us, on the lake, do not want to be punished for other peoples abuses of the lake but simply want a safe dock or two and the ability to get to our boats whether the water level is high or low.

This situation next to me is one that every homeowner on this lake should be fearful of. As more and more people buy property off the lake, they will be searching for convenient ways to enjoy the lake front with out having to pay taxes for water front property like many of us do. It has already expanded to a few other properties on the lake and, if allowed to continue, could change the character of the lake and the quality of life on the lake. The small communities that we once loved and found serenity in have now pitted neighbor against neighbor. After 18 years at the same home without a problem and next door to the same neighbors, I arrived to find a "Marina". next door to me. If it happened to me it can happen to you. I don't think this is the kind of life that we want here in Skaneateles.

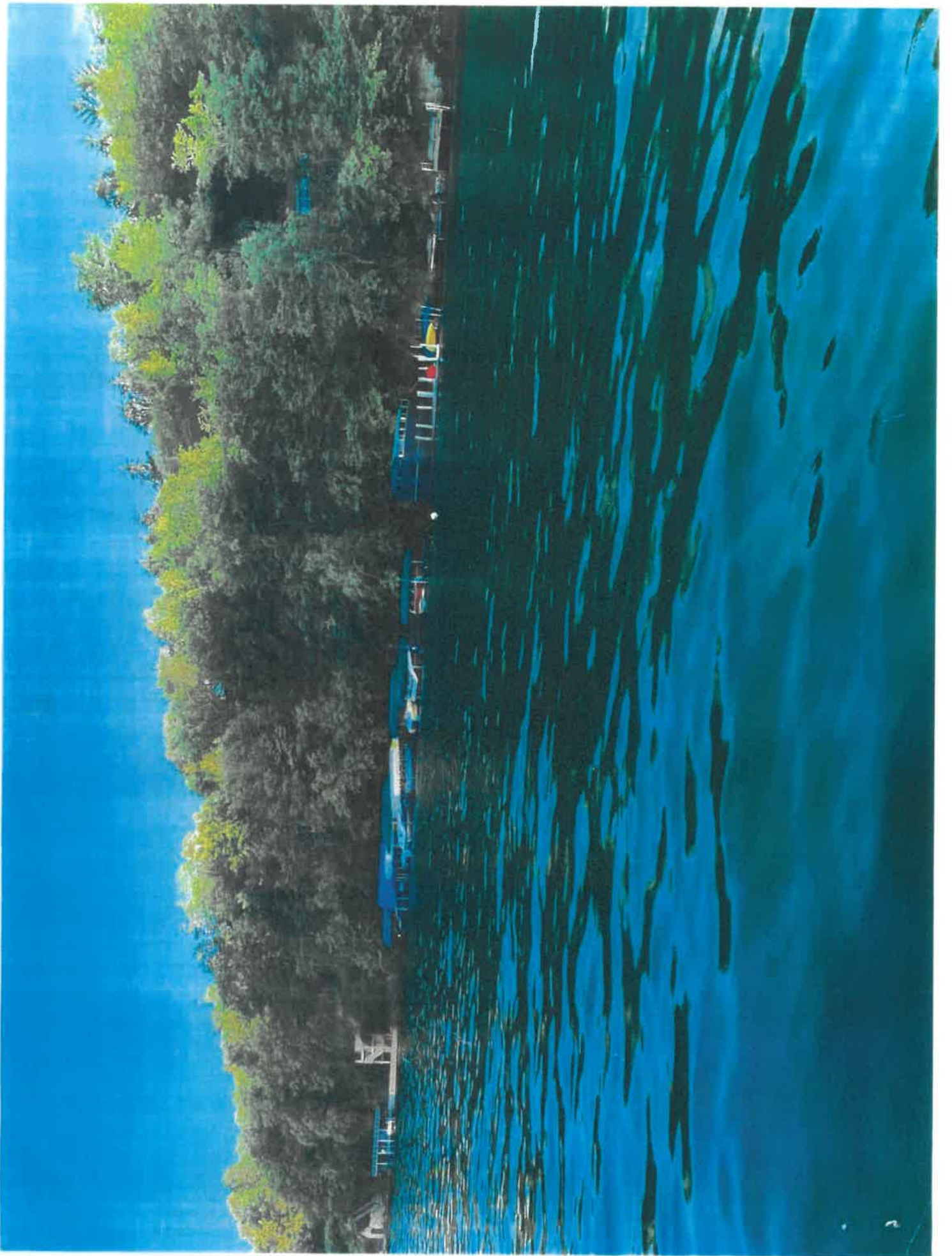
I would like to know when the board is going to address these egregious activities that are penalizing all of us and, until then, I respectfully request that the Town Council issues a cease and desist on this illegal business.

