

**TOWN OF SKANEATELES
ZONING BOARD OF APPEALS
MEETING MINUTES OF
July 7, 2020**

Present:

Denise Rhoads
Jim Condon - Absent
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 via Zoom. The next Zoning Board of Appeals meeting will be held on August 4, 2020 at 7:00 p.m. Previous distribution to the Board of the regular meeting minutes of June 2, 2020 was executed and all members present acknowledged receipt of those minutes. Minor corrections were requested by the Board and will be made by Clerk Benda.

WHEREFORE, a motion was made by Member Palen and seconded by Member Kiefer to accept the June 2, 2020 minutes as corrected. The Board having been polled resulted in unanimous affirmation of said motion.

Record of Vote

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

Member hours for the present Board members were requested and submitted for the month of June 2020 and others owed by the Board members via email. Vice Chair Condon was contacted regarding his submission of Member Hours after the meeting.

Board Business

Lead Agency Request

Counsel Molnar explained the PB is requesting Lead Agency for SEQR review regarding a subdivision approval at a site on County Line Rd. The application was submitted by Chris Graham and Alabar (Alan Briggs). The new site is located near Alan Briggs' existing subdivision with town homes on it. No part of the application is required to have ZBA approval, however the PB wanted to clear the matter with the ZBA as well as other agencies.

Chair Rhoads asked if the Board had any questions before she requested a motion to approve her signing over Lead Agency to the PB. Member Kiefer sought clarification there is no ZBA involvement required, this is simply a notification of what the PB is reviewing. Counsel Molnar confirmed, yes. Member Palen inquired if this was the subdivision of a single lot. Counsel Molnar stated yes, this is the last large lot available for subdivision within the HM district for residential housing. Clerk Barkdull added it will consist of 34 lots located on County Line Rd between Visions Dr. and Phillips Rd, the Applicant's intention is to create "reasonably priced" housing.

WHEREFORE, a motion was made by Member Ciaccio and seconded by Member Palen to approve Chair Rhoads signing over Lead Agency for SEQR review of the County Line Rd. subdivision to the Planning Board. The Board having been polled resulted in unanimous affirmance of said motion.

Loftus Building

Chair Rhoads introduced a potential application that was briefly mentioned by Counsel Molnar during the June P&Z meeting. Counsel Molnar summarized Dave Loftus contacted Counsel inquiring about whether or not he would have any major impediments to advance an application to subdivide his law office buildings, which are two separate building with separate septic systems, etc. The property is located on East Genesee St., Mr. Loftus is looking to create two separate and distinct parcels of land with one building on each so he can sell one and retain the other. Counsel stated Mr. Loftus emphasized the proposed plan will not change anything physical, existing conditions of the site will remain. There is one parking lot sufficient to meet the needs of both buildings, water and electric are separately metered, and each building has its own septic, however the buildings are connected by a common wall. Mr. Loftus is hoping to subdivide with the approval of the ZBA for variances required to subdivide the parcel, then subdivide with PB approval. The goal is to sell one building getting a return on his investment, while retaining the other building for future use and continuing his law practice.

In 1991, Mr. Loftus applied for and received variances from the ZBA to construct his second building addition on that lot, which is a lot of less than the required 4 acres in that zone. Counsel Molnar stated the current variances required in order to subdivide would be for setbacks and size of lot in order to advance the application. The existing nonconforming lot is 1.14 acres being divided into two lots in the IRO district, which requires 2 acres for a minimum lot. Clerk Barkdull clarified a side-yard setback variance would not be required for the common wall based on that section of code, and in 1992 Mr. Loftus obtained a variance for his existing side-yard setbacks, so long as the Applicant can prove the front-yard setback is conforming the only variance required would be for the nonconforming lot size. Counsel Molnar stated with those being acceptable with the ZBA he would then move forward with the PB and subdivide the lot onto two separate pieces.

Member Palen inquired about the location of the property. Counsel Molnar explained it is the last building located on Genesee St. just before the Bird's Nest Motel. Clerk Barkdull added it is the IRO district, not in the watershed and it has been an office building since 1962.

Member Ciaccio asked if Mr. Loftus is asking the ZBA to pre-judge the application with an answer of 'yay' or 'nay'. Counsel Molnar stated the potential Applicant would like feedback from the Board, even if it were simply an indication of 'no objection' prior to investing in professional resources, Mr. Loftus understands there would not be a determination without a proper application going through a thorough review. All Board Members who were present indicated they had no objection to Mr. Loftus beginning the application process for the required variances in order to subdivide. Counsel Molnar requested the topic be placed on the agenda for the upcoming P&Z meeting to ensure both Boards are on the same page regarding the potential application before returning to Mr. Loftus with advisement on making an application. Counsel Molnar stated this would be a joint application in all respects and the ZBA would review the variances prior to PB review.

Member Ciaccio inquired if anyone saw any reason to object to the application being made right now. Chair Rhoads stated no, although she has not been inside of the property, she is familiar with it and initially she finds no reasons to object to the application. Clerk Barkdull stated this application truly is unique to the property as it would not apply to any others in the IRO. Member Ciaccio stated he has been

in the building many times and feels there would be more information provided for review before casting an actual vote on the application.

Counsel Molnar stated he will provide feedback to Mr. Loftus with the recommendation that he should put together an application and advance it.

P&Z Meeting

Clerk Barkdull will be circulating the agenda for the upcoming P&Z meeting on Tuesday, July 28th. Chair Rhoads inquired about any upcoming ZBA applications. Clerk Barkdull stated the Loftus application and potentially one other.

Training Opportunities

Chair Rhoads informed the Board of webinars being offered by Cornell to fulfill any ZBA training hours Members may require. She stated she would email the information to the Board. Clerk Barkdull added information about a webinar through Syracuse University, and noted she would email the link to the Board.

Other Board Business

Chair Rhoads asked if Member Palen would like to further discuss the Texeira application. Member Palen stated he would like to wait until the P&Z meeting. Chair Rhoads stated Vice Chair Condon, who is absent, would also like to wait until the P&Z meeting to discuss the previously reviewed Texeira application.

Chair Rhoads opened the meeting for public comment. No one spoke.

There being no further Board business, a motion was made by Member Palen and seconded by Member Ciaccio to adjourn the meeting. The Zoning Board of Appeals meeting adjourned at 7:20 pm.

Respectfully Submitted,
Kim Benda