

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

**October 8, 2019**

Present:

Denise Rhoads  
Jim Condon  
David Palen  
Kris Kiefer  
Michael Ciaccio  
Scott Molnar, Attorney  
Karen Barkdull, P&Z Clerk – Absent  
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 November 12, 2019 at 7:00 p.m. Previous distribution to the Board of the regular meeting minutes of August 15, 2019 and September 3, 2019 was executed and all members present acknowledged receipt of those minutes.

**WHEREFORE** a motion was made by Member Kiefer and seconded by Member Ciaccio to accept the August 15, 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	Present	[Abstain]

**WHEREFORE** a motion was made by Member Ciaccio and seconded by Member Palen to accept the September 3, 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	[Abstain]
Member	Michael Ciaccio	Present	[Yes]

Member hours for the present Board members were turned in for the month of September, 2019. Member Ciaccio requested to email hours for the months of July, August and September after the meeting.

**Public Hearing**

Applicant: Stephen Datz

Owner: Justin Marchuska  
866 Franklin St  
Skaneateles, NY  
**Tax Map #047.-01-18.0**

Present: Stephen Datz, Contractor

Z.B.A.10.08.2019

Chair Rhoads reviewed that the application is for the construction of a two-family dwelling on a lot that is 19,081 sq. ft. where a 4 acre lot is required. The public hearing was opened at the September 3, 2019 meeting; comments were received from the public and made part of the record. The hearing was continued to the present meeting. Stephen Datz, contractor, approached the Board for review stating since the last meeting he has tried to address three issues that were of public concern. Mr. Datz stated the drainage issue has been discussed with the Village, the Town and Mirbeau, as well as who is responsible for what and how the project will drain. The architect from the Mirbeau project and Mr. Datz have been working together to resolve all of the drainage problems. Mr. Datz addressed the concern for one vs. two septic systems, stating he has contacted the manufacturer, supplier, Jeff Till, and the engineer, all of whom feel as though a single 4-bedroom system would have a more efficient field function than the two 2-bedroom systems Mr. Datz originally proposed. Mr. Datz said he would leave the decision for which septic system is appropriate up to the engineer. The addition of two dual track turnarounds and remaining within the 15% permeable surface coverage is the third concern and it is also being dealt with by Mr. Datz. Mr. Datz stated any other issues that were brought up are things that are out of his control. Member Palen asked what the two turnarounds would look like in the driveway and if there was a picture. Mr. Datz explained where the driveway comes close to the building and splits it would branch toward the building on either side with the resulting driveway looking like more of a "T". Currently Mr. Datz has 500 sq. feet of permeable surface available to add to the project, allowing space for the tenant in each unit to turnaround on their side while staying under the 15% ISC.

Vice Chair Condon asked if Mr. Datz will be submitting new drawings next month. Mr. Datz stated he is seeking approval before spending the money on new drawings and would expect the approval to include contingencies regarding the septic, new drawings and staying under the 15% ISC. Vice Chair Condon asked if Mr. Datz was expecting a decision from the ZBA during this meeting. Mr. Datz said he would like the Board to make the best decision they can make, in the form that they make it. If that means the ZBA needs more time to review the application, he would prefer a good decision rather than a rushed decision.

