

**TOWN OF SKANEATELES
ZONING BOARD OF APPEALS
MEETING MINUTES OF
February 2, 2021**

Present:

Denise Rhoads
David Palen
Kris Kiefer
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 2, 2021 at 7:00 p.m.

Minutes

Previous distribution to the Board of the regular meeting minutes of January 5, 2021 was executed and all members present acknowledged receipt of those minutes.

WHEREFORE, a motion was made by Vice Chair Palen and seconded by Member Lee to accept the January 5, 2021 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	Present [Yes]
Member Kris Kiefer	Present [Yes]
Member Dave Lee	Present [Yes]
Member Sherill Ketchum	Present [Yes]

Member hours for the present Board members were requested and submitted for those who attended in the month of January 2021 via email.

Chair Rhoads thanked Clerk Benda for sending the Board options for training opportunities and stated we would continue to keep the Board informed of future opportunities.

Continuation

Applicant: Edward & Christine Szemis
1682 Amerman Rd
Skaneateles, NY 13152
Tax Map #063.-04-05.0

Present: Bob Eggleston, Architect
Chris Szemis, Owner

Chair Rhoads described the proposal for the removal of an existing cottage and shed, followed by the construction of a new seasonal 2-bedroom cottage on a preexisting nonconforming lot within the LWOD. All Board Members have conducted a site visit. At the ZBA meeting in January the public hearing was opened at which time comments were heard from neighboring residents and the public hearing was kept

open. Chair Rhoads reviewed the application had been determined to be a Type II action, not subject to SEQRA review. Counsel Molnar recommended the Board re-open the public hearing to take additional comments, rebuttal by the Applicant, and review information submitted by the Town Engineer, John Camp at this time.

WHEREFORE, a motion was made by Member Lee and seconded by Vice Chair Palen to re-open the public hearing for Edward & Christine Szemis at 1682 Amerman Rd. The Board having been polled resulted in unanimous affirmation of said motion.

Chair Rhoads stated comments were received from the neighbors during the last meeting and there was discussion regarding the stormwater management on the property, since then the Town Engineer has conducted an inspection of the site and prepared an analysis for the Board. Counsel Molnar read the analysis submitted by Town Engineer Camp for the Board, a copy of the written review is on file with the application at the Town Hall. Counsel Molnar informed the Board it is most reasonable and within the Code that the ZBA when rendering a determination on the application has the authority under the Code to add additional site-specific conditions that may be required in order for the project to proceed with the least or minimal impact for the variances considered.

Chair Rhoads stated a letter of opposition dated, January 29, 2021, was received from John & Elizabeth Formoza of 1678 Amerman Rd. Mrs. Formoza read the letter to the Board for the record, a copy is on file with the application at the Town Hall. Mrs. Formoza additionally commented, she and her husband have witnessed water gushing down over the past 30 years, so far there has been no issue as the water drains right off the property. She stated the concern going forward is where is the water going to go, asking if it is possible to study the water flow over the summer to see where the water will go. If a new structure is constructed on the property, will the water be directed to her property. Mrs. Formoza then asked how often “grandfathered-in” structures are allowed to be moved with a variance on Skaneateles Lake. Vice Chair Palen asked what Mrs. Formoza meant by “grandfathered-in”. Mr. Formoza clarified the structures that are “grandfathered-in” meaning they have been there and then are rebuilt using the same foundation, how often are they rebuilt using a variance to move the structure to a new foundation. Clerk Barkdull answered, preexisting nonconforming lots have the right to rebuild on the same footprint or an alternate footprint if it reduces the number of variances, there is no quantifying number to answer with, but it has been in practice since 1996. The Formoza’s thanked her for the information and stated their main concern is the fact that this is taking place within the watershed. Mrs. Formoza continued, stating anything “grandfathered-in” has already considered drainage and as it stands the water drains from the Szemis property perfectly, changing the structure’s location could potentially redirect that runoff onto her property.

