

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

January 7, 2020

Present:

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

The meeting commenced at 7:00 p.m. at Town Hall. The next Zoning Board of Appeals meeting will be held on February 4, 2020 at 7:00 p.m. Previous distribution to the Board of the regular meeting minutes of December 3, 2019 was executed and all members present acknowledged receipt of those minutes.

WHEREFORE a motion was made by Member Palen and seconded by Vice Chair Condon to accept the December 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	Absent	

Member hours for the present Board members were turned in for the month of December, 2019. Member Ciaccio will be contacted with a request for his hours to be submitted.

Appointment of Officials

WHEREFORE a motion was made by Chair Rhoads and seconded by Member Palen to re-appoint Member James Condon as Vice Chair of the Zoning Board of Appeals. The Board having been polled resulted in unanimous affirmation of said motion.

WHEREFORE a motion was made by Member Palen and seconded by Member Kiefer to re-retain Counsel Scott Molnar as Attorney for the Zoning Board of Appeals. The Board having been polled resulted in unanimous affirmation of said motion.

Public Hearing

Applicant: Mary Sennett & Robert Leiss
1411 Thornton Heights Rd
Skaneateles, NY
Tax Map #057.-01-32.0

Z.B.A.01.07.2020

Present: Mary Sennett, Owner
Bob Eggleston, Architect

Chair Rhoads described the application is for the replacement of stairs and a deck to meet code. Chair Rhoads stated the Board had conducted a site visit Saturday, December 7, 2019. Bob Eggleston, Architect, explained the existing stairs do not comply with code, so the applicant has angled them to gain extra length allowing for a more comfortable stride. An 8'x10' deck is being placed on top of the dock, reducing the dock area to gain storage even though the deck/storage must be double counted. There is a slight increase in lakeshore structures as a result of the lengthening of the stairs to meet code and the requirement to double count the deck area. The lot size is less than 20,000 sq. ft. automatically triggering a variance for any improvements. Mr. Eggleston previously submitted the applicant's response to the five criteria. Ms. Sennett stated she shared the plans for the improvements with owners of the neighboring properties, the ZBA received letters of approval from those neighbors. Chair Rhoads noted the applicant cannot do an exact replacement of the existing staircase due to the changes in the Zoning Code and the steepness of the shoreline.

Member Kiefer asked Mr. Eggleston to describe the double counted deck in further detail for the record, especially considering the third criteria that the variance is substantial. Mr. Eggleston stated the applicant wanted to maintain storage on the dock, where the existing deck allows for informal wet storage underneath the site plan shows the deck being moved over the dock reducing the dock area while creating enclosed storage under the deck. According to the code, by stacking the deck on top of the dock allowing for storage underneath the applicant is required to count the square footage twice as it would typically be considered two separate structures. This has an impact on the increase in lakeshore structures because the dock is considered part of the property within the lake-yard. Both types of proposed structures are allowed to exist as lakeshore structures, as opposed to a nonconforming structure that is encroaching into the lakeshore. Member Kiefer stated that was helpful considering the increases are in close proximity to the lake it is important to be clear for the record, with the compelling argument being safety.

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.

At this time Chair Rhoads opened the public hearing, asking if anyone would like to have the public hearing notice read. No one asked to have the public hearing notice read. Chair Rhoads asked if the public would like to speak in favor of the application or if there were any other comments. There were no comments made. The Board received letters from Roben (and John) Findlay, 1409 Thornton Heights Rd, as well as Eugene and Tracy Franchini, 1417 Thornton Heights Rd, in support with no objections to the project.

WHEREFORE, a motion was made by Member Palen and seconded by Vice Chair Condon 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 the 3 area variances as 1 area variance concerning applicable sections of Town Zoning Code; Section 148-12G(1)(a)[1] Existing nonconforming lots, Section 148-12G(1)(a) [7][a][i] Existing nonconforming lots – Footprint, Section 148-36A(1)(c)[2] Skaneateles Lakeshore regulations – Dimensional limits. 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 an undesirable change in the character of the neighborhood nor a detriment to nearby properties. The new stairs on the site plan, as dated November 21, 2019, will be built in a safer manner, as the existing stairs are not code compliant. The lower landing of the existing stairs creates shoreline storage where the proposed layout will create similar storage under the lower landing. The new stairs and storage will be built to code and in addition to providing safer access to the dock it will enhance the property as well as neighboring properties by replacing the deteriorating structures that exist today.