Chair Rhoads asked Counsel Molnar if this application has been reviewed by the Planning Board and if they have conducted a site visit. Counsel answered the Planning Board has not reviewed the application and will not until the ZBA clears it. Counsel Molnar did not recall whether or not the Planning Board had made a site visit. Mr. Datz informed the Board the Planning Board has left the decision in the lap of the ZBA, the Town Engineer is the one who brought up the issue of the drainage and has created drawings as a resolve for the problem. Chair Rhoads stated the ZBA hasn't received a summary from Town Planner, Howard Brodsky. Counsel Molnar explained the Planning Board hasn't looked at this application in earnest to give it a thorough review as it is pending ZBA review. Counsel continued the Planning Board will require a fully engineered site plan, as the application requires site plan review, including storm water management, a fully engineered plan to identify the structure they would be permitting, all of the details still need to come out in order for the Planning Board to take a look at it. Vice Chair Condon added the Onondaga County Planning Board requested the plans listed by Counsel during their review of the application. Vice Chair Condon sought confirmation that Mr. Datz is only looking for the one variance to then move forward with the project. Member Palen emphasized it is a significant variance. Mr. Datz stated there are several other pre-existing multi-family dwellings in the area on considerably small lots. Counsel Molnar stated they are pre-existing non-conforming, therefore they are pre-zoning code. Member Palen added the multi-family dwellings were not created once the current zoning was in place. Mr. Datz acknowledged the pre-zoning existence, expressing his feeling that the zoning code being frivolous in the requirement for 2 acres for a single family home, 4 acres for a two family home, and only 50% coverage of a lot for a three family home. It is actually easier to build a three family home on a small lot than it is to build a two family home on a small lot according to the code as it is right now. Member Palen reiterated the significance of the variance stating the applicant has only 0.44 acres where 4 acres is required, granted 4 acres may be too much but less than half an acre is a stretch and the code is the code. Mr. Datz explained he felt as though the code is arbitrary as it exists because it states he could have a farm there, which is not applicable in this particular location. The extenuating circumstance that has been created by the Town and the Village is what Mr. Datz is appealing with this

application as he feels the property is set in more of a Village location even though it is within the Town municipality. In Mr. Datz's opinion the circumstances allow for the two-family dwelling in a non-obtrusive manner, even though the Board could argue this is not the Village therefore their code does not apply; the Town code allowing a farm to exist would be much more obtrusive.

Vice Chair Condon asked about there currently being an approved variance on the property allowing for a single family house of the exact same footprint being proposed. Mr. Datz stated that is correct. Vice Chair Condon asked what the reason was behind creating a two family home, is it financial due to the cost of developing the property. Mr. Datz answered the owner who he is representing does believe that to be so, making it more feasible for him to join into the project. The owner also owns commercial buildings, is a landlord currently and is savvy with the process. Mr. Datz feels the proposal would fill a community need and the owner said if there is a possibility to make the two-family home come to fruition please do so. Mr. Datz asked the Board what the difference is between the 4 bedroom single family home and a two family home of the same size with a total of 4 bedrooms, and how does having 4 acres make a difference. Member Palen stated the zoning code has been applied for a number of years throughout the entire Township, if the applicant had a larger lot they would have a better argument. Mr. Datz stated that is why the applicant has come in front of the ZBA to appeal the code as it is, with the understanding the Board will examine the proposal and take it from the objective to the subjective when applying the code. He also appreciates the time the Board puts in to making this decision, regarding the application and the comments presented. Member Palen stated his issue is setting precedence by granting this variance, which would open opportunities for any developer to approach the Board using this particular variance as an example to request a variance being so far below code. Member Palen then noted a project north of Mottville that was not feasible due to the lack of acreage. Mr. Datz consulted Counsel about each project and ZBA decisions being individual and one should not set precedence for another. Counsel Molnar stated yes and no, each application rises and falls on its own merits, however the actions of the Board are routinely considered precedence by applicants seeking relief under the code. Counsel continued stating this is a difficult discussion to have and a difficult answer to provide, there is precedence because of equal application under the law it is a constitutional issue. Counsel agreed with Mr. Datz as each application does rise and fall on its own merits and facts but the decision of the ZBA is always pushed back against them.

Member Ciaccio inquired about the utilities easement along the front of the property. Mr. Datz stated yes, there is a gas line along the front of the property, as wells as a water line along the other side of the street. Member Ciaccio also noted the electrical poles; he then asked what the distance is of the easement from the road. Mr. Datz explained there was a trolley on the road years ago so the center line of the road which is usually to measure from for public easement is not the one used for this property, it actually encroaches about 4 feet further into the property. Mr. Datz stated all of the various setbacks have been met as far as the placement of the house and septic systems, with the septic being the primary concern as it must have a setback of 10 feet from any waterline or utilities easement.

**WHEREFORE**, a motion was made by Member Palen and seconded by Member Kiefer, to re-open the public hearing from September 3, 2019. The Board having been polled resulted in unanimous affirmation of said motion.

Chair Rhoads stated all letters, comments and emails received at last month's meeting were entered into the record. Chair Rhoads asked if there was anyone in the public who would like to make comments at this time.

