

**TOWN OF SKANEATELES
ZONING BOARD OF APPEALS
MEETING MINUTES OF
March 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 April 5, 2022, at 7:00 p.m.

Minutes

Previous distribution to the Board of the regular meeting minutes of February 1, 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 February 1, 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]

Continuation

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
Thomas Fernandez, President at Woodbine Group

Chair Rhoads described the application is for the redevelopment of a large commercial building and parking lot, formerly known as the Hilltop Restaurant and Cedar House bowling alley. The variances requested are for total surface coverage (TSC) and rear yard setback. The Board conducted a site visit January 8, 2022, with the Applicant's representatives present. The public hearing was opened at the February 1, 2022, Zoning Board of Appeals (ZBA) meeting, with a motion to continue the hearing at the following ZBA meeting.

Bob Eggleston, Architect, reviewed updated site plans for the proposal reflecting revisions as requested by the ZBA. The number of handicap accessible parking spaces exceeds the required minimum amount

per the request of the ZBA. There are 2 spaces on the east side of the building by the restaurant entrance and 2 spaces to the south near the hotel entrance. The addition of a 5th handicap space to the west of the building in the diagonal spaces will be accessible to the southwest entrance below the clock tower, as well as the exterior entrance motel rooms. To accommodate the 5th space the surface area of the diagonal parking space was combined with the adjacent sidewalk that has been proposed at the request of the Planning Board (PB). The sidewalk ties into the west adjacent Kwik Fill property, allowing patrons to walk to the convenience store more directly rather than walking all the way out to the sidewalk along the main highway. This accommodation did require additional permeable pavers resulting in an increase in total surface coverage from 67.1% to 67.3%. Since the original application, the rear yard setback request has been reduced to 11-feet from 5.3-feet to accommodate the 5 employee parking spaces rather than requiring a variance for the entire length of the north driveway, where a 20-foot setback is required. Impermeable surface coverage (ISC) has been reduced to 61.7% from 63.8%. The increase in TSC is to accommodate the addition of sidewalks to promote on site safety for patrons.

Mr. Eggleston stated additional information was provided to the ZBA regarding on site lighting to include the Board and make them familiar with the plans. A lighting schematic was submitted to the PB for review, Mr. Eggleston briefly reviewed the lighting plans for the ZBA. Revised plans and narratives, dated February 17, 2022, were provided to both the ZBA and PB reflecting primarily technical changes that don't affect the application to the ZBA. The Village and Town Boards have provided positive responses regarding the proposed sewer/water usage on the property.

Member Kiefer sought confirmation the additional handicap space proposed in the west parking area will be properly reflected on the Site Plan dated February 17, 2022. Mr. Eggleston stated that was an oversight he would remedy if the plans were approved. Member Kiefer then asked what the kelvin would be for the LED lighting. Mike Lasell, Engineer, confirmed the lighting will likely be 3,000-4,000 kelvins depending on how it looks on the structure. The lighting color will be adjustable.

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 is considered an Unlisted Action under SEQR with PB acting as Lead Agency under a coordinated review. Counsel Molnar stated the PB had determined a negative declaration under SEQR at a special meeting held Monday, February 28th. After reviewing the SEQR Long Environmental Assessment Form the PB decided there were no negative environmental impacts resulting from the proposed redevelopment of the property. Counsel Molnar encouraged the ZBA to make a motion accepting said SEQR determination as reasonable and acceptable for ZBA prior to reviewing the Five Criteria required for an area variance.

At this time Chair Rhoads asked if there was anyone who would like to speak in favor of, against or had any comments regarding the application. No one spoke.

WHEREFORE, a motion was made by Member Ketchum and seconded by Vice Chair Palen to close the public hearing. The Board having been polled resulted in unanimous (5-0) affirmation of said motion.