2. **Whether benefit sought by applicant can be achieved by a feasible alternative to the variance:** No. Due to the condition of the existing stairway it is necessary and the design of the staircase as presented by the applicant is in keeping with current code requirements. Therefore this is the most feasible option for the applicant to rebuild the stairway and bring the stairs up to code on this nonconforming lot.

3. **Whether the requested variance is substantial, within 200 feet of Skaneateles Lake, any area variance that enlarges a building or enables it to encroach into a required lake yard shall be presumed to be substantial because of the cumulative risk of degradation of the lake posed by granting individual variances. This presumption is rebuttable:**

RECORD OF VOTE

MEMBER NAME	AYE	NAY	ABSENT
Chair DENISE RHOADS	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Vice Chair JIM CONDON	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Member MICHAEL CIACCIO	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Member KRIS KIEFER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Member DAVE PALEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Reasons: Yes and no. The three variances are significant as the existing nonconforming lot is only 0.37 acres and the proposed building footprint is being increased to 8.2% from 7.5% further increasing the shoreline structure from a nonconforming 949 sq. ft. to 1.075 sq. ft. However due to the condition and need for replacement of the staircase this should not be an impediment to the approval of the variance. On a preexisting nonconforming lot rebuilding a dangerous old staircase will in fact enhance the property and the neighborhood; therefore in this case the 126 sq. ft. increase to the shoreline structure is not substantial. The stairs will be replaced according to current building code providing safer access, and the shoreline which is eroding will be reinforced with new vegetation and jute mesh pinned to the bank. During construction, sediment logs will be placed below the construction area to control any potential erosion during construction. Any improvement on this property would trigger a variance.

4. **Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood; within 200 feet of Skaneateles Lake, any area variance that enlarges a building or enables it to encroach into a required lake yard shall be presumed to have an adverse impact because of the cumulative risk of degradation of the lake posed by granting individual variances. This presumption is rebuttable:** No. There will not be an adverse impact on the physical or environmental conditions of the shoreline as there will not be any heavy excavation or removal of soil along the shoreline. Existing vegetation will grow to protect the bank at the location of the old staircase, helping to support the shoreline. During the construction phase there is a concern with ground disturbance, although there are plans in place to mitigate and minimize the impact. Once in place, the structures would present minimal effect as they would be replacing existing structures. There will be no increase in impermeable surface coverage.

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 Vice Chair Condon and seconded by Member Palen, that this application be **APPROVED** with standard conditions and additional special 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 prepared by Robert O. Eggleston, Licensed Architect, dated November 21,

2019, submitted by the Applicant must be approved by the Town of Skaneateles Planning Board, depicting the location of the stairs, deck and storage, be followed and complied with in all respects.

2. The lake shall be protected during construction of the staircase, deck and storage. If there are heavy rains, the soil shall be protected from running into the lake.
3. Any soil damage/land disturbance will be immediately repaired following the completion of the staircase, deck and storage construction to prevent erosion.

RECORD OF VOTE

MEMBER NAME	AYE	NAY	ABSENT
Chair DENISE RHOADS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vice Chair JIM CONDON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Member MICHAEL CIACCIO	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Member KRIS KIEFER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Member DAVE PALEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Public Hearing

Applicant: David Meunier/SSPP1 LLC
 4545 Jordan Rd
 Skaneateles, NY
Tax Map #018.-02-10.0

Present: Bob Eggleston, Architect
 Benjamin Garrett & Kaytlin Bell, Contractors
 Romy Callahan, Realtor

