

**TOWN OF SKANEATELES
ZONING BOARD OF APPEALS
MEETING MINUTES OF
April 14, 2020**

Present:

Denise Rhoads
Jim Condon
David Palen
Kris Kiefer
Michael Ciaccio
Scott Molnar, Attorney
Karen Barkdull, P&Z Clerk
Kim Benda, ZBA Clerk

The meeting commenced at 7:00 p.m. at Town Hall. The next Zoning Board of Appeals meeting will be held on May 5, 2020 at 7:00 p.m. Previous distribution to the Board of the regular meeting minutes of March 3, 2020 was executed and all members present acknowledged receipt of those minutes.

WHEREFORE, a motion was made by Member Kiefer and seconded by Vice Chair Condon to accept the March 3, 2020 minutes as submitted. The Board having been polled resulted in unanimous affirmation of said motion.

Record of Vote

Chair Denise Rhoads	Present [Yes]
Vice Chair Jim Condon	Present [Yes]
Member David Palen	Present [Yes]
Member Kris Kiefer	Present [Yes]
Member Michael Ciaccio	Present [Abstain]

Member hours for the present Board members were requested and submitted for the month of March 2020 via email.

Chair Rhoads requested each Board member be prepared to conduct individual site visits for the two new applications under review this month.

Public Hearing

Applicant: Bruce & Patricia Texeira
2141 Terrace Ln
Skaneateles, NY
Tax Map #057.-03-02.0

Present: Bill Murphy, Architect
Bruce & Patti Texeira, Owners

Chair Rhoads described the proposal is for the construction of a new deck and installation of a new shed on a preexisting nonconforming lot in the LWOD. A site visit was conducted by the Board with Bill Murphy, Architect, on Saturday, March 14, 2020. Bill Murphy, Architect, informed the Board the site plan and survey have been updated to include the topography of the property. Mr. Murphy has met with the Skaneateles Lake Association and Bob Dewitt; Eric Brillo and other excavators in the area; as well as Allen Hammond at Skaneateles Country Club, to discuss what they are doing relative to the creek on the

property and sharing who the contractor is doing the work. Mr. Murphy shared he had created an 8-page document detailing the proposed conservation easement to address §148-12G(6). The Applicant's intention is for the proposed drainage system in the indicated conservation easement area to serve as an offset for some of the transferrable development fee. Mr. Murphy has been researching which code option would be most logical for the Applicant, getting quotes from contractors for the cost of the drainage mitigation which would be most environmentally beneficial versus paying into the fund. Mr. Murphy stated the proposal is an opportunity to pave the way for future projects to improve the watershed and runoff issues with the lake.

Mr. Murphy reviewed the updated survey provided by Paul Olszewski including topographical indicators. Following that an updated version of the site plan was presented reflecting the relocated shed that was discussed during the site visit, along with the proposed ISC calculation, 21.47%, that includes the new shed and is an improvement from the current 21.83% ISC. The new location of the shed is in line with the house on Terrace Lane South that has the closest front yard setback of 13.9' and the side/rear yard setback is 24.9' as this is a corner lot. This setback variance is required for adequate use of the shed to store seasonal maintenance equipment in close proximity to the driveway. The existing vegetation provides screening from any neighboring properties.

Mr. Murphy reviewed the 4-5 rock weirs proposed in the 8-page document explaining the stormwater runoff drainage mitigation. The course rock weir will sit atop the existing layer of shale. The proposed conservation easement area is approximately 2,100sq.ft. and it is reflected on page 2. Rock weir infiltration areas are proposed at elevations 932, 935, 938, 944, and possibly 949 although it is close to the driveway and walkway. This proposal has yet to be reviewed by the Planning Board. Retention areas, as well as grading, fill and plantings will be placed and used accordingly to soak the runoff up and allow the filters to take nutrients out of the runoff and slow the runoff down, these plans are reflected in pages 4-7 of the document. Page 8 is a bird's eye view of what the proposal would look like with water in the retention areas and landscaping. Mr. Murphy believes this plan on the Teixeira property would greatly benefit the LWOD and offset any impact of the proposed deck.