Bob Eggleston, Architect, gave his response, stating his appreciation for the input from the neighbors. Mr. Eggleston responded to the Formoza’s January 29, 2021 letter via email on February 1, 2021 and it was circulated to the ZBA at that time. Mr. Eggleston stated one of the major drainage issues he has experienced working on a number of lots on Amerman Rd., and other similar lanes on the lake, is that most water is not coming from adjacent neighbors on the side of a given property, it is coming from an uphill neighbor. Uphill from this property there is a farm and some natural woods, a lot of water does come down that hill from Route 41A, the water then collects at Amerman Rd. which is a private road and they likely do the best they can to control the drainage, but the drainage goes unchecked. Once the drainage makes its way across the road it becomes the landowners’ problem, the Formoza’s and previously Toby Nadel have done a wonderful job of controlling the drainage on their property. Mr. Eggleston stated this is true of the Szemis property as well, and the other surrounding properties, you take what you receive, and you do the best that you can. Currently the Szemis property does not have a great deal of erosion coming across it and noted Town Engineer Camp found there was not a lot of cross drainage onto the properties to the north or south of the Szemis property. Mr. Eggleston described the

contours of the south of the property are slightly sloped away from the Formoza property and that is why there hasn't been a problem over the years. Town Engineer Camp's analysis reflected there will be minimal grade change, Mr. Eggleston stated that is because the house will be placed on site without changing the grade of the lot, a bioswale is proposed along the southeast side of the property to pick up surface water and the roof gutters with drain spouts will be fed to the bioswale depositing any runoff created by the structure to be controlled into the swale. Mr. Eggleston described the plan and function of the bioswale stating this would be reviewed in greater detail with the Planning Board and Town Engineer Camp. Mr. Eggleston stated when working on a site that has a cliff you are at the mercy of mother nature when the runoff is unchecked at the top of the cliff and the stormwater could create erosion on the cliff breaking off pieces of shale. Currently there is no formal stormwater drainage on the property.

Mr. Eggleston addressed the question of how many variances there are for modifying nonconforming structures, estimating there to be about a dozen variances a year with possibly half of them being in the LWOD. In a month's time Mr. Eggleston typically has 3 or 4 applications where improvements are proposed for a preexisting nonconforming structure, it is common to find no stormwater management on these preexisting properties and many of them fall into disrepair, erosion does occur, and it is not taken care of. When individuals come in to improve their property, that is when the application is studied and the Planning Board (PB) reviews the current situation, typically that is when the decision to improve the drainage occurs, especially by decreasing or bringing impermeable surface coverage (ISC) into conformance. When these properties come before the Town to make improvements, that is when they become better properties as recently the use of bioswales has been implemented to improve the stormwater drainage on lots. Mr. Eggleston encouraged the ZBA to rely on the PB that they have done their work in making sure the Applicant is using the proper erosion control and stormwater management, which is included in the Construction Sequence on file with the application. By completing the proposed project, the property will be improved with the addition of the systems.

Mr. Eggleston reviewed the two variances the Applicant is requesting relief for. The first being development of a lot less than 20,000SF in size, there is nothing that can be done, aside from adding a small shed or fence, to a lot of that size without obtaining a variance. The second variance is for lake yard setback which will be improved from 38ft to over 50ft, as explained in the Narrative there are no other alternatives to this option. All of the mitigating factors including the improvement in ISC from 24.2% down to 10%, should be taken into consideration.

Mrs. Formoza gave a response to Mr. Eggleston's rebuttal stating given his repeated use of the phrase "I think", she would like to know and have a formal stormwater drainage plan. Mrs. Formoza invited the ZBA to come out and watch the drainage on the property before the project is under way to observe the water on the property. Mr. Eggleston asked that any time the phrase "I think" was used it be corrected to "I know" for the record, as he knows this plan will work and improve the drainage on the property.

Member Kiefer asked for clarification on a statement made during the last meeting when Mr. Formoza stated during large rain events stormwater runoff entered his property from the adjacent properties, versus tonight when Mr. Formoza stated for the past 30 years there has been effective storm management where there has not been any cross-property drainage. Mr. Formoza stated they have witnessed some severe storms, if you move a structure it's going to divert the water from where it is currently going and if you put a house where the shed is currently located the water will be diverted to the left and to the right toward his property. Member Kiefer inquired that thus far there have not been any issues. Mr. Formoza stated things have been handled through existing swales, drainage on the driveway has been flawless, however when an impermeable structure is placed 20ft. from the property line 50% of the water will then be directed toward his property. Mr. Eggleston encouraged the ZBA to rely on Engineer Camp's comments that the water does not flow toward the Formoza property, which is supported by the contour

map of the property, he then reminded the Board of mitigating factors such as the addition of gutters being proposed.