Chair Rhoads stated a site visit was conducted by the Board Saturday, December 7, 2019. Bob Eggleston, Architect, explained the property was originally built as an 8 townhouse building for factory workers of Waterbury Felt Factory in Skaneateles Falls. The property has historic character of the 19th century row-house structure appearance. In 2003 a similar application was made to create 10 units and it was approved. The applicant was not able to follow through with the 2003 project; therefore it sat until David Meunier saw the building. Mr. Meunier has experience developing properties like this, as well as the means to back the project, so Mr. Eggleston is positive about the ability for him to complete the project. Mr. Eggleston described the multi-family dwelling as condominiums where the code requires 1acre/4 units in a multi-family dwelling which means this project would require 2 acres. However, the code does not differentiate between rural districts or a hamlet, which this property is located in a hamlet district, and hamlets are purposely a higher density than rural districts. Each unit is required to have 2 parking spaces. The dwelling units will have three living levels, basement, first and second floor. The east side of the building will have access to the basement (kitchen/dining level) via the existing traditional porch, with 8 parking spaces in front of the building allowing for 1 space/unit. Behind the building there will be 8 parking spaces, 1 space/dwelling, the basement entrances will be removed and the deteriorated stoops will be replaced

with a small porch to access the first floor (living room/den level) from the west side of the building. The second floor will consist of a single bedroom, bathroom, walk-in closet, and laundry.

Mr. Eggleston addressed the variances required, the first being the lot area which is less than required by code. The second request is for the parking in front of the primary building. The property is unique as the building has a significant front yard setback, where 30' is required and site plan shows 111' setback. Screening has been proposed by the applicant to mitigate any adverse effect of parking in front of the building. Parking located behind the building is in conformance.

Mr. Eggleston highlighted a section of the 2015 Joint Comprehensive Plan, calling for a variety of residential development along the Jordan Road corridor or in the hamlet district, encouragement of growth and investment in the northern hamlets, and to form mixed uses and housing types serving the needs of young families and senior citizens. This property falls within the Goal 3 section of the Comprehensive Plan, as one section specifically calls out development of "attached row houses". Mr. Eggleston stated the applicant is looking to design the interiors in a style that would be attractive to young families, encouraging them to make an investment rather than renting. The building cannot wait for a change in the zoning law; currently the proposed project is supported by Goal 3 (3.Objective, 3.c.Action and 3.e.Action) of the Comprehensive Plan. This property would not make a practical 1 or 2 family dwelling as it is between 12,000 and 14,000 sq. ft., returning back to its original use is appropriate and the applicant intends on doing a quality job investing to clean up the property.

Mr. Eggleston informed the Board this is a Major Special Use Permit application submitted to the Planning Board, so it will be going through more scrutiny and review by the Planning Board. There are a number of factors that still require engineering and work, the variance request is the first step in the process for this project and the granting of the variance will not permit action to be taken on this project immediately. Mr. Eggleston stated the antiquated septic system is in need of engineering, preliminary testing has taken place and the soils are perkable promising a positive septic solution. Storm-water management and other such issues will be addressed after the septic has been approved. The applicant anticipates several months of working with the Planning Board.

Member Palen noted Section 148-11K regarding the density issue, stating there is no way to comply with this section as the building is an existing structure and a variance would be required. Mr. Eggleston informed the Board Mr. Meunier has made multiple attempts to contact the owner of the west adjacent property to discuss a lot line adjustment to avoid the variance, there has not been any success.

Vice Chair Condon mentioned at the site visit it was said the road used as a common driveway curves around to the north of the property dead ending at the factory and asked if it loops around to Jordan Rd. Mr. Eggleston stated the roadway does go north to the factory where it dead ends and it does not loop around to Jordan Rd., there is also a gate on the roadway to the factory. Vice Chair Condon stated there was a discussion about the safety conditions of the building at the site visit, asking if any of the hazards have been addressed. Mr. Eggleston is unaware of the schedule for that but the applicant is actively pursuing boarding up windows and taking care of the safety issues. Vice Chair Condon stated the building inspector should take a look at the open windows as it is unsafe for the community and they are still open, the owner is responsible for the safety condition of the building and it needs to be addressed.

