

**TOWN OF SKANEATELES
ZONING BOARD OF APPEALS
MEETING MINUTES OF**

May 7, 2019

Present:

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

The meeting commenced at 7:00 p.m. at Town Hall. The next Zoning Board of Appeals meeting will be held on June 4, 2019 at 7:00 p.m. Previous distribution to the Board of the regular meeting minutes of March 5, 2019 and April 2, 2019 was executed and all members present acknowledged receipt of those minutes.

WHEREFORE a motion was made by Member Palen and seconded by Member Keifer to accept the April 2, 2019 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	Absent	

WHEREFORE a motion to accept the March 5, 2019 minutes as submitted was postponed due to lack of quorum of members present during the March meeting.

Record of Vote

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

Member hours for the members present were turned in for the month of April, 2019. An email will be sent to absent Member Michael Ciaccio, requesting April, 2019 hours.

Public Hearing

Applicant: Gregg Irvin
728 Reynolds Road
Skaneateles, NY
Tax Map #059.- 01-19.0

Present: Janice Miller, Architect

Z.B.A.05.07.2019

Charles Rounds, Applicant Representative

The addition of a garage requiring a front yard setback. Architect Miller stepped forward to review the variance requested. The property is located on a secluded road with one house beyond the property followed by farm fields. The proposed addition is 32'x32' no higher than the existing structure. The placement of the addition makes the most sense in this location due to the slope of the land and with the structure coming off the driveway there would be no need to increase the impermeable surface coverage by adding to the driveway. Member Palen rescinded his question of why the addition was not being placed on the south side of the garage rather than the north side which requires the area variance, as Architect Miller had explained the slope of the land.

Vice Chair Condon inquired about the purpose of the additional two car garage. Architect Miller responded the applicant is moving back to the Skaneateles property and will need storage for a boat. Vice Chair Condon asked if neighbors had been made aware of the plans and what their opinions may be. Architect Miller was not aware of any neighbors commenting in favor of or in opposition of the proposed project. Mr. Rounds commented neighbor, Ted Young, would likely be in favor of the addition as he has large barns on his property. Mr. Rounds also noted, the neighbors are all alumni of Skaneateles High School and get along quite well.

Chair Rhoads presented the photographs she had taken while conducting her site visit. The Board reviewed the photos and Architect Miller pointed out where the proposed addition would be placed on the existing structure. Member Keifer had also taken photos of the property to capture the character of the neighborhood. Member Keifer noted he had driven beyond the property to turn around and the road becomes a deserted dirt road. Member Palen mentioned satellite photos depict Reynolds Road connecting north to an intersecting road. Mr. Rounds informed the Board of the Cayuga County line just past the garage on the applicant's property and once you approach the county line Reynolds Road immediately turns into a farm road which is well marked by the road's maintenance.

No one wished to have the public notice read. A site visit was not conducted by the Board, all members have visited the property at their discretion.

WHEREFORE, a motion was made by Member Palen and seconded by Member Keifer 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 opened the Public Hearing and asked if there was anyone in favor of the project. There was no one who spoke in favor of the area variance application. Chair Rhoads inquired if there was anyone who would like to speak in opposition or had any comments. There was no one who spoke in opposition of the application.

WHEREFORE a motion was made by Member Keifer and seconded by Member Palen to close the Public Hearing. The Board having been polled resulted in the unanimous affirmance of said motion.

At this time Counsel Molnar reviewed with the Board the statutory criteria set forth in Town Code Section 148-9E Dimensional Table I for an Area Variance. Counsel stated that in making their determination the Zoning Board of Appeals is required to consider certain factors, which are:

1. **Whether an undesirable change would be produced in the character of the neighborhood or**