Thank you.

#### **Chronology of Complaints with regard to the O'Brien's Marina**

1. April 6, 2021 First notification to Code Enforcement of docks and hoists being installed
2. April 13, 2021 Told by Code Enforcement that OGS had jurisdiction
3. April 27, Contacted Fredrick Roberts of OGS NY to clarify jurisdiction and process for stopping the marina
4. June 14, Town received formal complaint from the neighbors of the marina
5. June 16, Another formal complaint sent to OGS by neighbors
6. June 17, O'Briens received a letter from OGS
7. June 21, I attended a Town Council meeting and publicly informed the Board as to what was happening
8. June 29, the O'Briens applied to NYS GS to put in seasonal docks
9. July 14, The Town issued a "Cease and Desist" on the marina but this was ignored.
10. Aug 11, OGS indicated that the O'Briens application was still being reviewed

Nothing else was done by the town to cease the operation of this business.



**JEREMY J. EUTO**  
ATTORNEY AT LAW

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Skaneateles, NY 13152

315.527.2811  
jeremyeutolaw@gmail.com

June 27, 2022

**Via Electronic Mail and/or Hand Delivery**

**Town of Skaneateles**

Janet Aaron, Town Supervisor  
Julie A. Stenger, Town Clerk  
24 Jordan Street  
Skaneateles, NY 13152

**Re: Comments on Proposed Amendments to Zoning Law 148-7-1-K, et al. and former proposed Local Law 2022-A “A Local Law Amending Chapter 148 of the Code of the Town of Skaneateles”**

**FREEDOM OF INFORMATION LAW REQUEST**

Dear Ms. Aaron and Ms. Stenger:

I am writing on behalf of myself and several neighbors from the Walworth Shores subdivision, also known as the “The Lane”, to submit comments in response to ongoing efforts by the Town of Skaneateles to regulate shoreline developments. These efforts include a draft Proposed Local Law 2022-A “A Local Law Amending Chapter 148 of the Code of the Town of Skaneateles” (“Local Law 2022-A”), initially published on May 2, 2022 but subsequently withdrawn from consideration by the Town Board via a letter to Town Residents dated June 7, 2022.

In the June letter, the Town Board also asserts that the Town’s existing Zoning Law, Section 148-7-1-K, which sets forth “Skaneateles Lake shoreline regulations” (the “Shoreline Regulations”) “is in need of updating.” The June 7 Letter did not elaborate or provide any explanation regarding the “need” for updates to the Zoning Law. Similarly, when Local Law 2022-A was originally introduced during the May 2, 2022 Town Board meeting, the minutes provide no explanation or justification for why the Local Law was being proposed. The only comment offered, by the Town Attorney, was that the earlier versions of the Zoning Law attempting to regulate shoreline structures were “preempted by the State of New York”.

The minutes of the May 2, 2022 meeting where Local Law 2022-A was introduced state that the Secretary, Town Planner and Planning Boards and Zoning Boards had “gone through the prior regulations to meet our current needs.” However, there was no further explanation or discussion of the prior regulations or what the “current needs” might be. There was no reference to prior Zoning or Planning board resolutions, studies, or other discussion regarding the substance of the proposed Shoreline Regulations. I reviewed the minutes for every Planning Board meeting in 2022, and there is not a single reference in the meeting minutes regarding Shoreline Regulations. I also reviewed the Zoning Board meeting minutes for every meeting in 2022, and there is only one reference to the

Shoreline Regulations in the Minutes for the April 5, 2022 meeting where it is noted that the Zoning Board would hold a meeting on May 31, 2022 to discuss Local Law 2022-A. As of June 26, there were still no minutes posted for the May 31, meeting, but it occurred a month after the proposed law had been published – which suggests no input from the Zoning Board’s meeting could have been incorporated in the May 2 proposed Local Law 2022-A. Viewing the minutes of the Zoning Board, Planning Board and Town Board meetings, there is simply no evidence of deliberation, comments, studies or other supporting justification for the purported “need” to update the existing Zoning Law in increase Shoreline Regulation.

