

**TOWN OF SKANEATELES
ZONING BOARD OF APPEALS
MEETING MINUTES OF
February 1, 2022**

Present:

Denise Rhoads, Chair
David Palen
Dave Lee
Sherill Ketchum
Scott Molnar, Attorney
Karen Barkdull, P&Z Clerk
Kim Benda, ZBA Clerk

The meeting commenced at 7:00 p.m. at Town Hall via Zoom. The next Zoning Board of Appeals meeting will be held on March 1, 2022, at 7:00 p.m.

Minutes

Previous distribution to the Board of the regular meeting minutes of January 4, 2022, 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 January 4, 2022, minutes as presented. The Board having been polled resulted in unanimous (5-0) 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]

Member hours for all Board members were requested and submitted for the month of January 2022 via email.

Continuation

Applicant: Lawty88LLC
3371 East Lake Rd
Skaneateles, NY 13152
Tax Map #041.-01-33.0

Present: Bob Eggleston, Architect
Sara Recktenwald, Owner

Chair Rhoads described the variance requested is for a property that is non-conforming with 36-feet of lake frontage. Board members have conducted a site visit on December 11, 2021. A revision was made to the application per the request of the Zoning Board of Appeals (ZBA) as a result of reviewing the application during the previous ZBA meeting. Bob Eggleston, Architect, the improvements include shoreline reinforcement, construction of stairs along the north side of the gazebo, a grand staircase built on the west side of the dwelling, and the new construction of a two-car garage with alterations to the existing driveway. The only variance required is for development of a lot with less than 75-feet of lake

frontage. A second variance for side yard setback to the stairs along the side of the gazebo has been eliminated since the initial application was submitted. The grand staircase and proposed garage are located over 500-feet from the lake.

Mr. Eggleston addressed the issues with stormwater management on site. The original proposal included a bioswale since there has been communication with adjacent neighbors both uphill and along the sides of the Recktenwald property. It was agreed with the neighbors a 2-foot-wide French drain would be a more appropriate solution for the neighborhood to catch the surface and ground water just above the common roadway and along the east side of this property. It would then tie into the existing catch basins along the east side of the house, with roof gutters from the new garage tying in as well. The most recent update to the plans reflects the addition of another drain line on the west side of the dwelling, picking up roof gutters from the house. Everything will be carried to an existing 6-inch line that will be increased to an 8-inch line, the water will then be directed west down the strip of land owned by the Recktenwald's toward the lake where it will be safely deposited into the lake without eroding the bank. The French drain will slow down and filter the water as it flows toward the lake rather than onto the properties to the west of the site. The updated plan has been reviewed by Engineer John Camp. Vice Chair Palen inquired about the drains reflected on the updated site plan as red dash lines, stating it looked as though the pipes were on neighboring properties. Mr. Eggleston explained the red dash lines do indicate the French drains, the neighboring property that is not under review for the variance is owned by the Recktenwald's so they are able to continue the drainage on that site.

Member Ketchum asked how the neighbors were involved with the proposed plans. Mr. Eggleston explained the French drain is proposed in the right-of-way, which varies from the road. The drain will go slightly beyond the right-of-way onto the Panasci and Mercurio properties, both property owners have been in communication with the Applicant regarding the plan and agree with the proposal. Mr. Manna owns the property to the south and will greatly benefit from this proposal as he has experienced over 20 years of drainage issues on his property. Between the three neighbors and the Recktenwald's there will be five properties entering an easement agreement regarding the shared drainage. Counsel Molnar asked if the five properties will be using one comprehensive drainage easement for use of the 6-inch drain which crosses both Recktenwald properties. Mr. Eggleston stated that is correct, it is currently a 6-inch drain running across the two Recktenwald properties along with the proposed system on the updated site plan. The one easement document will include the parties for all five of the involved properties.

Member Kiefer sought confirmation that a variance is no longer required for the top step of the stairs along the gazebo. Mr. Eggleston stated that is correct, the top step has been reduced and no longer requires a variance. He added, there is only 6-feet of space to the property line from the storage area where the steps will be. A bush will be removed to create more room and the excavator doing the stair construction has confirmed they have equipment small enough to access the area although the rock will likely be ½ ton rather than 1.5 ton which is in keeping with that of neighboring properties.

WHEREFORE, a motion was made by Member Lee and seconded by Member Kiefer to re-open the public hearing. The Board having been polled resulted in unanimous (5-0) affirmation of said motion.

Chair Rhoads stated the application was classified as a Type II action under SEQR review as it is a residential dwelling. Chair Rhoads asked if there was anyone who would like to speak in favor, opposition, make comments or ask questions regarding the application.