Bob Coffin, 859 W. Elizabeth St, came to address population density stating that is likely the reason the Town requires acreage for multi-family dwellings. Franklin Street is a narrow rural road, with no shoulders and deep ditches in some places. If a multi-family dwelling were to be placed on a lot that is less than an acre it would set precedence even though each case is supposed to stand on their own. As far as the Mirbeau project is concerned, that portion of the street is wider with more of a Village setting. Mirbeau is also incorporating sidewalks

addressing the safety concern on Franklin Street. It is the responsibility of the ZBA to make sure overpopulation of the Franklin Street neighborhood does not occur, unless the road is brought up to a standard that can withstand that type of population as it becomes dangerous. There is heavy traffic on the street, especially large concrete trucks, with the speed limit being neither enforced nor obeyed. The Town refuses to address the issue, as they could add stop signs to slow traffic on the road. It would be a dangerous precedence to set for the ZBA to allow a two-family dwelling on such a small lot on this road, because how would you stop anyone from putting much larger multi-family dwellings further down the road on larger lots increasing the population density even further. If there is to be an increase in population density, the infrastructure needs to be put into place first so residents don't get hurt. The project at Mirbeau is not going to help this situation, but the Board has no control over the Village, however Mr. Coffin encourages the ZBA to reject this variance.

Bill Brownlee, 867 Franklin Street, stated the code of 4 acres for a two-family dwelling was made for a reason, and it seems preposterous to ask for a two-family dwelling to be placed on a 0.44 acre lot. The trolley that ran along Franklin Street was across the road from the applicant's property. Mr. Brownlee informed the Board the water line is not 4 feet from the road it is actually 20-30' up where the blue flags are marking it. Given that Mr. Datz has supplied this new information the Board should take time to review it more closely. From experience as a landlord, Mr. Brownlee has found when you have one good tenant; you typically have another that is not. His question is who will be present to control that as the owner hasn't even attended any of the ZBA meetings. For these reasons Mr. Brownlee is against the granting of the variance.

Tom Higgins, 854 Milford Dr., lives on the corner of Milford Drive and Franklin Street. Mr. Higgins stated the Town is not denying the applicant use of their land by not granting the variance, as a single family home would be nice there. He acknowledged that the lot is difficult, as the slope is great, the land does not perk well and a house down the street had to install a raised bed septic. Mirbeau is building a significant project but they are on Village sewer. A single family home is permitted on the property, that use is not being denied, but the request is excessive for such a small lot. Mr. Higgins acknowledged the extensive work the Town, the bus garage, and Mirbeau have done to address the drainage issue. There is a concern for the septic system failing and having the sewage drain down Franklin Street, continuing downhill into Skaneateles Creek, which should be protected. Building a single family home would fit the neighborhood; a ranch is very in demand for the area. Mr. Higgins stated it would be irresponsible to grant the variance.

Judy & Ted Parker, 882 Franklin Street, live right next door to the ongoing Mirbeau project. They have no issue with the current construction at Mirbeau. Ms. Parker stated she and her husband are in agreement with the statements made by the other neighbors. A ranch house would be welcome in the location and is something the community is in need of as she and her husband looked for a ranch in Skaneateles for 3 years. Anything else on that property would be too ambitious. Drainage is a concern for the Parker's. Since the land behind the Parker's property has been cleared for the Mirbeau project, the water has drained down from the hill, pooling at the end of their driveway and making a mess in their garage and home. Considering how ambitious the project is Mr. & Ms. Parker are opposed to the applicant's project as it stands today.

Mr. Datz replied to some of the comments. Stating there is a three bedroom septic system already approved by Onondaga County, therefore the land will perk and is able to handle a septic field. The location of the septic with regard to the utilities easement is something that has also been reviewed by the County and is not an issue. Mr. Datz took responsibility for any mud or runoff coming from the property and stated it should not penalize the owner in the decision making process of the Board as he is not at fault for that. According to Allan Wellington, Town Highway Supervisor, the issue has been remedied to his approval. Mr. Datz reminded everyone he has approval to build the same size house, with the same number of bedrooms, which does not change the number of people who could potentially live in the home. Mr. Datz feels as though people are scared of the thought of renters, especially more than one, living in the home. Mr. Datz asked is potentially having a bad tenant in the

home any reason to make this a “not in my backyard” issue when the community is everybody’s backyard and not having a rental in any backyard would leave not rentable properties in the Town.

