

**TOWN OF SKANEATELES
ZONING BOARD OF APPEALS
MEETING MINUTES OF
January 4, 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 February 1, 2022, at 7:00 p.m.

Minutes

Previous distribution to the Board of the regular meeting minutes of December 7, 2021, was executed and all members present acknowledged receipt of those minutes.

WHEREFORE, a motion was made by Chair Rhoads and seconded by Member Ketchum to accept the December 7, 2021, minutes as presented. The Board having been polled resulted in unanimous (4-0) affirmation of said motion, Member Kiefer abstained from the vote due to his absence at the December meeting.

Record of Vote

Chair Denise Rhoads	Present [Yes]
Vice Chair David Palen	Present [Yes]
Member Kris Kiefer	Present [Abstain]
Member Dave Lee	Present [Yes]
Member Sherill Ketchum	Present [Yes]

Member hours for all Board members were requested and submitted for the month of December 2021 via email.

Public Hearing

Applicant: Lawty88LLC
3371 East Lake Rd
Skaneateles, NY 13152
Tax Map #041.-01-33.0

Present: Bob Eggleston, Architect
Sara Recktenwald, Owner

Vice Chair Palen described the variances required are for lake frontage and side yard setback, he sought clarification on what was included in the application. Bob Eggleston, Architect, explained along with the shoreline steps, the addition of the grand staircase and 2-car garage are assumed to be part of the application in that any improvements on a lot with less than 75 feet of lake frontage would require a variance. Mr. Eggleston asked for confirmation from Counsel Molnar the Public Hearing Notice was properly advertised. Counsel Molnar stated yes, and noted this application is a joint application under

review by the Planning Board as well. Mr. Eggleston explained due to the lake frontage being less than 75 feet any improvement on the lot would require an area variance, the project of most interest for this application is the shoreline improvements. A 6-inch variance is required for the timber and stone steps that naturally follow the grade of the bank this should mitigate the erosion problem along the bank. Additionally, a rock retaining wall is proposed to mitigate erosion, that does not require a variance. The step at the top of the bank would create a 6.2-foot setback to the side property line, where the gazebo is set back at 6.7-feet. Alternatively, the top step could be eliminated but it could create an unsafe area to access the kayak storage. According to the Town Code for Total Shoreline Structures the area of the gazebo must be counted twice as it is 2-stories containing a storage area underneath. Excess driveway area which is much larger than the proposed steps is being removed, resulting in a decrease in Total Lake Yard Structures avoiding a variance for this. A side yard setback variance is required for the step along the north side of the gazebo. The new garage construction and addition of a grand staircase to the west side of the dwelling require a variance due to the lack of lake frontage, otherwise they are in complete compliance with the Town Code and sit greater than 500-feet from the lake line.