Vice Chair Condon asked if there had been any discussion with the Town Board regarding the development of the Sewer District. Mr. Eggleston answered there have been informal conversations with a couple of the Board members as it is premature to make a presentation until there is a septic design. Mr. Eggleston met with the

sanitary engineer and surveyor collecting data, and they are having conversations with Jeff Till of OCHD about different ways the applicant could resolve the septic issues. When an agreement is reached by the design professionals and OCHD the applicant will begin a formal conversation with the Town. The Town has created sewer districts for condominiums in the past. Vice Chair Condon stated this is different considering the various owners and he needs more information about the septic.

Vice Chair Condon asked for clarification from Counsel Molnar about the house north of the multi-family dwelling, wondering why no variance is required for the setback if it is on a separate parcel under different ownership. Mr. Eggleston stated it is different ownership but the applicant is not changing what currently exists. Counsel Molnar answered it is a preexisting nonconformity without change. Mr. Eggleston stated the addition of 500 sq. ft. and/or 5,000 cu. ft. to a nonconforming structure is allowed by code, where the applicant proposed the addition of 193 sq. ft. with the addition of the porches on the back. Vice Chair Condon requested the site plan be corrected reflecting the label “3 Level Brick Apartment Building” rather than “3 Story Brick Apartment Building”. Mr. Eggleston agreed to address the request. Vice Chair Condon discussed the increase in impermeable surface coverage from 19.3% to 46.7%, as a result of the additional parking. Mr. Eggleston confirmed it is the result of the additional required parking and code allows for 50% impermeable surface coverage.

Vice Chair Condon stated the variance requested should be 1 acre per 4 dwelling units, this is significantly more. Mr. Eggleston responded the applicant is required to have 2 acres where the existing parcel is 0.67 acres. Member Palen noted his question of the lot size being a nonconforming preexisting condition. Mr. Eggleston stated the building has been abandoned for approximately 18 months which requires a new variance; the previously approved variance was greater requesting 10 dwelling units where 2.5 acres would have been required. The current request is for less than that which was approved back in early 2000’s, the application after the approved variance that was not followed through on with a second owner in 2007.

Vice Chair Condon restated you are building a three-story condo, Mr. Eggleston corrected renovating. Vice Chair Condon continued, the lower level walks into a dining room, family room, half-bath, and a kitchen; the second level walks into a family room/living area, den and a full bath; then a bedroom upstairs, so why are there 2.5 full baths. Mr. Eggleston answered it is out of convenience, which is what people are looking for, so there is a bathroom on every level. Vice Chair Condon asked what are the chances of the den/living area becoming another bedroom. Mr. Eggleston stated it would be hard to get any privacy in the way it lays out because the den is a small area off the entrance of that level. Vice Chair Condon stated he would like a comment from Jeff Till regarding this, as a normal house with four bedrooms has 2.5 baths and the size of the septic is based on the number of bedrooms in the house. In this situation there is only one bedroom with three bathrooms per dwelling. Mr. Eggleston stated he is certain Mr. Till will have an opinion on that and it will shape the septic design, the applicant will conform to what Jeff Till’s opinion is.

Vice Chair Condon inquired about the condos being “affordable housing” according to the Narrative. Mr. Eggleston stated the condo’s have not been referred to as “affordable housing” and the applicant intends for them to be listed at market rate. Mr. Eggleston explained “affordable housing” implies there will be relief on taxes and there are restrictions on how much the seller/landlord can charge, the applicant is looking to recover his costs of renovations, but he is hoping to keep the price reasonable.

Vice Chair Condon stated the ZBA is charged with granting the minimum variance for relief, although this is an existing building and lot this is not a minimum variance for relief for this property. Vice Chair Condon recalled the applicant tried to contact the neighbor about purchasing land from the neighboring property, he asked if the

applicant could send them a certified letter to prove they have attempted to contact the neighbor about the acquisition of land. Mr. Eggleston stated they have tried and will try again although no one has responded.