Maria Redmond, 868 Franklin Street, does not have an issue with a single-family 4 bedroom house. Ms. Redmond’s concern is for the two-family dwelling being used as an AirBNB, with different families in the home every weekend. Ms. Redmond stated she does not want two different families in the home and the property is not zoned for such.

Mr. Brownlee stated one of his concerns was the stewardship, as right now there is mud running in the road and that is Mr. Datz’s fault. He asked what if something else comes up, who would then address the issue if the owner is not around.

Bob Eggleston, Architect, stated he was neither for nor against the application. Mr. Eggleston wanted to point out an available option to the applicant that would not require a variance, where he could build a single-family dwelling with an accessory apartment. A single-family dwelling with an accessory apartment is allowed on a non-conforming lot by special permit; Mr. Datz would simply go in front of the Planning Board to request a special permit. This could address some of the concerns here as it requires the owner to occupy the dwelling, which could help deter a bad tenant; however there are also good and bad homeowners. Mr. Eggleston noted the accessory apartment is allowed to be 30% of the dwelling’s space. Another benefit to the applicant would be the reduced parking requirement; current plans show 2 spaces for cars in the garage but limited space in the driveway which would be required to accommodate 2 more vehicles. The single-family home with an accessory apartment would only require available parking for 3 cars.

Tim Johnson, 856 Franklin Street, feels as though most discussion has been regarding perk test, sewer, easements, etc. and the majority of those items can be addressed. Mr. Johnson’s concern is with the dynamic of the Village changing, more specifically the code in relation to short term rentals and how that takes place within the Village footprint. The edge of the Town and where the rural community transitions into the Village type setting is a pressure point for the Town to consider. Mr. Johnson is in agreement each application should be reviewed on its own; overall there is still a precedence discussion to be had. The families in the area are not excited about the idea of a central revolving door with an owner who is savvy at commercial development and renting in their backyard. Zoning, Planning and Town Board need to consider the Town/Village interface and how it will interact moving forward with requests for modifications and trying to deal with things on smaller lots, what we want that integration to look like with the Town’s requirements for upholding the current code and how that transitions into a higher density community in the Village which has different functions.

Mr. Datz gave a rebuttal to the public’s comments, stating Mr. Johnson made a great point. Mr. Datz emphasized the interface is where the two municipalities finger together rather than butt up against one another. The interface of the Town and Village is what gives the community its charm, as it has some of the greatest use diversity in the area with large homes and little homes giving it such an eclectic feel. It is Mr. Datz’s belief that the idea of this is more threatening than the actuality of it.

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

In light of new comments and information during the public hearing, Chair Rhoads asked if the Board would like review the five criteria or if they would like more time to consider and review the new information before rendering a determination. Member Ciaccio requested more time. Member Palen stated he was prepared to make a decision. Vice Chair Condon was comfortable with either situation. Member Kiefer stated he was prepared to make a decision. Member Ciaccio explained during his preparation for the public hearing he came across some items he would like to discuss during an executive session however he did not have those talking points prepared

for the meeting. Member Ciaccio stated he knew which way he was leaning but would not be able to articulate the reasoning for his decision without a better interpretation of the code. He then noted the applicant has stated he is in no rush and would prefer the Board make an informed decision rather than a hasty one. Chair Rhoads stated she would like more time to review the new information. The board was in agreement to render a determination at the next ZBA meeting. Counsel Molnar reminded the Board they are required to render a determination within 62 days of the close of the public hearing or the variance will be approved by default of no action. The Board was in agreement to close the public hearing as the record has been made and they would be able to make a determination within the 62 days. Mr. Datz's application will be placed on the November 12, 2019 agenda at which time the Board will render a determination.