Mr. Eggleston informed the Board the original estate had a carriage house to the south, that property has since been subdivided and redeveloped into the Manna's home. He explained that Ms. Recktenwald would like a garage on the property once again in the form of a 24' x 30' structure conforming to all required setbacks. Mr. Eggleston continued the Impermeable Surface Coverage (ISC) will decrease from 17.1% to 14.6%, whereas 10% is required. The south loop driveway as well as some other structures will be removed, while maintaining a 33-foot parking area to accommodate 4-5 cars for Lawton family members and visitors. The Applicant will be paying into the Town's land Developmental Right Acquisition Fund (DRA Fund) to mitigate the 4.6% over the allowed 10% ISC. The initial application incorporated a bioswale, as the Planning Board (PB) prefers their use, or some means of drainage to mitigate water runoff. Typically, it would be placed downhill from the improvements however the purpose of the bioswale on the east property line is to catch the runoff coming from the properties to the east. The water is coming from the underdrain on the Mercurio property flowing down their old driveway that is still existing then running onto the Recktenwald property creating ice issues in the winter where the ice can be up to 12-inches thick according to the contractor. The underdrain for the proposed bioswale would run along the south side of the property. Mr. Eggleston recognized it is more than just this property, which is affected by the drainage issue, two are owned by the Applicant as she purchased the property to the north of this one, the other property directly affected is the Manna property. Eric Brillo, an excavator who has worked on many of the properties in this neighborhood, consulted with Mr. Manna and Tim McNally, contractor, to develop an alternative to the bioswale. After their meeting Mr. Eggleston met with Eric Brillo, Josh Brillo, Tim McNally and Town Engineer, John Camp on site to create a new drainage solution for the neighborhood, he described the meeting and plan to the Board referencing the tax map images provided by Mr. Manna. An updated site plan will be supplied to the ZBA reflecting a new drainage solution before the next ZBA meeting. Mr. Eggleston reviewed the existing drainage that was created during the subdivision in the 1960's or 1970's when there were three lots created each with a 10-foot strip of land to access the lake. The pipe for the neighborhood's existing drainage system is on the 10-foot strip belonging to the Recktenwald's just north of parcel 041.-01-29.0. Engineer Camp felt it would be acceptable for the proposed drainage to tie into the existing pipe. Vice Chair Palen sought clarification that the proposed bioswale is to be removed from the plans and a French Drain will be utilized instead. Mr. Eggleston stated yes.

Member Kiefer stated he would like to have updated plans reflecting the proposed French drain before deciding on the application. He then asked Mr. Eggleston to elaborate on the safety concern that could result in the elimination of the top step on the stairs proposed next to the gazebo. Mr. Eggleston explained there are permeable paver steps along the south side of the gazebo to access the concrete dock from the top of the bank. Kayaks are stored on the north side of the gazebo and the plantings on the bank haven't

held up to the foot traffic from accessing the kayaks and putting them into the lake. Mr. Eggleston described the materials to be used for the permeable steps which will create a safe uniform platform that will follow the natural grade of the bank rather than balancing on uneven rocks which would not require setbacks since they are not considered a structure. The steps will consist of 38 sq.ft. of permeable structure, to compensate for that addition 88 sq.ft. of impermeable blacktop is being removed east of the gazebo. The gazebo is set at an angle to the property line and the closest point sits 6.7ft. from the north property line, with the steps being 3ft. wide the proposed top step would sit 6.2ft from the property line bringing them 6-inches closer to the property line than the existing gazebo. The steps would protect the bank then plantings would be placed between the steps and the property line. Member Ketchum suggested reducing the width of the stairs so a variance would no longer be required. Mr. Eggleston was receptive of the suggested alteration and stated the top step could potentially be eliminated as well.

Vice Chair Palen asked if anyone would like the public hearing notice read. No one requested to have the public hearing notice read. Board members have conducted a site visit. The Board is in receipt of the Syracuse and Onondaga County Planning Association (SOCPA), as well as the City of Syracuse Water Department's reviews of the application. A letter with comments was received from John Manna, 3369 East Lake Rd. Skaneateles, NY 13152.

WHEREFORE, a motion was made by Member Ketchum 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 affirmation of said motion.

At this time Vice Chair Palen opened the public hearing asking if there was anyone who would like to speak in favor of the application. No one spoke. Vice Chair Palen asked if there was anyone who would like to speak in opposition or make comment about the application.

Mike Homeyer, 3353 East Lake Rd., Skaneateles, NY 13152, homeowner of the property north of the 10ft. strip of land accessing the lake. Mr. Homeyer stated any work Ms. Recktenwald is proposing will likely be nice as all of her improvements to date have been. He does have concerns regarding the drainage as there is a significant issue with the water runoff on the properties to the west of the Recktenwald property. Mr. Homeyer described the catch basin he had installed to alleviate some of the water coming onto his property. When consulting with Eric Brillo, excavator, as Mr. Homeyer understood a bioswale would not address the drainage issue on his property so he finds it concerning that it would be proposed as a runoff solution for this application. He asked that the bioswale be reviewed further. He also expressed concern about the placement of the stones for the steps accessing the lake, although it would look nice when completed it could be difficult to place them as he has installed a 4-foot chain link fence along his property line so a barge may be required to bring the materials in from the lake. The ultimate concern is finding an appropriate solution for the water runoff issue.