Chair Rhoads stated she understood this is a difficult property, however the applicant is not doing anything to correct any of the nonconformity and is in fact making the property even less conforming. One example Chair Rhoads pointed out is the proximity to the house north of the building, having a porch 3.5' from the house on a different property is too close and the plans for the porch need modification. Mr. Eggleston stated the porch is currently existing, the house is 8.3' from the building and that will remain, the porch is currently 3.5' as it exists and will remain that way with no change. Chair Rhoads reiterated the applicant is asking to place as much on the property as possible without trying to reduce the nonconformity. Mr. Eggleston responded the applicant is not trying to increase nonconformity rather he is trying to maintain what exists. One difficulty with altering the porch is the existing door being located on that side of the dwelling, that does not allow for shortening or removing the porch on that unit. Vice Chair Condon stated a door can be moved. Mr. Eggleston restated the applicant is not making the property more nonconforming, the building and porch will remain as exists. Vice Chair Condon stated when an application asks for large variances such as this, the Board requests the applicant look at other options and ways to reduce the variance, he feels as though there has been no compromise and only the addition of driveways and parking. Mr. Eggleston stated the addition of parking is to make the multi-family residence conforming according to the number of spaces required by code although the location of the parking is nonconforming. Mr. Eggleston suggested he could look into placing a shed in the proposed screening hedgerow to make the location for parking conforming as it would then be behind a building and may no longer require a variance. Currently a storage building and shed for the garbage is proposed to be built behind the condominiums, Mr. Eggleston stated the applicant could place that in front of the building and the ISC would still be under the required 50%. Vice Chair Condon then asked about the proposed open area being left as open space in the front yard to be utilized for the septic. Mr. Eggleston stated the area is large enough with a high perk rate that the septic will not occupy the entire open space. Vice Chair Condon stated it will be up to Jeff Till whether or not the septic will be for an eight bedroom house or if it will be required to be larger. Mr. Eggleston agreed.

Vice Chair Condon requested letters from the neighbors. Mr. Eggleston stated one neighbor was not opposed to the project but did not feel comfortable signing any documents stating such this early in the process, another neighbor was present at the meeting.

Member Kiefer asked for clarification from Counsel Molnar, stating he was struggling with the abandonment issue Member Palen had previously discussed, with the reality of a big building existing how does the abandonment play into anyone's ability to develop the property. Counsel Molnar explained if a property is abandoned arguably the property loses the rights it had under prior resolutions for special permit for multi-family use, that needs to be weighed against the physical limitations and current conditions or what the building was. Looking back at the previously approved resolution, it lost its status as it was not completed in the time it was required, which is an important factor. Member Kiefer stated that was helpful and it seems as though any individual who purchases the property would require a variance if they intend to restore the building to a multi-family dwelling. Counsel Molnar agreed. Vice Chair Condon stated you could put a single-family dwelling on the property. Counsel Molnar stated due to the 0.67 issue and the parking in front if that is part of the application a variance would be required for any applicant, the 0.67 acre lot issue falls under Section 148-56.

Member Palen stated for himself the renovation of the building is important having seen the deterioration for many years and is unsure of how you could renovate the building without it being a multi-family dwelling. Member Kiefer agreed, stating the design of the building seems unrealistic that anyone would pursue building a

single-family at this location. Counsel Molnar explained the applicant could make the building 4 units and no longer require the parking variance. Mr. Eggleston stated the applicant would still require a variance for the buildable lot size being only 0.67 acres. Vice Chair Condon responded it would be a smaller variance as the parking variance would no longer be required and the amount of acreage required would be half of that which is required for 8 units. Vice Chair Condon added the applicant could easily create a second bedroom in each unit making the condos more attractive. Member Kiefer inquired about what Mr. Eggleston means by marketing these toward families. Mr. Eggleston answered he is citing the Comprehensive Plan, a family consists of a domestic living unit, 1 person, 2 people, 3, 10, or 15 people. The applicant is looking at these being attractive to a family of 1 or 2 people, just starting out and rather than paying rent they can make an investment to build some equity as they begin their career. Mr. Eggleston's personal experience with children in their 30's who are not married, finds this generation tend to build a career before building a family. Romy Callahan, Realtor, stated it is to-be-determined how the condominiums will be marketed but currently the intention is to target a single person or a young couple, who may have 1 child, getting into the school district is difficult and this could be a good option. Ms. Callahan stated Mr. Meunier is very experienced in this type of renovation and does quality work. She continued she is excited as the project will clean up the building that is in need of repair and create more housing opportunities. Mr. Eggleston stated the applicant could make each of these units a two-bedroom dwelling and it could happen that someone throws a wall up to make a second bedroom but that is not the vision Mr. Meunier has for this building. Due to the successful perk Mr. Eggleston is not concerned about the septic, which will dictate the number of bedrooms per unit, there are good potential solutions. Vice Chair Condon stated he agreed Jeff Till and the septic design professionals will likely create a good septic plan, however the Board is required to look at the minimum variance half the parking is in front of the building and 75% of buildable lot size is missing and nothing is being done to compromise on those two requests.