Chair Rhoads inquired about the variance the Applicant may request for the development of the conservation easement with the inclusion of stormwater drainage mitigation in lieu of paying into the fund. Mr. Murphy explained §148-12G(6) consists of option (a) purchasing land in the LWOD to be put into permanent conservation easement or option (b) paying 10% of the offset into the fund the Town has created to acquire property for conservation within the LWOD. After a site visit with the Planning Board and then the ZBA, there was discussion of interest in this alternate option (a) rather than paying \$20,000.00 to be used by the Town elsewhere. The additional variance being requested would be for the size of the area required for the conservation easement and the location, given the hardship in the size of the lot it is not possible to create a large enough easement on the property however the benefit to Terrace Lane by developing the mitigation plan would far outweigh the variance requested. Counsel Molnar stated Mr. Murphy was correct in his explanation of §148-12G(6)(a) and §148-12G(6)(b) and then reviewed them for the Board. Counsel Molnar clarified the variance being requested is in regard to §148-12G(6)(a) in that a different metric would be used to determine the land area required to be placed under conservation easement. Clerk Barkdull stated the land that is to be selected for conservation easement must be approved by the Planning Board and Planning Board Engineer. Mr. Murphy informed the Board the updated plans have not been reviewed by the Planning Board currently as the PB meeting scheduled prior to the ZBA meeting was postponed to the week following this meeting. Counsel Molnar recommended the ZBA wait for the Planning Board to review the updates and newly requested variance, giving them an opportunity to communicate their position on the new information before the ZBA moves forward with granting any variances. Counsel Molnar advised any variances granted by the ZBA would be contingent upon Planning Board approval, given that this is a newly requested variance the Applicant will be required to formally make the request to the ZBA via email.

Vice Chair Condon requested the updated documents be distributed to the Board. Clerk Benda will email the updated documents to the Board.

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

At this time, Chair Rhoads asked if anyone in the audience would like the public hearing notice to be read. No one requested the notice to be read. Chair Rhoads then opened the public hearing, asking if anyone would like to speak in favor of the application.

Bob Eggleston, 3441 Rickard Rd, local architect with no relationship to this application provided comments. Mr. Eggleston was hired by the Terrace Lane Association July 1st about 2 years ago, immediately following a large storm. Terrace Lane properties share a common lakefront property, to the south of the Texeira property, where there was a bank failure. The Planning Board was very accommodating with doing emergency relief and repairs to the property. A trench drain was placed at the top of the bank on the property to catch water and prevent a bank failure from happening again. Terrace Lane then realized the ditches along the road had not been maintained and there is a significant amount of water that comes down the hill. The issue has since been addressed and it has improved. Mr. Eggleston noted when looking at the preexisting nonconforming lots it is not uncommon to have more than 20%ISC. He complimented the proposed stormwater management system, as it looks very practical and appropriate. Mr. Eggleston felt as though the stormwater management system was more valuable than paying into a fund. He also pointed out the conservation area cited in §148-12G(6)(a) is actually located on another property to be put into a permanent conservation easement in order to compensate for not having 10%ISC on the property of the proposed project. Mr. Eggleston supported the ZBA granting relief in this area for the Applicant, as he felt the stormwater improvements would benefit the community and the lake, and that would far exceed the cost of a shed and a deck.

WHEREFORE, a motion was made by Vice Chair Condon and seconded by Member Ciaccio to continue the public hearing *Tuesday, May 5, 2020*. The Board having been polled resulted in unanimous affirmance of said motion.

Initial Review

Applicant: James & Kimberly Tracy
2833 Shamrock Rd
Skaneateles, NY
Tax Map #036.-02-02.0

Present: Bob Eggleston, Architect

Chair Rhoads described the proposal to construct a 70'x150' pole barn for storage of construction equipment. Bob Eggleston, Architect, explained the Tracy's have lived on the property for many years, they built a pole barn to begin a home occupation service business. Since then the business has grown becoming more than a home occupation, so a special permit was issued by the Planning Board to run a service business on the property. Another 3 acres has been acquired since the previous pole barn was built and the special permit was issued, resulting in the approval of a lot line adjustment increasing the size of the property to 15.82 acres total. Currently there is about 4,500sq.ft. of building used for business purposes, with 16,000sq.ft. of the property being used for the business outside. The equipment that is

being stored outside would be placed inside of the 10,500sq.ft. pole barn. All proposed setbacks are in compliance with the code. Mr. Eggleston stated a commercial use of the property is limited to 6,000sq.ft. of building footprint in the RF district, unless you are training animals which would allow for 10,000sq.ft., because of this restriction the Tracy's will require a variance for the proposed 10,500sq.ft. pole barn as with its addition to the existing buildings the commercial building footprint would equal 15,077sq.ft. The application is currently in front of the Planning Board for a Minor Special Permit. The property is 15+ acres that are surrounded by farm fields with the closest home being over 1,000ft. away.