**Public Hearing**

Applicant: Normans Cay Holdings LLC/Michael & Kristen Drake  
697 W. Genesee Street  
Skaneateles, NY 13152  
**Tax Map #047.-01-36.0**

Present: Michael & Kristen Drake, Owners  
Bob Eggleston, Architect

Member Ciaccio recused himself from the review of the application as the applicant is a client of his. Chair Rhoads reviewed this is an extension of an existing driveway in a wetland setback. A site visit was conducted by the Zoning Board of Appeals on Monday, September 9, 2019.

**WHEREFORE**, a motion was made by Member Palen 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.

Bob Eggleston, Architect, at the site visit several options were reviewed in an attempt to reduce the variance presenting some difficulty. In working with the DOT regarding the curb-cut they would like to maintain the location of this driveway for the commercial drive. To be outside of the 100 foot buffer it would mean removing a recently built garage and it encroaches on the private aspect of the single-family dwelling. Another option was to swing the driveway to the east behind the septic systems, but that would change the orientation of the future buildings decreasing their functionality and increasing impermeable surface coverage. The compromise reached by the applicant was a shift in the drive with a curve, placing the driveway 50 feet from the wetland. This is not a Federal wetland buffer; it is a Town code requirement to be 100 feet from any watercourse or wetland, whether it's a DEC wetland which does require the 100 foot buffer or a Federal wetland which the Army Corps permits an individual to build right up to the wetland itself. The parking area has also been shifted, creating double loaded parking so there would no longer be any of the parking area located within the buffer. With this compromise the 20 feet of driveway 50 feet from the buffer is now the only situation requiring a variance and Mr. Eggleston felt this was reasonable in order to maintain the integrity of the future development of the nursery while minimizing the impact of the setback.

Mr. Eggleston stated the applicant is not opposed to installing a fence along the driveway and suggested it be added as a condition on the resolution. Vice Chair Condon said the installation of a fence was included in the applicant's written narrative. Mr. Eggleston stated that was correct, noting there is already a fence surrounding the mini golf area and installing a split rail fence would be in keeping with the agri-business the applicant intends to develop. A fence would guarantee overflow parking would not park on the wetland buffer. Member Palen asked if there would be greenery or trees incorporated with the fence. Mr. Eggleston answered yes as the applicant is a

nursery specialist, the existing Norway spruce will be removed and replaced by more appropriate indigenous species, likely deciduous trees and something you would be able to see through.

Member Kiefer asked if Mr. Eggleston could state for the record why this compromise satisfies the minimum requirement the ZBA is tasked to approve. Mr. Eggleston stated the applicant has almost double the setback originally proposed from 27 feet to 50 feet. From the standpoint of presentation of entrance and marketing the applicant had a plan that put the building more to the north further from Rt. 20, now it will be more visible coming down the road from the east before you get to the driveway all while decreasing the ISC. The other alternative would have severely impacted the amount of impermeable surface coverage by extending the driveway up and around the back side of the building. Mr. Eggleston reiterated the Federal government has no requirement for a wetland setback, the Town rule is based on DEC wetlands, so from a wetland protection standpoint there is no inherent value of maintaining 100 feet. Member Kiefer then asked if there was anything in the plan talking about the language from the code like the exception in the IRO district, even though this does not fall in that district there is a parallel with what the applicant is trying to achieve. The exception is allowed, if the Planning Board at consultation with the engineer determines that the drainage from a driveway would not adversely affect the watercourse. Mr. Eggleston explained because this is vital to the future development of the property, if there is no driveway in this location it has significant impact of doing a SWPP which takes a great deal of time and energy. Currently the applicant is working with Engineer Rudy Zona to obtain a highway permit and has conceptually discussed the SWPP. The location adjacent to the wetland is a prime location as it is low and will easily meet state environmental requirements with detention ponds or bio-swales, whichever Mr. Zona determines to be the best practice. Because of the location it is easy to get drainage along the west edge of the driveway to feed the storm-water management area by gravity, so any storm-water coming from the driveway will be processed by a SWPP before being released into the wetland as required by DEC. This process will require a SPDES permit as it will disturb more than an acre of land, so there will be an engineer following up on the progression of the project each week to ensure the project is being done properly.

At this time Chair Rhoads opened the public hearing asking if there was anyone who would like to speak in favor of the application or had any comments for the record. No spoke in favor or had any comments for the record.