WHEREFORE, a motion was made by Vice Chair Palen 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 Five Criteria for an area variance. Counsel Molnar stated given the current events, that are impending litigation against the ZBA and Town of Skaneateles, particularly the presumption shifting elements of questions 3 & 4 of the Town Code, not by way of ignoring the Town Code but by rather adhering to State Law, omit the consideration of whether or not we have presumptive degradation and adverse environmental impacts to the lake as a result of multiple variances. As a result, Counsel recommended the ZBA deliberate on the Five Questions as set forth in the State Law of the State of New York versus the Skaneateles Zoning Code. The Board was in agreement with the recommendation. At this time the Board reviewed the Five Criteria for the 2 area variances collectively concerning the applicable sections of Town Zoning Code: Section 148-12G(1)(a)[1] Existing nonconforming lots – lot size and Section 148-12G(1)(a)[6] Nonconforming structures – minimum lake 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:

- 1. Whether an undesirable change would be produced in the character of the neighborhood or a detriment to nearby properties:** No. The proposed construction will not change the character of the neighborhood and will not be a detriment to nearby properties. The proposal calls for the removal of an existing 963SF 2-bedroom seasonal cottage with an attached 308SF deck and construction of a 1,100SF 2-bedroom seasonal cottage with an attached 510SF deck. Other nearby cottages on the road are of similar size and undergoing what appear to be similar improvements/upgrades. Replacement of the septic holding tank with an approved septic system and leach field will improve the conditions in the area. Analysis by the Town Engineer supports the contention that changes in the configuration in the property will not have an adverse impact on neighboring properties. The ZBA noted concern for possible increase in stormwater issues with the relocation of the dwelling to the south part of the property. When considering the preexisting nonconforming lot's impact on the lake it is important to look at the cumulative effect and improvement of the lake. Of the 6 existing nonconformities bringing 4 of the 5 that have the ability to be improved into compliance is an improvement to the lake, including the reduction of ISC from 24.2% to 10% with the inclusion of a bioswale. A member acknowledged the concern for the cliff consisting of shale as it is prone to fracturing which could be expedited by stormwater runoff, however the analysis performed by Engineer Camp was convincing in the fact that the stormwater management system of gutters and drainage coupled with the bioswale would divert the water directly down the cliff rather than over the cliff. The ZBA concluded it is conjecture to assume the water will automatically run to the side of the property as it is not something anyone can predict, and instead that stormwater management according to the Engineer will work. The property contours are changing so little, there should not be any change in the way the water behaves as it crosses the property. If the property did not have any building on it to begin with, locating the structure where it is proposed would be considered an acceptable location.

2. **Whether benefit sought by applicant can be achieved by a feasible alternative to the variance:** Yes and No. Due to the size of the lot, its nonconforming characteristics, and the proximity to the lake any significant change to the property would require an area variance. It would be possible for the Applicant to build on the footprint of the existing seasonal cottage, however the benefits that will be gained, such as bring 4 of the 5 existing nonconformities into compliance will be lost. If the existing footprint were used there would be less overall disturbance of this small site.

RECORD OF VOTE

MEMBER NAME	YES	NO	ABSTAIN
Chair DENISE RHOADS	<input checked="" type="checkbox"/>	<input 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 type="checkbox"/>	<input checked="" type="checkbox"/>
Member SHERILL KETCHUM	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

3. **Whether the requested variance is substantial:** Yes, by majority vote. The area variance requested is substantial as there are significant changes proposed for the area in question. The proposal calls for the demolition of an existing 2-bedroom structure and the physical disruption of the site with the construction of a new larger 2-bedroom structure in a different location on the property. There will be an extensive disturbance of the small site as a result of the demolition and construction that is being proposed. The site is currently located in an area with seasonal cottages, the construction could support year-round residency should the access roadway be upgraded in the future. While the variance request is substantial, it is not an impediment to the approval of the requested variance considering the mitigation proposed including the substantial decrease in ISC, the reduction in the building footprint, and the improvements in waterflow and waste treatment. A member stated because of the aforementioned improvements and number of existing nonconformities being brought into compliance, it is their belief the variance being requested is not substantial as that is an important incentive for any type of development around the lake.