Mr. Eggleston addressed Mr. Homeyer's concerns, stating he was aware of the catch basin that had been installed by Mr. Homeyer as he understood it was located on the Homeyer property near the common road. The proposed projects should not make the drainage issue in the neighborhood worse, the ISC is being reduced greatly and by catching and controlling the water coming from the Mercurio and Panasci properties it will control that water that then becomes an issue for other neighboring properties such as the Homeyer's. Ultimately the water runoff issue should see an improvement. Mr. Eggleston added the Applicant would likely invite other homeowners in the neighborhood to work together as a unified group creating a drainage solution to benefit everyone. This project will not be getting started in the next couple of months being in the midst of winter. Currently there are revisions that need to be reflected on the site plan and they should be completed prior to the next PB meeting, the updates will be submitted to the ZBA

at that time. It may include the addition of a French drain on various sides of the property depending on the opinion of Engineer Camp.

Vice Chair Palen polled the Board on continuing deliberation of the application and making a decision at one of the following ZBA meetings. The Board was in agreement, they would like to review a finalized plan reflecting the updated drainage before making a decision on the application.

Sara Recktenwald, Owner/Applicant, stated a full drainage across 6 properties would be an outstanding result of this application. Ms. Recktenwald will work with Engineer Camp, Mr. Brillo and the other neighbors regarding the drainage. She asked if there were any other concerns the Board would like to see addressed prior to the next ZBA meeting. Member Kiefer stated he had no issue with the grand staircase on the house or the new garage. However, he did have conflicting feelings on the proposed steps for access to the lake even though the variance is only for 6-inches, the ZBA is charged with granting the minimum variance necessary according to the Town Code. Ms. Recktenwald stated that is something she will look for an alternative solution to, as well as being mindful of the chain-link fence Mr. Homeyer has installed at the lake front creating minimal access for the installation of the steps. Vice Chair Palen agreed, adding he would like to see the drainage plans before making a final decision. Member Ketchum stated although the variance for the steps along the gazebo is for merely 6-inches, eliminating a variance altogether is a big deal.

WHEREFORE, a motion was made by Member Ketchum and seconded by Chair Rhoads to continue the public hearing for this application at the ***February 1, 2022, Zoning Board of Appeals meeting at 7:02 pm***. The Board having been polled resulted in the unanimous affirmation of said motion.

Initial Review

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

Vice Chair Palen described the property under review is 813 West Genesee St. and was formerly known as the Cedar House. Bob Eggleston, Architect, stated this property is greater than 92,000 sq.ft., making it over 2 acres, in the Highway/Commercial District outside of the lake watershed. The proposal is for a change of use to include a hotel in addition to the existing restaurant and bowling. The existing mid-century block building will remain with the curved roof. Mr. Eggleston reviewed page 1 of 2 of the site plans, explaining that the 1-story cedar structure housing the existing restaurant on the south end of the building will be removed. It will be replaced by a 2-story structure on a similar footprint with the addition of a 26-foot-wide structure that is the length of the building on the west side to accommodate the new hotel. The hotel is proposed to provide moderate priced rooms geared toward business professionals, sports teams traveling to the area and others who can't afford the \$400/night rooms that are available in the Village.

Mr. Eggleston broke down the three uses for the property. Bowling is not as popular as it once was, rather than removing it altogether the proposal is to downsize from 12 to 4 lanes, the remaining area will be a game area with games that are more popular with kids and families today. The restaurant will be slightly smaller as well, accommodating no more than 100 occupants. The area that was previously the Hilltop

Restaurant will become the hotel reception and shop area. The west side of the first floor will have exterior entry to the hotel rooms more like a motel, which has become a popular option since the concerns with Covid and individuals preferring not to occupy shared spaces but given certain situations direct outside access can be very desirable. The second floor of the hotel has a hallway with interior access hotel rooms.