Just because the record may not be visible to the public at this time, doesn’t mean one wasn’t prepared. For that reason, contemporaneous with these comments, I am also submitting a request pursuant to the NYS Freedom of Information Law (“FOIL”)<sup>1</sup> for copies of relevant documents that might further enlighten Town Residents regarding the need for proposed Local Law 2022-A and/or any proposed additions or modifications to the existing Zoning Law. The FOIL request is focused on three primary areas:

1. **Complaints** - Evidence of complaints or concerns registered or filed by Residents demonstrating the need for additional Shoreline Regulations.
2. **Studies/Reports Showing a Need for Shoreline Regulations** - Copies of any studies, evaluations, or reports that demonstrate or support the need for additional shoreline regulations
3. **Evaluation of Cost** - Copies of any studies, evaluations, assessments, estimates or other documents discussing the cost to purchase equipment (e.g., boats, drones, etc.) and provide labor/resources for enhanced administration and enforcement of proposed new Shoreline Regulations. For example, the Onondaga County 2022 Sheriff’s budget includes \$291,612 for Navigation Patrol – which includes specifically, enforcement and regulation of moorings.

We acknowledge that the original draft of the Local Law 2022-A was withdrawn. However, to the extent the prior draft may be used as a source of input for a subsequent proposed law, we have several outstanding concerns regarding the proposed language law and the general framework for regulation outlined in the original draft.

As acknowledged in the June 7 letter, Town Residents were very concerned about the expansion of regulation to cover seasonal docks. However, concerns regarding Proposed Local Law 2022-A expressed at the Public Hearing went well beyond issues with seasonal docks. As noted during the hearing, there are significant concerns with:

1. prohibitions on construction/expansion of any accessory structures within 50 feet of the lakeline;
2. regulation by the Town of offshore structures;
3. regulation by the Town of moorings;
4. restrictions on the number of boats and watercraft permitted at a property;
5. limiting the definition of “Minor Structures” to seasonal docks no greater than 300 sq. ft, one (1) mooring, two seasonal (2) boat hoists, one (1) swim float. Residents were very vocal about the 300 square feet dock size being too small/limiting, but there were specific concerns about the other elements as well, limiting boat hoists and moorings;

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<sup>1</sup> NYS Public Officers Law, § 89, et seq.; and pursuant to 21 NYCRR Part 1401.

6. the definition and regulation of offshore structures, including things like the new prohibition on offshore roofed structures were challenged; and
7. the “Boat Slips” rule was vigorously opposed – imposing a requirement for site plan review and approval for every boat hoist, swim float and mooring above the “minor structures” exception is unreasonable and unworkable for Town Residents. The rule regulating boat/watercraft usage via the “Boat Slips rule was strongly opposed as unreasonable and harmful to property owners and those with shared lake access;

Even though not directly referenced during the Public Hearing, there are concerns with other proposed sections that relate to the comments presented. These include,