Mr. Eggleston stated there is an alternative to requesting an area variance. The property is large enough that the owner could subdivide 2 additional legal conforming lots, each consisting of 2 acres with over 200ft. of road frontage. This would allow for two 5,000sq.ft. buildings, one on each lot, however the solution would subdivide the property in a sprawl strip fashion along Shamrock Rd. taking up valuable farm field. The original proposal puts the building immediately north adjacent to the developed area on the property allowing the farm field to maintain continued use. Mr. Eggleston reviewed the elevations for the proposed pole barn. He stated a similar variance was granted on Coon Hill Rd., around the corner, for a similar type of business requiring large excavation equipment. The proposed structure is not inconsistent with the agricultural nature of the neighborhood in the RF district.

Member Kiefer asked how the site will be marked for Board members to conduct individual site visits. Mr. Eggleston explained stakes and cones have been placed on the corners where the building will be located on the property, they can be seen when driving by on the road. Onondaga County DOT has already approved a driveway permit and the Applicant has installed a driveway helping to highlight the location of the proposed building.

WHEREFORE, a motion was made by Member Kiefer and seconded by Vice Chair Condon to schedule a public hearing for *Tuesday, May 5, 2020 at 7:10 pm*. The Board having been polled resulted in unanimous affirmance of said motion.

Initial Review

Applicant: Jeremy Kimball
1351 Cherry Valley Tpke
Skaneateles, NY
Tax Map #032.-03-30.1/1

Present: Bob Eggleston, Architect
Jeremy Kimball, Owner

Chair Rhoads introduced the proposal for the construction of a two-story 2,571sq.ft. garage addition to and existing single-family dwelling. Bob Eggleston, Architect, explained this property has been through the Planning Board for a number of Special Permits as it was previously the Bombard property. It is designated a mixed-use property with indoor/outdoor storage units, a dance studio with office space and a residence. Prior to the current Comprehensive Plan, single-family residences were not permitted in the Highway Commercial districts, however the existing house preexisted zoning codes. At one time the home shared the property with a motel which was demolished, when the property was sold to the Bombards it became an auto dealership, and it is now owned by Mr. Kimball. The property is owner occupied as Mr. Kimball's family lives in the residence on the mixed-use property making it easier to manage the businesses. Code §148-12C(4) allows for 500sq.ft. or 5,000cu.ft. of expansion of an existing nonconforming structure, whereas the house, which is nonconforming in the HC district, is being expanded by 2,571sq.ft. and 23,156cu.ft. triggering the request for a variance. Mr. Eggleston described the existing home as having a 1,300sq.ft. footprint. An alternative for a detached garage would be

possible to avoid the variance, however the Kimball's would like to include a master suite above the two-car garage to gain living space.

Mr. Eggleston informed the Board the site will be staked indicating the location of the addition allowing them to conduct individual site visits. He explained it is possible the proposed angle of the addition to the existing dwelling may shift slightly to avoid the need to cut down trees on the property. Mr. Eggleston stated a new septic system is being designed to be located on the front of the property as the current septic is antiquated.

WHEREFORE, a motion was made by Vice Chair Condon and seconded by Member Kiefer to schedule a public hearing for *Tuesday, May 5, 2020 at 7:20 pm*. The Board having been polled resulted in unanimous affirmance of said motion.

Other Board Business

Chair Rhoads reminded Board members of various training opportunities, including Department of State webinars, that could be taken advantage of at this time to gain ZBA training credits.

There being no further Board business, a motion was made by Member Ciaccio and seconded by Vice Chair Condon to adjourn the meeting. The Zoning Board of Appeals meeting adjourned at 7:59 pm.

Respectfully Submitted,
Kim Benda