Mr. Eggleston continued; the parking area will be addressed with improvement to the existing setbacks while the front parking will remain, as it was redone during the Gateway project with the NYSDOT. It has been discussed a walkway could be included extending the public Gateway walkway to the hotel entrance, the idea is under review in an effort to gain access to the structure from the public sidewalk. A brick sidewalk surrounding the building is proposed to allow for good pedestrian access. An outdoor patio area is being proposed for additional restaurant seating as it has become apparent through Covid this is a beneficial option to have for restaurants. The restaurant entrance would be on the east side of the building, the hotel entrance would be on the south side and the employee/service entrance would be on the north side off Transportation Drive. The north driveway off Transportation Drive is 26-feet wide to allow for tractor trailers dropping off supplies, garbage trucks to get to dumpsters and emergency vehicles needing access to the north side of the building. Per Town Zoning there are 101 spaces that are required based on the individual uses of the building and the equations provided, the Applicant is allowed to provide 85% of full capacity and this facility has an overlap of use. PB is reviewing this aspect of the application.

There are two variances required for the proposed project. ISC is nonconforming at 62.8% where 50% is required, it will be maintained and reviewed by the PB under a Special Permit. However, Total Coverage will go from 63.8% to 69.2%, whereas 60% is allowed. Although ISC is maintaining the same percentage the Total Coverage will increase as the patio and sidewalks will be additions made of permeable pavers. The second variance is for a rear yard setback for a parking area, as the driveway on the north side of the building is proposed to be set back from the property line 5.3-feet where 20-feet is required. The east and west parking areas do not meet the 20-foot setback requirement; however, they will become less nonconforming than what is existing so the proposed setbacks will not require a variance.

Mike Lasell, Civil Engineer, reviewed the existing condition of stormwater on site as well as the proposed conditions of stormwater. Mr. Lasell referenced the page C-103 of the Grading Plan to discuss the stormwater conditions. The water moves in a direction from the south to north. Currently there is a catch basin located by each corner in front of the restaurant to capture the water from the parking area, an underdrain then carries the water along the northwest of the property than directs it toward the Town property into another catch basin. Parts of this system will be replaced and updated as redevelopment takes place but the majority of the stormwater travels north, rather than east or west, into the large catch basin. Any excess flows further north onto the Town property and Rosalie's parking areas. The proposed stormwater system updates will follow DEC requirements. Mr. Lasell reviewed the new plans according to the drawings on page C-103, explaining that the water will be pushed away from the building into the storm system and it will also capture roof runoff where it did not previously. The proposed biofilter area is approximately 3,000 sq.ft. of space with about 8,000 cu.ft. of treatment, where the DEC only requires 2,000 cu.ft. of treatment for a project such as this. The amount of stormwater leaving this site will be significantly less than existing when the proposed stormwater updates have been completed as a result of following the Town Code small site guidelines, DEC standards and lake watershed district requirements even though the property is not in the lake watershed. Mr. Eggleston summarized that the stormwater condition of the site is being improved, which is a win as the surrounding sites have been improved upon greatly in the past 20 years.

Mr. Eggleston discussed the Comprehensive Plan and zoning interest in the Highway/Commercial Districts with a goal for improvements to the Gateways to the Village. The elevations on page 2 of 2 in

the site plans were reviewed even though they may not be the final plans. They reflect more traditional architectural elements with the idea of using the Village look breaking up the building creating a definitive entrance to the hotel lobby. Internally there will be free flow between the restaurant and hotel lobbies, as well as the recreation area. The Comprehensive Plan and zoning laws also encourage more green space and trees, which are being incorporated into the project during the improvements. The 2-story elevations on the south and west sides of the structure were placed strategically as they are the most exposed elevations of the building. When entering the Village from Auburn the west elevation is the most visible of the structure. The hedgerow of trees between the beauty salon and the site protect the view from the east when leaving the Village toward Auburn screening the east elevation.