**WHEREFORE**, a motion was made by Vice Chair Condon and seconded by Member Kiefer to close the public hearing. The Board having been polled resulted in the unanimous affirmance of said motion.

At this time the Board reviewed the five criteria for an area variance concerning applicable section of Town Zoning Code; Section 148-29D Wetland & Watercourse Setbacks. 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 character of neighborhood or a detriment to nearby properties:** No. There will not be a negative impact to the character of the neighborhood or property as the land has been agricultural for many years and the future addition of a greenhouse will complement the property. The driveway currently exists and this is an extension of the existing driveway. The encroachment to the Federal Wetland boundary is minimal with the majority of the driveway and parking area lying outside of the wetland setback. Code Section 148-29D states if no adverse effect on a watercourse will be made by a driveway in an IRO District then it may be permitted upon conditional approval of the Planning Board. Those IRO Districts include limited commercial development that support the primary uses, in this case the driveway has a 50' setback in an RR District where 20' is required in an IRO. The applicant has made a significant

effort to ensure there is not an adverse effect to the watercourse from the driveway and has more than doubled the setback that would be required in an IRO district.

2. **Whether benefit sought by applicant can be achieved by a feasible alternative to the variance:** No. Alternatives have been reviewed by the applicant and the site plan dated Sept. 11, 2019 is the most feasible option due to the location of the existing single family dwelling, garage and septic. The variance will be required to access the rear fields through the Federal Wetland setback to avoid the destruction of the existing septic and a newly built garage.
3. **Whether the requested variance is substantial:** No. Mathematically the variance appears to be substantial however the applicant has adjusted the location of the driveway in order to reduce the request to the minimum variance possible. Town Zoning Code requires a 100' setback to a wetland or watercourse in the RR District, whereas the applicant is requesting a 50' setback. The Federal Army Corps does not have any such requirement. Additionally the Town Zoning Code requires a minimum 20' setback in the IRO District, where the requested setback is more than double that requirement.
4. **Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood:** No. The variance will not have an adverse impact on the physical or environmental conditions of the neighborhood, as it is not within 200' of Skaneateles Lake and the permeable coverage is within the 10% maximum. The natural slope of the property has been taken into consideration and there will be a Stormwater Management Plan in place to protect the wetland from driveway runoff. Vehicles will not be permitted to drive through the buffer along the driveway; a fence will be installed along the west side of the driveway to ensure there will be no parking in the wetland buffer. All parking and structures will exist outside of the buffer, making it environmentally friendly. The applicant has indicated an engineer will be on site to work through the SPDES application process to make certain there will be no adverse environmental effects.
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 Member Palen, that this application be **APPROVED** with standard conditions and additional special conditions:

**ZBA 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 revised on Sept. 11, 2019 prepared by Robert O. Eggleston, Licensed Architect be strictly followed in all respects.
2. The applicant obtain approval from any easement holder, including but not limited to Verizon regarding a telephone line easement, prior to any work within the easement.
3. The applicant will include fencing and vegetation on the west side of the driveway to protect the wetland buffer.
4. The shared driveway agreement will be provided the Zoning Board of Appeals from the mini golf development on the west adjacent parcel.

<b><u>Record of Vote</u></b>			
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]

**Other Board Business**

Chair Rhoads informed the Board the Planning & Zoning staff meeting will be held Thursday, October 10, 2019 at 6:30 pm.

Chair Rhoads requested the ZBA receive copies of the Planning Board minutes as well as the Town Board minutes once they are approved. Clerk Benda agreed to forward the minutes to all members of the Board.

Vice Chair Condon asked Clerk Benda to provide a map of the Mirbeau annexation to the Village and plans for the Mirbeau work being done down the road from 866 Franklin Street so the Board could have a clear understanding of the development where the Town and Village lines come together. Clerk Benda stated she would look into getting those items for the Board from the Village. Chair Rhoads encouraged Member Ciaccio to request an attorney advice session regarding the Datz application at the November meeting as it could be helpful for the Board. Counsel Molnar stated anyone could call or email with any questions prior to the meeting. Member Kiefer inquired about sidewalk inclusion for the Mirbeau project and finding information pertaining to that.

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 8:22 p.m.

Respectfully Submitted,  
Kim Benda