- a detriment to nearby properties:** No. The structural modifications to the garage will not be a detriment to other nearby properties and will have minimal effect on the character of the neighborhood. The structure is located in a primarily wooded rural area, on a dead end road. The nearest neighbor's view of the property is obstructed by trees. The design of the garage addition matches the general configuration of the existing structure. It will fit the character of the neighborhood as nearby properties also have existing detached structures on the property.
2. **Whether the benefit sought by the applicant can be achieved by a feasible alternative to the variance:** Yes. The applicant could construct the addition on the opposite side of the existing structure however it would require more extensive grading and fill due to the contour of the land sloping away from the existing garage. There will be no living quarters within the rafters or proposed addition.
 3. **Whether the requested variance is substantial, this presumption is rebuttable:** No. The requested variance is not substantial, as the structure will be closer to the roadway however the road is a dead end and lightly traveled. The structure is not within Skaneateles Lake watershed and will have no effect upon Skaneateles Lake.
 4. **Would the variance have an adverse impact on the physical or environmental condition in the neighborhood:** No. The structure is not within the Skaneateles Lake watershed it will not have an impact on the physical or environmental conditions of the lake. The property is within the Owasco Lake watershed, but there will be minimal disturbance on the property as the structure is being built next to the existing garage with a driveway leading up to it. The structure is not located near a septic or well, and there is no watercourse on the property. The topography of the property will remain intact having no effect on the physical or environmental conditions of the neighborhood. In addition, the impermeable surface coverage will remain below 10 percent, which is proposed to be 8.3 percent when the project is complete.
 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 Member Palen and seconded by Vice Chair Condon, that this application be **APPROVED** with standard conditions and additional special conditions:

ZBA STANDARD 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 as dated March 7, 2019, prepared by Janice M. Miller, Architect, depicting the location of the 32'x32' garage addition be followed in all respects, and shall always be complied with.
2. That the survey as dated January 15, 2017, prepared by Jay D. Holbrook, Licensed Surveyor, depicting the location of the garage be followed in all respects, and shall always be complied with.

<u>Record of Vote</u>				
Chair	Denise Rhoads	Present	[Yes]	
Vice Chair	Jim Condon	Present	[Yes]	
Member	David Palen	Present	[Yes]	
Member	Kris Kiefer	Present	[Yes]	
Member	Michael Ciaccio	Absent		

Initial Review

Applicant: Skaneateles Aerodrome, LLC
2984 Benson Road
Skaneateles, NY
Tax Map #051.-02-08.1

Present: Michael J. Lazar, Project Manager

Expansion of the existing runway 28 300', requiring side yard setback. Project Manager Lazar explained the expansion will occur on the east end of the paved runway, ending 400-500' from right-of-way 41A. The west end of the runway is located on Benson Road. The existing end of the runway and turnaround will be replicated 300' closer to 41A. There are two parcels north east of the runway with a single family residence on each parcel. The home on parcel 051.-02-11.0 is occupied and has been since Mr. Falcone Z.B.A.05.07.2019

has owned the aerodrome. The home on parcel 051.-02-10.0 is not currently occupied although it is pending a sale and being cleaned up, the property line will be 41' from the closest point of the proposed runway extension requiring a side yard setback area variance. The current owner of parcel 051.-02-11.0 has been informed of the proposed expansion and presented a copy of the proposed drawings. Member Palen requested the owner write a letter to the Board stating her position on the proposed runway expansion.

Chair Rhoads inquired about the purpose of the proposed runway expansion, if it was to accommodate larger aircraft. Mr. Lazar assured the purpose of the expansion will be to remedy safety issues. There is a calculation of distance legally required for planes accelerating for takeoff as well as to abort the takeoff if necessary without running out of runway, currently the runway is 3200-3300'. For small planes, twin engines especially and some single engine planes, during the summer months it reduces the planes ability to reach a high enough speed for takeoff, making conditions comparable to elevations higher than sea level. Three planes based at the aerodrome currently have to meet departing parties at Hancock Airport or a nearby airport to utilize a longer runway when departing for a trip with full jet fuel and passenger loads during the summer months.

Member Palen asked if there has been an increase in air traffic to the aerodrome. Mr. Lazar answered no, this expansion would simply allow current air traffic to fully utilize the runway more often and he does not anticipate any additional traffic. Member Palen then asked if the proposed expansion would allow larger aircraft to utilize the runway. Mr. Lazar stated the planes that are currently based at the aerodrome will be the ones to utilize the runway and they are considered small general aviation aircraft, no jets. In the summer months a plane called the Pilatus, a larger single engine plane which runs on turboprop, utilizes the runway 50-60 times, but the number of use is not anticipated to increase.