Mr. Eggleston stated changing zoning laws takes a long time and even though there is an understanding the density standard in a hamlet is different than that of a rural district, to wait for that change to happen in order to comply could result in the building collapsing. This is a unique application, there are not multiple applications like it that could come in front of the Board because there are no other structures like it in the community. When reviewing the Comprehensive Plan, this fits the description of what the Town was looking for when the plan was created as far as developing the hamlets, creating mixed-use neighborhoods and cleaning up the community. This is an opportunity for someone to do something with a derelict building no one else has been able to follow through on with their investment and the current owner can commit to this investment. Member Palen added another positive for the Town would be having the building back on the Tax Rolls. Mr. Eggleston agreed at a \$30,000 assessment it does not generate a large tax bill.

Counsel Molnar recommended the Board classify the action as a Type II Action under SEQR, as an area variance is automatically a Type II Action. Counsel noted the applicant has requested the Planning Board classify the application as an Unlisted Action because it does not fit comfortably in the Type II classification under the SEQR regulations; and to act as Lead Agency for a coordinated review under SEQR when it moves forward and reviews the Special Permit aspects of the project, including all of the other aspects the Planning Board will look at such as stormwater control, etc. Counsel Molnar clarified the ZBA should make a motion classifying this application as a Type II Action because that is what a variance is considered under the law, noting that the Planning Board will be reviewing it thoroughly on its own merits before it issues any approvals. Counsel reminded the Board they do not have to close the public hearing at this meeting as they do not seem satisfied by the answers to all of their questions, this will allow the Board to further review information presented and the request for more information from the applicant.

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

Chair Rhoads opened the public hearing at this time asking if anyone would like the public hearing notice read. No one requested the public hearing notice to be read. Chair Rhoads asked if anyone would like to speak in favor of the application. No one spoke. Chair Rhoads asked if anyone had any comments or would like to speak on the record at this time.

Judy Cowden, 4547 Jordan Rd., owner of the house 4' north adjacent of the building, stated historically her home was the plant manager's house. At one time the factory, plant manager's house and housing were all one property. Ms. Cowden feels conflicted about the project as she has lived next to the deteriorating, yet beautiful, building for 10 years, 2 years as a tenant and 8 years as a homeowner. Ms. Cowden would like to see the building restored to its original glory; however, she has a couple of concerns. Ms. Cowden purchased the property fully aware of the close proximity to the adjacent building, knowing there would be the possibility of someone developing the property. One concern is for the protection of Skaneateles Creek during construction. The second concern is for the septic system, as it is a shared septic that is located on Ms. Cowden's property. After returning home from vacation, Ms. Cowden found her lawn dug up without her permission to investigate the condition of the septic. There is a concern for actions like this continuing during the development of the property and Ms. Cowden has spoken with Town officials about the incident. Ms. Cowden would like there to be open communication between the applicant and herself as the project progresses. Ms. Cowden stated she is not speaking out against the project, simply airing concerns of issues that have happened already, but she is confident the building can be restored with open communication. Ms. Cowden expressed some concern over the number of people who would be occupying the building as it is a quiet property currently. Ms. Cowden would like to see the building historically restored as its current state is sad and one building that was associated with this property has already been lost, with her ability to stand between her house and the condos touching them at the same time it is a concern with how this project will proceed.