8. Residents spoke favorably at the Public Hearing about the ability of existing agencies to regulate uses and manage conflicts (Onondaga County Sherriff, NYS DEC, etc.). However, newly proposed language in the proposed Local Law to establish lotlines that extend 1,500 feet into the lake with setbacks for offshore structures are overreaching and unnecessary and could lead to a dramatic increase in conflicts between property owners and those with shared access;
9. Similarly, language regarding lakebed disturbance, which is currently regulated by NYSDEC and the Army Corps of Engineers – and specifically, the requirement for “site plan review and approval” for things like waterlines and moorings is viewed as overreaching could have significant adverse implications for current landowners and those with shared access, there is simply no reason or justification to adopt new rules for these activities;
10. NYS State has regulated mooring design, placement and permitting for over sixty years. The proposed Local Law 2022-A included language that would restrict the placement of moorings, and do so in a way that is not consistent with existing State law, imposing a new criteria that moored boats not “adversely interfere or impact adjoining properties”. The Navigation Law already has longstanding standards to determine the suitability of moorings, which are prohibited to the extent they “interfere with free and safe navigation or free access to another person's property.” (NYS Nav Law 35-a §(3)). Introducing new standards will cause confusion, conflict and disputes among property owners and those with shared lake access. New mooring regulations increasing regulatory/permitting burdens for Residents, potentially imposing new inspection and permitting fees could be costly and burdensome and could trigger unnecessary conflict and disputes. The Town should defer to NYS Navigation Law, NYS Parks and the Sheriff's Dept. for mooring placement and permitting;
11. Finally, proposed Local Law 2022-A proposed to eliminate the ability of a renter to use a boat hoist or mooring that is accessory to a residential dwelling or shared lakefront. This would be unwarranted and unnecessary and could have significant adverse effects on the property value and use for current and future Residents.

Again, these are preliminary comments, since at present, we do not have a formal proposal to review. One thing that was clear at the initial Public Hearing, with almost universal consensus, was that the Town should not proceed with the adoption of additional Shoreline Regulations. Notwithstanding, if the Town does elect to proceed, we would like to be engaged early and fully in the process to ensure development of a complete record and to make sure any additional proposed Shoreline Regulations

fully consider and respect the interests of existing shoreline property owners and those with shared lake access.

Thank you for your consideration of these comments, and prompt response to the attached FOIL Request.

Respectfully submitted,

\s\ Jeremy J. Euto

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attachment

cc: Gary & Caroline Mucci  
Greg Parker  
Joe Salibra  
Elaine Palmer-Fenlong  
James McVey  
Daniel Hagen  
Gary Charlton  
Skaneateles Town Board Members  
Brody Smith, Esq., Town Attorney



**ATTACHMENT 1**

**FREEDOM OF INFORMATION LAW REQUEST**

**To: Town of Skaneateles Records Access Officer c/o  
Town Clerk, Julie Stenger and Town Supervisor, Janet Aaron  
Via Hand Delivery and/or Electronic Mail**

**From: Jeremy J. Euto  
Attorney at Law  
1008 The Lane  
Skaneateles, NY 13152  
[jeremyeutolaw@gmail.com](mailto:jeremyeutolaw@gmail.com)**

Pursuant to the NYS Freedom of Information Law (“FOIL”) and associated regulations,<sup>2</sup> please provide copies of any and all correspondence, documents, reports, studies, evaluations, assessments or other documentation, including all paper documents and electronic communications (collectively “Documents”), prepared by or in the possession of the Town of Skaneateles, Skaneateles Town Board, Planning Board, or Zoning Board in any way related to or relied upon in the development of the proposed Local Law 2022-A, or in any way related to or relied upon in the Town’s assertion in the June 7, 2022 letter to Town Residents that current shoreline regulations are inadequate or in “need of updating”.

In addition to the general request above, please provide copies of any Documents pertaining to the following subject areas:

1. **Complaints** – copies of any complaints or concerns registered or filed with the Town of Skaneateles, which are in any way related to shoreline structures, shoreline regulation or use of the lake or shoreline. Please also provide copies of any complaints or concerns registered with or filed with the Town regarding the existing agencies administering and regulating shoreline structures and usage (e.g., NYS DEC, City of Syracuse Water Dept., NYS OGS, NYS Parks, Onondaga County Sheriff’s Office or the Army Corps of Engineers).
2. **Studies/Reports Showing a Need for Shoreline Regulations** - copies of any Documents relied upon in the evaluation or preparation of Proposed Local Law 2022-A and/or any other proposed shoreline regulations considered within the last five (5) years. Please include copies of any Documents which demonstrate the need for additional regulation, licensing or permitting of shoreline structures and usage.
3. **Evaluation of Cost** - Copies of any studies, assessments, estimates or other Documents discussing the cost to purchase equipment (e.g., boats, drones, etc.) or provide labor/resources to administer proposed shoreline regulations, along with any Documents describing proposed new fee structures for permits, usage or inspections associated with any proposed or contemplated shoreline regulations.