Member Keifer asked if there are any guidelines on the size of an aircraft and the length of a runway required in relation to the size of the plane. Mr. Lazar informed that each aircraft is accompanied by an operating manual including performance charts that have calculations for density altitude which is humidity, temperature and base altitude. The performance of the plane is indicated by a line that will intersect at various points with lines for various calculations, and where the lines intersect indicates the acceleration required for takeoff as well as the length of runway required for landing. Member Palen inquired if this was an FAA requirement. Mr. Lazar said yes, it is in the FAA regulations that the plane cannot take off, pre-flagging the plane is one of the calculations you have to do, and most pilots know the length of the runway needed for their aircraft.

Vice Chair Condon inquired if the work was completed from a previously approved variance in 2011. Mr. Lazar stated the work was completed and focused around the hangars and the 2011 variance was required for a watercourse setback. Vice Chair Condon asked Counsel Molnar if the existing lot is conforming with required commercial 100' property line setback with a 200' setback, and if once the proposed extension is complete will the lot become non-conforming. Counsel Molnar answered yes, once the variance is approved the lot will become non-conforming. Vice Chair Condon then asked if the surrounding properties have been notified of the proposed runway extension, Clerk Barkdull informed they will be notified of the public hearing when it is scheduled. Chair Rhoads asked for confirmation that the properties across the street on Benson Road will be notified, Clerk Barkdull confirmed they will be notified even though they are not directly impacted by the proposed expansion.

Vice Chair Condon inquired about how long the safety regulation requiring the runway extension has been in place and why request the variance at this time. Mr. Lazar explained this safety regulation has been in place for some time but the owner has been making improvements based on grants given by NYSDOT and this grant as well as the last is part of a program targeted toward safety improvements. The

previous grant was used to improve the safety of the aerodrome and part of the last grant was utilized to remove trees around the runway to improve its safety, and at this time the work is still under way. The most recent grant is also being used to improve the safety of the runway to complete the other half of making the runway safe removing the remaining 2 acres of trees and extending/expanding the runway. Mr. Lazar confirmed for Vice Chair Condon the safety grants are the driving force for the timing of the variances, the grant was applied for in July 2018 and announced in early 2019. Member Palen asked if this has been approved by the Planning Board, Counsel Molnar clarified the previous tree work had been approved. Mr. Lazar noted this project is scheduled to be presented to the Planning Board for review.

Chair Rhoads inquired about the plan for additional lighting. Mr. Lazar pointed out the new LED lighting being placed north and south of the runway extension at the east end. There will be three lights on either side of the runway and each light is equivalent to a 40 watt lamp and must be less than 30" off the ground. The lights will remain off unless triggered to turn on by a pilot with a radio receiver approaching the runway and time off after 15 minutes. Mr. Lazar described the lights to be red in color with a glare diminishing globe.

Chair Rhoads asked if the planes will be turning around within the 41' setback. Mr. Lazar pointed out the measurements on Figure No.1 Set Back Variance, where the property line is measured to be 41' from the edge of the extended runway. Chair Rhoads stated the Board will need to visually see how close the dwelling is from the property line setback to better understand the dimensions. Vice Chair Condon asked if there are any FAA regulations on the distance of a dwelling from an aircraft runway. Mr. Lazar said there are no regulations on how close a dwelling can be to a runway. And although there are no requirements, the recommended distance for no obstructions straight ahead of a runway is 240' and that is considered the safety zone in front of a runway. Because of this safety recommendation Skaneateles Aerodrome shortened one of the runways by 240' straight ahead with the last NYSDOT grant that was received in order to comply with this recommendation. Vice Chair Condon asked if it is only straight ahead or if there are any side-to-side requirements. Mr. Lazar explained there is an envelope that is taken into consideration and this extension would be within that envelope.