Mike Homeyer, 3353 East Lake Rd, stated he is in support of the addition of the garage, grand staircase to the dwelling and the steps to the lake. He has concerns regarding the runoff to the west as he owns both

sides of the road to the west of the Recktenwald property and there is currently significant water runoff. Mr. Homeyer has installed a 6-inch line and two 4-inch lines to the lake, as well as a storm drain to mitigate water running down his driveway into the garage. He would like the Board to take into account the significance of the water runoff when reviewing this application.

Mr. Eggleston responded stating the whole subdivision has suffered from no planned stormwater management being installed when the subdivision was created in the 1950's or 60's. As improvements are made on the neighborhood properties homeowners are making up for that shortsightedness. The volume of water being collected at the source from the eastern properties and picking up the roof drains for the Recktenwald house, will be significant water that is not running westward down the hill. This should reduce the amount of uncontrolled water running across the property onto the Homeyer, Werner and Fox properties as well as the road, but not completely eliminating the runoff. The improvements on the Recktenwald property will not negate all of the work the Homeyer's have done on their property.

Member Kiefer asked Mr. Homeyer to describe where the runoff water enters his property. Mr. Homeyer described his driveway is located west downhill from the two homes owned by the Recktenwald's and the water flows between their two houses right down his driveway. Sometimes the 6-inch drain from the Recktenwald property runs to a catch basin near the top of his driveway and sometimes the catch basin will overflow when there is too much water. The catch basin then directs water to the strip of land, owned by the Recktenwald family, north of Mr. Homeyer's property then down to the lake.

Sara Recktenwald, owner, stated the water Mr. Homeyer is referring to comes from an open pipe on the Mercurio property, down a tarvia driveway toward the Homeyer property. The proposed drainage will catch that water as well as the water from the roof of the remodeled house. Engineer Camp spent a considerable amount of time understanding where the runoff water originated when consulted about creating a stormwater management plan to stop it. The proposed solution has involved the adjacent neighbors with their consent.

Mr. Homeyer would like to see all of the existing drainage tied in to the new 8-inch pipe, this would alleviate his concerns. Mr. Eggleston stated Eric Brillo, who has done the majority of the drainage installation through this neighborhood already will be doing the work so he will have the knowledge of what is existing.

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

Chair Rhoads asked that Counsel Molnar take the Board through the Statutory Criteria set forth in Town Code for an area variance. At this time, the Board reviewed the Five Criteria for the area variance concerning the applicable section of Town Zoning Code: Section 148-8-9-A.1.b Nonconforming Lots – minimum lake frontage. 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:

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:** No. The granting of an area variance will not produce an undesirable change in the character of the neighborhood. The neighborhood is comprised of newer and older dwellings. The proposal to reinstitute the previously existing grand staircase on the dwelling will improve the aesthetics of the home. Even though the addition of the garage will be the most noticeable change to the

property, the character of the garage will be constructed in keeping with the home on site as well as surrounding properties. The improvements are proposed over 500-feet from the lake. The proposed joint drainage plan will mitigate the current runoff issues within the neighborhood and will not result in a detriment to nearby properties. If the property were not a flag lot, there would be no variance required for the improvements.

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:** No. The benefit sought by the Applicant cannot be achieved without an area variance as the lot is nonconforming with only 36-feet of lineal lake frontage necessitating an area variance.
3. **Whether the requested variance is substantial:** No. The request for area variance is not substantial as the dwelling is located over 500-feet from the lake line. If the site were not a flag lot, it would not require an area variance for the proposed improvements. The proposed garage location will utilize existing driveway allowing reduction in Impermeable Surface Coverage. The Applicant will be reducing the Impermeable Surface Coverage to the extent possible and feasible for this project. The variance that is required is the result of lack of lake frontage which is why the proposal cannot be achieved by an alternative method and the Applicant has done what they can to minimize the requested area variance.
4. **Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district:** No. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions of the neighborhood or district even though the Board is sensitive to the concerns of Michael Homeyer, 3353 East Lake Road. The drainage system will alleviate existing water concerns and runoff for the lake, as well as neighboring properties, including Mr. Homeyer's, so long as the existing drainage is tied into the proposed drainage correctly. The reduction in Impermeable Surface Coverage and Total Lot Coverage will improve the lot overall and positively affect the lake. The construction of the garage and grand staircase on the dwelling will have minimal impact on the lake. The area surrounding the proposed stairs will be covered in grass allowing water to naturally filter before running toward the lake.
5. **Whether the alleged difficulty was self-created:** Yes. The variance is required because the preexisting lot has 36-feet of lineal lake frontage where 75-feet is required. The Applicant has adjusted the initial proposal obtain the minimum variance required for the proposed projects.

WHEREAS, in review of the above 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. Based on the Board members' site visits and discussions before the Board at the public hearing the benefit to the applicant outweighs the detriment to the community and will not have significant adverse impacts on the character of the neighborhood or the physical or environmental conditions of the property.