WHEREFORE, a motion was made by Vice Chair Palen and seconded by Member Kiefer to accept the determination of the Town of Skaneateles Planning Board as Lead Agency under SEQR Long Environmental Assessment Form review issuing a negative declaration as reasonable, and that the Zoning Board of Appeals approves of the negative declaration

determined by the Planning Board. The Board having been polled resulted in unanimous (5-0) 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 two area variances simultaneously concerning the applicable sections of Town Zoning Code: Section 148-4-4-C.1.b HC District Regulations – maximum lot coverage and Section 148-5-2-C.4.b Supplementary Dimensional Regulations – driveways and parking areas. 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 proposed change will not alter the character, nor will it produce a detriment to nearby properties. The property is located in the Highway Commercial District surrounded by a gas station/convenience store and commercial space to the west, the school district barn to the north, additional commercial properties to the east, and a major highway to the south. The proposed structure will renovate and replace an aging structure revitalizing the neighborhood and enhancing the Western Gateway and provide much needed affordable lodging in the community. The addition of landscaping, green space, brick sidewalks and a patio for outdoor dining will be an attractive improvement. The proposed structure's architecture will be similar to what can be found in some areas of the Village, including a clock tower feature, and the use of the property will be like the previous use of the property. The addition of the hotel should not change the traffic flow to and from the property. The rear yard setback is not significant to the adjacent property. The extensive drainage that has been designed should benefit neighboring properties in the area currently experiencing drainage issues.
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 by majority vote. The redevelopment of this property with the proposed use of a hotel, restaurant, and recreation center, while keeping a portion of the structure which houses the bowling alley is not feasible without area variances due to the uniqueness of the property, its history in the community and the location of the said building improvements. The Applicant may be able to reduce the total surface coverage with an alternative proposal, but it would affect the improvements the Board has found to be a benefit such as green space, increased safety in the parking areas with the inclusion of sidewalks, and overall enhancement of the property at the Western Gateway. Another alternative could be reducing the size of the building to reduce total surface coverage in an effort to maintain the desired safety benefits and accessibility of the facility, however that could compromise the viability of the building. Ultimately the beneficial factors which require the area variances outweigh possible alternatives.

RECORD OF VOTE

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

3. **Whether the requested variance is substantial:** No. The requested area variances are not substantial, the Applicant has worked with the Zoning Board of Appeals to reduce the variances requested to the minimum extent possible in order to achieve the desired redevelopment of the property. The rear yard setback is 11 feet where 20 feet is required, however the setback for the parking area is adjacent to the driveway access for the Town Highway/School bus garage property to the north. There will not be a perceptible change on the property as a result of the granting of the area variances. The additional parking will be necessary to accommodate any increased traffic with the new use of the facility. The proposed design features will ameliorate the flow and collection of runoff water.

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 variances will not have an adverse effect or impact on the physical or environmental conditions of the neighborhood or district. The improved drainage, reduction in water usage, and the energy efficiency of a new building will be positive results of the proposal. Additionally, the lighting plan has been designed to limit any environmental or physical impact. The proposed design appears to ameliorate runoff concerns with a French drain that allows for roof drainage to tie in leading to a bioswale, reduction in impermeable surface coverage, permeable walkways, and plantings will improve the stormwater management on site. The water tanks incorporated in the design to assist with water pressure during usage will be an improvement from what currently exists. The design is an excellent demonstration of what thoughtful design can produce.

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 Chair Rhoads and seconded by Vice Chair Palen, 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 Narrative and Site Plan prepared by Robert O. Eggleston, Architect, dated February 17, 2022, be amended to reflect the addition of a 5th handicap accessible designated parking space adjacent to the sidewalk along the west side of the structure, and, as amended, be approved by the Town of Skaneateles Planning Board, with respect to the Special Permit and Site Plan Review, and strictly followed.