Chair Rhoads asked if there were any other comments. Ms. Callahan addressed Ms. Cowden stating she felt Mr. Meunier would be communicative and will thoughtfully assemble a team to work on the project moving forward as he does not want neighbors to be unhappy. Mr. Eggleston met with the septic engineer and surveyor earlier during the day before the meeting and the surveyor is trying to gather current information finding most of the transportation lines for the common septic are on the property with the condominiums. Mr. Eggleston stated there has been some investigation into the septic tanks on Ms. Cowden's property, but he was not aware of when the investigation of the septic tanks occurred, nor that Ms. Cowden was not asked for her permission. Ms. Cowden stated it was November. Moses McDonough, 4547 Jordan Rd., explained there are two tanks and a leech field on Ms. Cowden's property and both tanks as well as the leech field were uncovered. Mr. Eggleston informed the Board of an old easement regarding the shared septic and how it ties together, Attorney Tom Blair and Surveyor Paul Olszewski are pursuing information on the easement to determine responsibility for the septic. Mr. Eggleston plans on working closely with Jeff Till for guidance on the septic improvements, but as a condominium rather than an apartment building it is required there is a higher responsible party for the septic as was done in Lauder Lane. The Condominium Association is not allowed to be responsible for the septic therefore a Town Sewer District will be created so the Town acts as the responsible party for the maintenance of the septic system. There are several septic solutions including, each property having its own septic system or allowing the other properties to remain part of a joint agreement and being on the sewer district. This project cannot happen without Onondaga

County approval and Planning Board review as many issues pertaining to the application will be discussed under the Major Special Permit being an Unlisted Action SEQR review. The applicant is not able to go any further with the Planning Board until the ZBA makes a determination.

Vice Chair Condon asked Counsel Molnar how it works with Ms. Cowden owning the property where the septic tanks are located and if a Town Sewer District is created will she lose control of her property. Counsel Molnar responded Ms. Cowden would have to consent to having a new district formed which would permit the Town to enter onto the property for the purpose of maintenance of the septic. Counsel stated Ms. Cowden will have to be included in the solution for the septic issue and an application will have to be made to the Town but the applicant's proposal is there is potential area on this property itself for the new system which will be a large consideration for the district overall as the Town will not likely be inclined to impose such a district on a neighbor that is not part of the application. Counsel stated he did not know that these issues are a potential problem at present. Vice Chair Condon described the process in which the applicant needs to have a conceptual plan for the septic, present the plan to the Town Board, get their opinion and then come back to the ZBA. Mr. Eggleston corrected not back to the ZBA rather to the Planning Board. Vice Chair Condon stated the applicant needs the variance before going to the Planning Board. Mr. Eggleston agreed, adding he felt strongly OCHD will prefer the septic be located in the area the applicant has proposed. It is possible Jeff Till may dictate there are separate septic systems for each of the properties, at which time it is highly likely Mr. Meunier will provide the two adjacent properties with their own septic systems and relieve them of the responsibility of the easement. It is also possible Jeff Till would recommend the three properties, including all 10 dwelling units, share a Town sewer district; at which time a separate application would be made including all three properties with the proposed plan. Mr. Eggleston stated he will not know an answer to the septic solution until Mr. Till reaches out to him, when that happens, he assured there will be communication with owners of the adjacent properties.

Member Kiefer stated he is concerned with the impact on the character of the neighborhood and the potential detriment to Ms. Cowden. One concern Member Kiefer had was the safety of the building that has remained unaddressed. The second concern is a potential trespass on Ms. Cowden's property and any form of communication about the septic after Mr. Meunier has decided about the direction of the septic solution without including the adjacent property owners in the decision-making process. In considering the good neighbor rule, these two things do not lie in favor of the current property owner. Mr. Eggleston stated it may not have been a trespass once the easement is deciphered. Member Kiefer agreed it may be the legal right of Mr. Meunier according to the easement but it does not make it right as a good neighbor to go on someone else's property without their consent and that may be an indication that this will not have a positive impact on the character of the neighborhood.