RECORD OF VOTE

MEMBER NAME	YES	NO	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 type="checkbox"/>	<input checked="" 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"/>

4. **Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood or district:** No, by majority vote. The granting of the area variance will not have an adverse effect on the physical or environmental conditions of the neighborhood. The project as designed will reduce the ISC to a conforming 10% from 24.2%, increase the open space, reduce the building footprint, increase the lake yard setback, improve water flow with a bioswale, and replace an existing holding tank with an approved septic system. The

existing dwelling is currently on piers therefore the disturbance land beneath it should be minimal. The Town Engineer has examined the property and indicates that the proposed changes will have minimal effect on ground water flow, especially to the south adjacent property. A member felt there would be an adverse impact on the physical or environmental conditions even though mitigating factors for reducing nonconformities within the current zoning code are proposed. Demolition of the existing home, relocation, and construction of a new dwelling on this small 0.26acre nonconforming site including an area with steep lake frontage which appears to be a fragile area even with the proposed location of the stormwater bioswale that has been designed by the Engineer and Applicant.

RECORD OF VOTE

MEMBER NAME	YES	NO	ABSTAIN
Chair DENISE RHOADS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vice Chair DAVID PALEN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Member KRIS KIEFER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Member DAVE LEE	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Member SHERILL KETCHUM	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5. Whether the alleged difficulty was self-created: Yes.

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.
5. That the Applicant provide an as-built survey to the Codes Enforcement Officer with verification of conformance of completed project within (60) days of completion of the project before a certificate of occupancy /certificate of compliance is issued.

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

1. That the Site Plan and Narrative, as prepared by Robert O. Eggleston, Licensed Architect, dated November 20, 2020, submitted by the Applicant must be approved by the Town of Skaneateles Planning Board for Site Plan Review and the application of the small-scale stormwater management criteria and guidelines as adopted by the Town of Skaneateles Town Board, Planning Board and Zoning Board of Appeals, be complied with in all respects.
2. In order to minimize the likelihood of the neighbor to the south being adversely affected by the outflow from the stormwater management facility, it is a special condition that the Applicant accept and utilize any additional engineering precautions or modification considered during the Planning Board review.
3. Also in order to minimize the likelihood of the neighbor to the south being adversely affected by stormwater, it is a special condition that the Applicant accept and utilize engineering modifications considered by the Planning Board and the Town Engineer to the stormwater facility that minimize the effects of concentrating stormwater into a point discharge near the steepest portion of the site.
4. In order to prevent soil disturbance on the site, it is a special condition that the Applicant accept and utilize Planning Board or Town Engineer recommendation to install a construction fence to provide a stronger, more visible delineator of the disturbance limits.
5. The Applicant establish an escrow for the Town Engineer to inspect the construction of improvements, including the bioswale, for compliance.

RECORD OF VOTE

MEMBER NAME	AYE	NAY	ABSENT
Chair DENISE RHOADS	<input type="checkbox"/>	<input checked="" 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"/>

Extension

Applicant: David Meunier/SSPP1 LLC
 4545 Jordan Rd
 Skaneateles, NY
Tax Map #018.-02-10.0

Present: Bob Eggleston, Architect

Chair Rhoads stated this is an extension for David Meunier/SSPP1 LLC at 4545 Jordan Rd., public hearings for the variances were held in January and February of 2020 with a determination rendered in March 2020. Variances were approved with a signed resolution dated March 11, 2020 and the Applicant is currently requesting an extension.

Bob Eggleston, Architect, stated he is representing the Applicant. The goal of this project is to restore a “historic” (not officially designated historic) structure to make 8 units out of it requiring several variances. The variances were granted approximately 10 years ago, the project was not able to get the required funding therefore sitting stagnant. Mr. Meunier purchased the property with the intention to

revive it, immediately investing money to stabilize the brick structure from further weather deterioration. The application is currently under review with the PB. He stated, one of the challenges is the septic system, which is shared with adjacent properties therefore requiring a consensus on a resolution with the involved parties. COVID delayed advancement that was being made with neighbors and engineering a successful septic solution. For that reason, Mr. Eggleston is requesting an extension on behalf of the Applicant for the variance approval.

Chair Rhoads asked for confirmation that PB approval has not yet been granted. Mr. Eggleston stated that is correct as they are still in the review and engineering stages with the PB. Chair Rhoads inquired about the status of the Wastewater Disposal District that is to be approved by the Town Board. Mr. Eggleston stated the Applicant is still in negotiations with the neighbors regarding the Wastewater Disposal.