Member Ketchum asked about the SOCPA comments regarding the front parking spaces located within the front right-of-way. Mr. Eggleston explained when the NYSDOT executed the Gateway project they incorporated a control by installing curbing and walkways where there was free entry previously. The major entrance created on Genesee Street by the NYSDOT will remain, there will be additional green space and curbing in the parking area to define the existing spaces even further.

Member Kiefer inquired about the number of handicap accessible spaces proposed and their locations, as well as additional accessibility issues. Mr. Eggleston explained NYS Code for parking requires 1 handicap space per 25 parking spaces, this proposal requires 3.5 spaces according to these guidelines whereas the site plan reflects 5 handicap spaces. The 5th space is located in the north employee parking near the kitchen entrance for employee access. The 4 required for the public are located near the two main entrances. Therefore, the current proposal exceeds the required handicap parking by 25%. NYS Building Code requires a certain percentage of the rooms be handicap accessible, this requirement will be met. The front southwest corner of the structure is an entry corridor which will include an elevator servicing both floors and making the second story hotel rooms accessible. The accessible rooms could be located on the south side of the second floor as there is more room to accommodate the larger units. All entrances into the structure will be accessible. The restaurant, recreation area and even the bowling area will be accessible with the inclusion of ramps to the bowling lanes. Member Kiefer expressed concern with the lack of handicap parking on the west side of the building where a guest may experience difficulty with accessibility to one of the motel style rooms, especially during the winter months. Member Kiefer asked that the Applicant consider placing a handicap space on the west side of the structure. Mr. Eggleston stated he would discuss this option with the Applicant.

Vice Chair Palen asked, in the demolition of the existing structure will the existing block walls remain. Mr. Eggleston confirmed the existing walls are cinder block and the roof is a barrel vault, they will be reused during redevelopment with some modifications to allow for drainage improvements.

Member Lee noted the parking along the west side of the structure, asking if the dimensions conform to a given standard as the diagonal spaces look compact without any specific scale to compare to. Mr. Eggleston stated yes, it is conforming to NYS guidelines, with diagonal spaces one-way traffic is utilized in the driveway, in this situation entry is at the south with an exit at the north end of the driveway. Each space is 10ft. x 20ft.

Mr. Eggleston shared initial comments from the PB asking in a reduction of ISC which would result in a lower proposed Total Coverage. Additionally, the PB would like to see an improvement on the rear yard setback for the driveway, therefore requiring less of a variance. Modified plans are being created to address these concerns and Mr. Eggleston will take the concerns of the ZBA into account as well when updating the plans. The updated plans will be provided prior to the next ZBA meeting.

A site visit was scheduled for *Saturday, January 8, 2022 at 8:30 am.*

WHEREFORE, a motion was made by Chair Rhoads and seconded by Member Ketchum to schedule a public hearing for *Tuesday, February 1, 2022* immediately following the preceding application. The Board having been polled resulted in unanimous affirmation of said motion.

Other Board Business

Retention of Counsel & Appointment of Vice Chair

Clerk Benda informed the Board the ZBA was required to retain Counsel 2022, as well as appoint a Vice Chair.

WHEREFORE, a motion was made by Chair Rhoads and seconded by Member Ketchum to retain Attorney F. Scott Molnar as counsel and re-appoint Member David Palen as Vice Chair for the Zoning Board of Appeals through the year 2022. The Board having been polled resulted in unanimous affirmation of said motion.

Reappointment of ZBA Member

The Board congratulated Member Ketchum on her re-appointment to the ZBA for a 5-year term beginning 1/1/2022 and ending 12/31/2026.

There being no further Board business, a motion was made by Member Lee and seconded by Member Ketchum to adjourn the meeting. The Zoning Board of Appeals meeting adjourned at 8:20 pm.

Respectfully Submitted,
Kim Benda