Member Palen asked if the nearest structure directly in front of the runway is located across West Lake Road. Mr. Lazar responded the obstruction is considered for both outgoing and incoming aircraft but landing doesn't change as it currently is. The current turnaround will remain as a displaced threshold and the planes cannot land before that, the numbers will be removed, current lighting will remain in place and paint will be updated. Vice Chair Condon asked if the planes take off in the direction of the lake, to the east. Mr. Lazar explained this is also an extension for runway 10 which comes from the other end toward the lake, but because of the trees they can't use the runway either and the pilot would have to be off the runway before approaching the circle. This doesn't extend the runway for takeoff because it isn't practical, this will help for landing in case the pilot lands too far they will have enough runway to go all the way to the end. Vice Chair Condon asked if aircraft typically land on the lake side of the runway. Mr. Lazar stated airplanes always land and takeoff into the wind from a runway, and here the wind almost always comes from west therefore most takeoffs do come from the east (lake side) heading west.

Mr. Lazar referred to Figure No.1 to further explain the distance from the runway of the houses on the adjacent properties, noting he could have the actual measurements added to the drawings. One house is approximately 200' from the extension and the measurement to the second dwelling hasn't been calculated. Counsel Molnar repeated it was 200' to one house from the proposed extension, and Mr. Lazar had stated to the Board there was a 240' recommendation from the FAA, not a requirement. Mr. Lazar reiterated the recommendation being 240' straight ahead. Counsel Molnar inquired if the safety envelope Mr. Lazar had previously mentioned widened as the airplane left the tarmac. Mr. Lazar confirmed this, adding the envelope goes up as well. Chair Condon asked if the rectangle around the end of the runway

on the Overall Plan was a drawing of the envelope, Mr. Lazar answered no that was an outline of the construction area. Vice Chair Condon asked if there was a dimensional envelope, Mr. Lazar said he has one for the west end of the runway and would try to obtain a copy. The envelope actually begins 200' from the end of the runway, which would bring the aircraft beyond the dwellings on the adjacent parcels. Vice Chair Condon expressed concern about the side envelope considering the two dwellings. Mr. Lazar used Figure No. 1 Plan to indicate 200' from the end of the runway beginning beyond the two houses and going up at an angle once that mark is reached. Counsel Molnar asked if that envelope widens at the 200' mark, Mr. Lazar confirmed yes, but you are already past the two houses. Vice Chair Condon further inquired once the pilot hits the 200' if the envelope widens abruptly, Mr. Lazar answered yes. Counsel Molnar, looking for confirmation stated, the envelope also goes up so the houses would not be in it based on its elevation Mr. Lazar confirmed this statement.

Member Palen inquired about water runoff and what would run back because of the elevation at the east end of the runway. Mr. Lazar described the drainage system running along the edge of the runway as a trench drain which will be tied into at the current turnaround location. From there the trench ties into the drainage system leading to the discharge point in a pond, Mr. Lazar noted the discharge point is so far from where the trench ties into the drainage he has never seen water deposited there because it usually evaporates before getting to the pond.

Member Keifer requested the Board revisit the issue of the size of plane using the runway that was raised previously. He stated, as he understands, FAA regulation regarding the length of runway requires pilots to make calculations while considering humidity, temperature, plane, fuel, etc. But there is nothing that would specifically preclude a larger plane from landing in the airport so long as it met all of the criteria required for those calculations. Mr. Lazar confirmed there is no regulation; he continued in general, general aviation airplanes fall into certain categories because of utilization. Member Keifer rephrased his statement to ask if the airport has any covenant stating tenants may only use propeller planes. Mr. Lazar stated the FAA precludes states and municipalities from making those kinds of regulations, they are allowed to request noise ordinances. Member Keifer shared his experience with the Skaneateles Sailing Club having covenants on the number of boats allowed in the club and length of the ship. Mr. Lazar informed there are no covenants at the aerodrome and the Planning Board previously approved the airport as conforming use. Counsel Molnar asked if there are restrictions on the maximum size of airplane members are allowed to store at the aerodrome, comparing to the maximum 24' sailboat members are allowed mooring at the Sailboat Club. Mr. Lazar corrected there are no memberships, only tenants. He then explained the aerodrome could make restrictions but don't because the size of the hangars restrict the size of the airplanes tenants store. Higher quality planes are in the new T- hangar and they are restricted to the small twins that currently occupy the hangar due to the width of the wings. Counsel Molnar added the dimensions of the structure in which the planes are stored regulate the size of the plane. Mr. Lazar supported Counsel Molnar's addition stating the widths of the wing spans, as well as the height of the planes are regulated by the size of the hangar. Mr. Lazar described one plane that doesn't fit in the T-hangar so it has been placed in an older hangar as it would not be economical to consume one hangar with one plane. Due to the large wing span of the plane no additional plane would be able to navigate in or out of the hangar. Vice Chair Condon asked if there were any rules, regulations or covenants within the FAA guidelines governing future builds for a larger hangar to accommodate additional larger planes at the aerodrome. Mr. Lazar stated there are no FAA restrictions on any plane other than the calculations used for landing/takeoff. There are categories of airplanes and once the airplane exceeds 5000lbs you get into a different size of airplane requiring different regulations, none of the tenants at the aerodrome would fall into this category. Vice Chair Condon inquired about the length of the airplane, would the 300' extension allow a jet to land on the runway. Mr. Lazar stated no, the runway is physically not set up for landing a jet, the plane wings are too wide to land due to other planes that are parked along the outside of the runway in the summer time. The taxiways are also too short with not enough room at the end of the