Vice Chair Palen stated this is a significant project that he would like to see move forward, he then asked if a year would be sufficient. Mr. Eggleston stated he would come back before the Board if more time was required but a year would be helpful to make progress. Mr. Eggleston reviewed the approved plans and gave a brief history of the property and explanation of the proposed project for the new board members who were not present at the time the variances were granted in March 2020. Member Lee stated he was familiar with the property as he lived there at one time and asked if there are no changes being proposed to the approved plans at this time. Mr. Eggleston answered there are no changes. Member Lee then asked if the building has been deemed structurally sound and if it is stable. Mr. Eggleston stated a previous owner had removed the wood frame windows exposing the double width brick to weather creating a bad situation, Mr. Meunier hired a mason to rebuild a wall that had collapsed to stabilize the building.

Member Keifer recalled the issue of the building being an attractive nuisance with the possibility of a child entering the building and potentially being hurt. Mr. Eggleston stated it was his understanding all of the first-floor openings have been boarded up, someone would have to intentionally enter the building rather than wander in and accidentally get hurt.

Member Lee stated he is pleased to see a property like this be restored rather than demolished, it is encouraging. Member Ketchum agreed, she was excited about the prospect of this building being turned into something. Member Ketchum asked Counsel Molnar if it was appropriate for Member Lee and herself to vote on the extension as they were not present at the granting of the March 2020 variance. Counsel Molnar stated absent members of the Board can review the record, Minutes and file of the ZBA to make an informed decision and saw no impediment legally to having new Board members vote upon extensions. Chair Rhoads asked if a motion would be required from the Board to grant an extension for another year. Counsel Molnar recommended that, in the absence of any action by the ZBA the variances would time out and the Applicant has respectfully requested an additional year. He then recommended the Board consider that request by adopting the prior SEQR determination which was reviewed and approved by the ZBA & PB on coordinated review. Then after adopting the prior SEQR determination, to consider extending the variances subject to the existing conditions without change for an additional 1-year period or any other time the Board sees fit. Mr. Eggleston stated the 1-year extension would be from the date of the signed resolution. Counsel Molnar asked for clarification that the variance has not yet expired. Mr. Eggleston stated it has not yet expired and is set to expire in March 2021.

Re: Extension to Resolution of the Zoning Board of Appeals Dated March 11, 2020,
Approving Variances for David Meunier/SSPP1, LLC;

PLEASE TAKE NOTICE that the following resolution was adopted at the February 2, 2021 Zoning Board of Appeals meeting:

Whereas, at the Skaneateles Zoning Board of Appeals (“ZBA”) meeting held on **Tuesday, February 2, 2021**, Bob Eggleston (“Architect”) on behalf of David Meunier (“Applicant”) appeared for property located at 4545 Jordan Road, Skaneateles Falls, New York 13153 (“Property”), requesting an extension of the Resolution duly adopted by the ZBA on March 11, 2020 (“Approving Resolution”) which granted the Applicant variances permitting the restoration and renovation of an eight (8) unit multi-family dwelling to be located on a 0.67 acre lot of buildable land with 50% of the proposed parking located in the forward-facing portion of the principal building toward Jordan Road; and

Whereas, the Approving Resolution permitted the variances subject to standard conditions as well as four additional conditions necessary in order to minimize adverse impacts upon the neighborhood or community; and

Whereas, the ZBA contemplated its SEQRA determination for the Application, which was a determination that the Application constitutes a Type II Action and not subject to further SEQR review; and

Whereas, the Skaneateles Zoning Board of Appeals reviewed the original approved Site Plan, dated February 4, 2020; which the Applicant advised will remain unchanged, and after due consideration, unanimously adopted the following resolution.

WHEREFORE, a motion was made by Vice Chair David Palen, duly seconded by Member Kris Kiefer, and duly adopted by unanimous vote of the Members of the ZBA, approving the Applicant’s request to extend the Approving Resolution for a period of one (1) year from March 11, 2021, subject to all other conditions set forth in the Approving Resolution, which remain in full force and effect.

Other Board Business

Member Kiefer inquired about the lawsuit pending with the ZBA. Counsel Molnar stated it is public record and gave a brief update on the status of the lawsuit.

Chair Rhoads asked if there were any other applications coming before the Board next month. Clerk Barkdull gave a brief summary of a self-represented application that would be on the Agenda for March.

There being no further Board business, a motion was made by Member Ketchum and seconded by Member Kiefer to adjourn the meeting. The Zoning Board of Appeals meeting adjourned at 8:16 pm.

Respectfully Submitted,
Kim Benda