WHEREFORE a motion was made by Vice Chair Palen and seconded by Member Kiefer, that this application be **APPROVED** with standard conditions and additional special conditions:

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 any agency or authority having jurisdiction over the Property or Application; and

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.

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

1. The Site Plan prepared by Robert O. Eggleston, Architect, dated January 6, 2022, and Narrative, dated January 7, 2022, submitted by the Applicant be approved by the Town of Skaneateles Planning Board, with respect to the Site Plan Review, and strictly followed; and
2. The Applicant submit a proposed drainage easement acceptable to the ZBA Chair and ZBA Counsel, to address all five properties included in the neighborhood drainage plan, as well as tying into or repairing any existing drainage pipes that could result in significant runoff being directed onto property of others.

RECORD OF VOTE

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

Public Hearing

Applicant: Woodbine Group/Norman Swanson
 813 West Genesee St
 Skaneateles, NY 13152
Tax Map #047.-01-46.1

Present: Bob Eggleston, Architect
 Mike Lasell, Engineer

Chair Rhoads described the property under review is 813 West Genesee St. and was formerly known as the Hilltop Restaurant and Cedar House bowling alley. A variance is required for Total Surface Coverage in order to redevelop this property. A site visit was conducted Saturday, January 8, 2022, by the Board with the Applicant and professional representatives present. There has been a revision to the required rear setback variance since the Initial Review of the application. Bob Eggleston, Architect, stated the single-story cedar structure will be removed as it is not built in a way it could be added onto. The existing original bowling alley has block walls and a curved ceiling, this structure will be maintained. A 26-foot addition will be built along the west side of the remaining structure with a new construction taking the place of the single-story cedar structure on the south side of the building. The new construction will be 2-story structures, complying with the development guidelines created for the Gateway enhancing the appearance of the Gateway. Four of the original bowling lanes will be maintained with the remaining space being redeveloped into a game room area. The existing 175-seat restaurant is being reduced to 100-seats in the southeast corner of the building. What was previously the redemption center will become the

main kitchen with a support galley kitchen closer to the dining room. The west side of the building, as well as the south second floor above the restaurant and hotel lobby, will consist of guest rooms for the hotel. The west side will have outside access to the rooms on the first floor, like a motel, allowing for bigger rooms and access without the use of a common hallway. The second-floor guest rooms will have an interior common hallway for access. Parking is being redeveloped with the prerequisite parking being provided. This allows the maintenance of the existing Impermeable Surface Coverage it is higher than the required 50% at 61.7% which was reduced from the proposed 63.8% after working with the PB and ZBA.

Mr. Eggleston explained the variance required for the increase in Total Surface Coverage is the result of adding walkways and curbing to safely access the building from the parking area, where the existing black top runs up to the edge of the building requiring an individual to walk through the parking lot to the entrances on the west, south and east sides. A separate service drive on the north side of the building will have direct access to the kitchen, a dumpster enclosure, as well as five employee parking spaces. Modifications have been made to decrease the rear yard setback variance requested from about 6-feet to 11-feet where 20 feet is required. New York State Department of Transportation (NYSDOT) has been consulted, the existing curbing and curb cuts NYSDOT installed during the Gateway project will be maintained.

Mr. Eggleston stated he has been in communication with the Skaneateles Fire Department. The fire department is supportive of the project including a sprinkler system. Additional water tanks will be placed in the basement to improve water flow in the facility to support the sprinkler system as well as domestic water usage so there will not be a burden on the rest of the water district. The Village of Skaneateles has been asked to review the project as the structure is located in a Town Sewer district. The Municipal Board has reviewed the request already and the Applicant is waiting for a formal response from the Village regarding the change in use of water. The existing plumbing in the building was old resulting in extremely high volume of water usage. New plumbing will be installed throughout with the inclusion of restricted water flow plumbing as required by code, resulting in a reduction of water use.

Mike Lasell, Engineer, reviewed stormwater drainage referencing Site Grading and ESC plans page C-103. Mr. Lasell stated the stormwater management plans are the same as originally submitted. The water continues to flow from south to north draining onto open land and an existing parking lot north of the site, with a drainpipe discharging to an existing catch basing to the north. The proposal is to catch water from each elevation of the building and direct it to a bioswale to be located on the northeast part of the property. Mr. Lasell has consulted Town Engineer John Camp, Staff Engineer Miranda Robinson, NYSDOT and Onondaga County Department of Health when developing the stormwater management system, as well as the water supply for the building.

Mr. Eggleston described a modification requested by the PB, allowing for an additional walkway to the west for access to the adjacent property. The additional walkway increased the proposed Total Surface Coverage to 67.2%, where 60% is required, this is a part of the second variance. The resulting variance is mitigated with a safer plan separating the general public from the service and giving them a specific place to walk rather than in the parking area.