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"/>

Initial Review

Applicant: Kelly Scalzo
2803 East Lake Rd
Skaneateles, NY 13152
Tax Map #038.-01-18.0

Present: Bob Eggleston, Architect

Chair Rhoads described the property under review is proposing the demolition of the existing garage with the construction of a new garage located closer to the dwelling. Bob Eggleston, Architect, stated Site Plan approval was granted previously, then the Applicant was looking for a modification to the plan that would require a Special Permit. The house has been renovated on the existing footprint; the deck location has been modified triggering redevelopment; the large boathouse and apartment space has been turned into a cabana with one large open space and a bathroom, removing half the building and placing a porch on the lake side of the building. The dwelling is a retirement house for the Applicant, and it will be utilized year-round. The pre-existing nonconforming garage is located close to the road with a side yard setback of 4.9-feet to the north property line, this is within the required side yard and front yard setbacks. The proposed location closer to the dwelling will comply with the required front yard setback, however the proposed 10-foot side yard setback does not comply with the required 18.6-feet. The extra 8-feet allows the Applicant to safely turn their vehicle around when exiting the garage so they can drive out forward facing onto East Lake Road. The proposed garage location is an existing flat area on the sloping site, where there is currently parking. Mr. & Mrs. Scalzo have had nearby parking access with the existing driveway close to the dwelling but would like to have safer access to the garage during the winter bringing it closer to the dwelling onto part of the existing driveway area rather than walking down the steep sloping driveway. Mr. Eggleston stated the variance requested is for a 10-foot side yard setback where 18.6-feet is required, this would allow for 45-feet to safely pull out of the garage and turn the vehicle around to exit the driveway.

Mr. Eggleston described aspects of the project being reviewed by the PB. The Applicant is rebuilding the seawall, as seen in "Detail A" on the site plan. It will be replaced in kind with steel piles with facing, then back filled to the same grade. The shoreline structures will be reduced as there was an area of concrete in front of the old boathouse that counted toward the shoreline structure square footage, that is being removed improving the overall shoreline structures total.

Member Ketchum inquired about the previously approved nonconforming ISC, asking if that approval took place when she was not sitting on the ZBA. Mr. Eggleston stated that was done with a Special Permit through the PB, originally the ISC was 29.5% where the proposal was to reduce it to 20.8%. The PB deemed this reasonable as the boathouse/cabana was reduced from 1,083sq.ft. to 740sq.ft., a number of concrete sidewalks were eliminated then replaced with permeable structures, in addition to a substantial payment into the DRA Fund. Two bioswales are proposed to compensate and treat the water on site, and the current application will relocate one of the previously approved bioswales. The nonconforming ISC was not presented to the ZBA because it was being reduced rather than increased.

Vice Chair Palen asked if the shed would be removed and is there anything above the proposed garage. Mr. Eggleston explained the existing shed would be gone, and there will be unhabitable attic space above the garage for storage. He also noted, the Parkes property to the north had been redeveloped in the past 10 years and the new garage would be in alignment with the Parkes' garage therefore being in character with the neighborhood.

A site visit was scheduled for *Saturday, March 19th at 8:30 am.*

WHEREFORE, a motion was made by Member Lee and seconded by Member Ketchum to schedule the public hearing for this application at the *Tuesday, April 5, 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.

Other Board Business

Planning & Zoning Meeting

Chair Rhoads reminded the Board of the Planning & Zoning Meeting scheduled for Saturday, March 5, 2022, at 8:00 am, via Zoom. Clerk Barkdull has provided the Board with the agenda and reference materials for the meeting.

Onondaga County Planning Federation Symposium

Chair Rhoads reminded the Board of the Onondaga County Planning Federation Symposium scheduled to begin March 10, 2022. Three Board Members will be attending the upcoming meeting.

Board Member Hours

Member hours for all Board members were requested and submitted for the month of February 2022. Everyone was brought up to date and submitted hours via email.

There being no further Board business, a motion was made by Member Ketchum and seconded by Member Lee to adjourn the meeting. The Zoning Board of Appeals meeting adjourned at 7:45 pm.

Respectfully Submitted,
Kim Benda