Mr. Eggleston requested on behalf of the applicant that the Board carry their determination over to the next meeting as there are only 4 of the 5 Board members present and it will give the applicant an opportunity to address the Board's comments. Ms. Cowden spoke up stating Mr. Meunier, as well as the owner of the excavation company who conducted the septic investigation, reached out to apologize after learning of Ms. Cowden's issue with her lawn being dug up in November. Member Kiefer appreciated the clarification for the record.

Vice Chair Condon stated he understands the place of the ZBA and the Planning Board but he would like a conversation with the Town Board about the possible sewer district, requesting his presence at the meeting to hear what their opinion is. Vice Chair Condon also requested the conceptual plan being developed with Jeff Till be presented to the adjacent neighbors before the next meeting to allow them time for comments and an opinion. Vice Chair Condon stated he had too many questions to make a decision and encourage the applicant to consider

minimizing the variance, suggesting the applicant contact the west adjacent neighbor to purchase an acre of land. He requested the applicant send a certified letter to show an attempt at contacting the neighbor.

Mr. Eggleston pointed out there could be unintended consequences, resulting from the development of 4 condominiums as each would be 3,400-3,600 sq. ft. allowing for 3-4 bedrooms which can accommodate families with multiple children. This would create a different kind of project than what is being proposed. Mr. Eggleston reiterated this is not in the RF district, this is a hamlet and the Comprehensive Plan has made it very clear this type of project is what the Town would like to see in the hamlet area and it is unfortunate the zoning changes did not reflect that but the building cannot wait for changes to occur. Vice Chair Condon shared concern about the building being built in the 1800's when people did not have vehicles, and this will add 16 cars going in and out increasing traffic to what is currently a dead end road. Vice Chair Condon stated it is not like the building use will be the same as it was back in the 1800's. Mr. Eggleston stated Skaneateles Falls is no longer what it was in the 1800's either. Vice Chair Condon agreed, stating it is the duty of the ZBA to represent the Town and ask for the minimal variance.

Member Kiefer agreed with delaying the decision on the application as he would like to further review the decision that was rendered in 2003.

Ms. Cowden noted the brick walls that had collapsed on the back of the building are currently being repaired by Mr. McDonough who also resides at 4547 Jordan Rd. Mr. McDonough stated he has experience working with Mr. Eggleston and has a lot of confidence in what he says and what he can do.

WHEREFORE a motion was made by Vice Chair Condon and seconded by Member Kiefer to continue the public hearing on *Tuesday, February 4, 2020 at 7:02 pm*. The Board having been polled resulted in unanimous affirmance of said motion.

Lead Agency

Counsel Molnar explained the Woodbine Group, Inc. has requested the Planning Board assume Lead Agency status for purposes of coordinated review under SEQR given that the project does not fit comfortably within a Type II framework. Given the size of the community as a result the Planning Board will be looking at the project for SEQR and is seeking input from other interested agencies. Clerk Barkdull explained this is regarding an 88 room hotel off of Mottville Rd.

Vice Chair Condon asked if his concerns with the water pressure as a resident should be noted in the 'Comment' section on the form. Counsel Molnar stated that section is in regard to comments about Lead Agency status; any other concerns should be directed to the Planning Board.

WHEREFORE a motion was made by Member Kiefer and seconded by Vice Chair Condon to designate the Town of Skaneateles Planning Board as Lead Agency on the application of the Woodbine Group, Inc. for SEQR and environmental purposes. The Board having been polled resulted in unanimous affirmance of said motion.

Other Board Business

Chair Rhoads informed the Board of a Watershed meeting Wednesday, January 29, 2020 at 5:30-8 pm at the Borodino Town Hall. This is part of the Cornell Cooperative Extension and counts toward ZBA training. Chair Rhoads will email Clerk Benda the details so the information can be circulated to the Board.

Clerk Barkdull introduced the Board to an application that will be presented for review in February 2020. The applicant has proposed the request for an area variance for the subdivision of a 2 acre lot into two 1 acre parcels.

There being no further Board business, a motion was made by Vice Chair Condon and seconded by Vice Chair Condon to adjourn the meeting. The Zoning Board of Appeals meeting adjourned at 8:38 p.m.

Respectfully Submitted,
Kim Benda