Vice Chair Palen sought clarification on the required area variances for the project. Mr. Eggleston explained there are two variances one for the rear yard setback and the other for the Total Surface Coverage.

Member Kiefer asked about the handicap parking space that was removed from the employee parking area to the north, and where the consideration for handicap clients was along the west side of the building as it had been discussed during the site visit but not reflected in the updated plans. Mr. Eggleston

explained by Code a hotel is required to have two levels of accessibility accommodations, Level A and Level B. Level A allows for full wheelchair accessibility which would be best found inside of the hotel so an individual would be able to use the elevator and not fight with the elements outside while trying to navigate the sidewalks. The second-floor south rooms will be slightly larger and capable of accommodating Level A accessibility needs for guests. Level B accessibility does not fully accommodate a guest who uses a wheelchair, rather it would accommodate an individual who needs extra support (crutches, canes, etc.). Rooms such as these would be found along the west side of the building with the exterior access rooms as well as some interior access rooms on the second floor. With the permission of the ZBA to increase Total Coverage slightly more than proposed, the sidewalk on the west side of the building next to the diagonal parking could be widened to 10-feet and extended the entire length of the parking space to create an additional handicap accessible spot. Mr. Eggleston noted not all handicap spaces required the adjacent loading area as not all accessibility is wheelchair dependent. It is possible the plans could include non-wheelchair handicap accessible spaces as the Applicant would like to make the facility totally accessible for all people. Member Kiefer appreciated the distinction on the Level A and Level B accessibility, as he recalled the 4 handicap accessible spaces reflected on the plans is the minimum required and we are a community that can do better than the minimum. Member Kiefer stated he would be in support of modest adjustment in Total Surface Coverage if it would result in an additional accessible space on the west side of the building.

Counsel Molnar stated this application is designated an Unlisted Action under SEQR review and at the request of the Applicant the PB has agreed to act as Lead Agency under a coordinated SEQR review. The PB has accepted the request of the Applicant and classified this as an Unlisted Action. Notice from the PB has been provided to interested parties who have jurisdiction for a coordinated review, including the ZBA. Counsel recommended the ZBA consent to permitting the PB to act as Lead Agency for coordinated review under SEQR and the Board authorize the Chair to sign and return the formal request to the PB. He then recommended the ZBA open the public hearing during this meeting as advertised, keeping it open until the PB has rendered a decision regarding the SEQR review allowing interested parties an opportunity to speak in response. He continued the ZBA could close the public hearing following the completion of SEQR by the PB and receiving input from interested parties, then rendering their determination for the area variances. In this case it would be inconsistent if the ZBA classified this as a Type II action, even though all area variance requests are considered a Type II action, as the PB has already reached out requesting Lead Agency under a coordinated SEQR review it should be the PB who completes the full SEQR review.

WHEREFORE, a motion was made by Vice Chair Palen and seconded by Member Ketchum to authorize the ZBA Chair signing the request from the Planning Board permitting the Planning Board to act as Lead Agency in a coordinated review under SEQR. The Board having been polled resulted in unanimous (5-0) affirmation of said motion.

Chair Rhoads asked if anyone would like to have the public hearing notice read. No one spoke. The Board has conducted a site visit of the property. At this time Chair Rhoads opened the public hearing asking if anyone would like to speak in favor of, in opposition or make any comments regarding the plan. No one spoke from the public.

WHEREFORE, a motion was made by Member Ketchum and seconded by Member Kiefer to continue the public hearing for this application at the *Tuesday, March 1, 2022, Zoning Board of Appeals meeting at 7:02 pm*. The Board having been polled resulted in the unanimous (5-0) affirmation of said motion.

Chair Rhoads stated she was in support of Member Kiefer's comments regarding the slight increase in Total Surface Coverage to accommodate an additional accessible parking space on the west side of the building. Member Ketchum was in agreement. Mr. Eggleston stated that would be taken into consideration.

Other Board Business

Onondaga County Planning Federation Symposium

Clerk Benda reminded the Board of the March 10th Onondaga County Planning Federation Symposium. If any of the Board members would like to participate, they would need to indicate via email to Clerk Benda or Clerk Barkdull which classes they would like to register for by February 2nd.

Round Table Meeting

Clerk Barkdull stated Town Supervisor Aaron would like to schedule a round table meeting in March for the Town Board, Planning Board and Zoning Board of Appeals covering various topics. Clerk Barkdull polled the ZBA on their preference of holding the meeting via Zoom or in-person, which could be at the fire department allowing for more space. The Board agreed they would prefer the meeting to be held via Zoom on a date in early or mid-March.

There being no further Board business, a motion was made by Vice Chair Palen and seconded by Member Kiefer to adjourn the meeting. The Zoning Board of Appeals meeting adjourned at 8:11 pm.

Respectfully Submitted,
Kim Benda