turnaround for a jet to circle around precluding jets from using the aerodrome. Mr. Lazar added there is no jet fuel located at the aerodrome which is another disadvantage for the jets.

Member Keifer asked what the hours of operation are at the aerodrome. Mr. Lazar informed the Board the aerodrome is open 24 hours a day, the only people who land after hours are the tenants who are based at the aerodrome. Member Keifer then requested a citation for the FAA acceleration/stop requirements, as well as the most recent New York State Grant application including a further narrative of the work being done to increase safety. Chair Rhoads scheduled a site visit Saturday, May 11, 2019 at 9 am.

WHEREFORE, a motion was made by Vice Chair Condon and seconded by Member Palen to schedule a public hearing on **Tuesday, June 4, 2019 at 7:02 p.m.** The Board having been polled resulted in the 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	Absent	

Counsel Molnar noted he will not be able to attend the public hearing Tuesday, June 4, 2019, he will brief the board with observations and recommendations prior to the meeting, suggesting Clerk Barkdull read through the criteria. Clerk Barkdull was in agreement with reading the criteria for the Board. Member Keifer requested receiving observations and recommendations from Counsel Molnar with time to review it before the meeting Tuesday, June 4th. Vice Chair Condon asked what the Planning Board will be presented with regarding the proposed runway extension/taxiway expansion. Counsel Molnar responded the modification of the Special Permit associated with the extension of the runway, as well as any other construction. Mr. Lazar included the small widening of the turnaround and 15 feet of pavement between two taxiways. Mr. Lazar noted he would bring the documents requested by Member Keifer to the Site Visit.

Attorney Advice Session

WHEREFORE a motion was made by Member Kiefer and seconded by Member Palen to enter an attorney advice session. The Board having been polled resulted in favor of said motion.

WHEREFORE a motion was made by Chair Rhoads and seconded by Member Keifer to return from an attorney advice session. The Board having been polled resulted in favor of said motion.

The Board returned at 7:57pm.

Other Board Business

Counsel Molnar informed the Board of his attendance at the Town Board Meeting May 6, 2019. The Town Board was considering the adjustments to Code 148-12, to permit renovation/construction/expansion of a non-conforming lot or structure. P&Z suggested construction/renovation on any property within 1000 feet of the lake require site plan review in order for proposed projects to pass without variance or special permit. Counsel Molnar informed the Board Architect Bob Eggleston stated his reasons for objecting the changes. Counsel Molnar advanced his support on behalf of P&Z for the changes. After hearing both sides, the Town Board postponed decision making for another night. The Town Board would like P&Z to provide explanations so they can better understand what P&Z is recommending to the Town Board for adjustments to the code.

There being no further business, a motion was made by Member Keifer and seconded by Vice Chair Condon to adjourn the meeting. The Zoning Board of Appeals meeting adjourned at 8:00 p.m.

Respectfully Submitted,
Kim Benda