To the extent this request imposes an undue burden on the Town, I am glad to work with the Town to set up an in-person inspection.

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<sup>2</sup> NYS Public Officers Law, Section 89, et seq.; and pursuant to 21 NYCRR Part 1401.

**RESOLUTION  
OF THE TOWN BOARD  
OF THE TOWN OF SKANEATELES**

**Proposed Local Law Authorizing Use of Videoconferencing to Conduct Public Meetings**

**WHEREAS**, pursuant to Municipal Home Rule Law Section 20(4), Board Member Tucker has introduced for consideration Proposed Local Law No. C of 2022 entitled "A Local Law Authorizing the Use of Videoconferencing to Conduct Public Meetings" (the "Proposed Local Law"); and

**WHEREAS**, the purpose of the Proposed Local Law is to authorize the Town Board of the Town of Skaneateles (the "Town Board"), its committees and subcommittees, and any other public body of the Town of Skaneateles (the "Town") to use videoconferencing to conduct its meetings pursuant to Section 103-a of the New York Public Officers Law; and

**WHEREAS**, the Town Board desires to comply with the requirements of the State Environmental Quality Review Act ("SEQRA") and its implementing regulations set forth at 6 NYCRR Part 617 (the "Regulations"), with respect to the adoption of the Proposed Local Law; and

**WHEREAS**, the Town desires to comply with the requirements of the New York Town Law and the New York Public Officers Law and shall schedule a public hearing to allow the public to comment on the Proposed Local Law.

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board will hold a public hearing on July 18, 2022, at 7:00 p.m. to hear all persons interested in the Proposed Local Law and to consider the adoption of the Proposed Local Law; and

**BE IT FURTHER RESOLVED** that the Town Board hereby classifies the Proposed Local Law as a Type II Action under SEQRA involving the "adoption of regulations, policies, procedures and local legislative decisions" as set forth in Section 617.5(c)(33) of the Regulations; and

**BE IT FURTHER RESOLVED** that the Town Clerk shall cause notice of such public hearing to be published in the official Town newspaper in accordance with all legal requirements. The adoption of the foregoing Resolution was moved by Councilor Tucker, seconded by Councilor Alexander, and duly put to vote, which resulted as follows:

Janet Aaron	Voting	Aye
Courtney Alexander	Voting	Aye
Sue Dove	Voting	Aye
Chris Legg	Voting	Aye
Mark Tucker	Voting	Aye

The resolution was thereupon declared duly adopted.

Dated: June 27, 2022

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Town of Skaneateles  
Local Law C of the Year 2022  
Authorizing the Use of Videoconferencing to Conduct Public Meetings

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**Section 1. Authority**

This Local Law is enacted pursuant to the provisions of the New York Municipal Home Rule Law and Section 103-a of the New York Public Officers Law.

**Section 2. Purpose**

It is the purpose and intent of this local law to authorize the Town Board of the Town of Skaneateles (the "Town Board"), its committees and subcommittees, and any other public body of the Town of Skaneateles (the "Town") to use videoconferencing to conduct its meetings pursuant to the requirements of the New York Public Officers Law.

**Section 3. Authorization to Use Videoconferencing**

The Town Board hereby authorizes the use of videoconferencing by public bodies of the Town to conduct public meetings pursuant to Section 103-a of the New York Public Officers Law.

**Section 4. State Environmental Quality Review Act (SEQRA)**

The Town Board has considered the provisions of Article 8 of the Environmental Conservation Law ("SEQRA") and the regulations adopted thereunder at 6 NYCRR Part 617 and finds this Local Law to be a Type II Action as defined therein. Therefore, no further review is required under SEQRA.

**Section 5. Severability**

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

**Section 6. Effective date**

This local law shall take effect immediately upon filing with the Secretary of State.