

**TOWN OF SKANEATELES
ZONING BOARD OF APPEALS
MEETING MINUTES OF
March 2, 2021**

Present:

Denise Rhoads
David Palen
Kris Kiefer
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 April 6, 2021 at 7:00 p.m.

Minutes

Previous distribution to the Board of the regular meeting minutes of February 2, 2021 was executed and all members present acknowledged receipt of those minutes.

WHEREFORE, a motion was made by Vice Chair Palen and seconded by Member Ketchum to accept the February 2, 2021 minutes as presented. The Board having been polled resulted in unanimous affirmation of said motion.

Record of Vote

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

Member hours for the present Board members were requested and submitted for those who attended in the month of February 2021 via email.

WHEREFORE, a motion was made by Chair Rhoads and seconded by Member Ketchum to enter an Executive Session for attorney advice at 7:03 p.m. The Board having been polled resulted in unanimous affirmation of said motion.

WHEREFORE, a motion was made by Member Ketchum and seconded by Member Kiefer to return to the public meeting from the Executive Session for attorney advice at 7:16 p.m. The Board having been polled resulted in unanimous affirmation of said motion.

Review

Applicant: Dawn Altmeyer
2530 Wave Way
Skaneateles, NY 13152
Tax Map#054.-04-07.0

Present: Bob Eggleston, Architect

Chair Rhoads stated this review is for the variance requested relative to an application for the construction of a 2-story 2-car garage. Counsel Molnar gave a review of the application stating, it was subject to a public hearing on November 10, 2020 at which time a record was created and the Zoning Board of Appeals (ZBA) denied the variance that very day by resolution signed by the Chair and filed with the Town Clerk. Subsequently the Applicant filed a verified petition and complaint with the Supreme Court of the State of New York under Article 78 of the Civil Practice Law and Rules. That action resulted in a decision and order of the Court, dated February 3, 2021, which ordered that the Applicant's application for an area variance be remitted back to the respondent, ZBA, for reconsideration and approval consistent with the Article 78 decision, and further required that the respondent, Town of Skaneateles, amend the Zoning Code to be consistent with Town Law Section 267B to reflect the Five Criteria questions that are uniformly applied throughout the state. Counsel Molnar prepared the resolution, which was before the ZBA at the present meeting, the resolution required approval of the area variance based upon the articulated sections of the order, the prepared resolution had been distributed to the ZBA and to the Applicant, including the Applicant's Counsel, and it had been approved entirely. The proposed resolution concluded that the area variance would be approved subject to Standard Conditions and in addition conditioned upon utilization of the Site Plan and Narrative as prepared by Robert O. Eggleston, Licensed Architect, dated February 25, 2021, submitted by the Applicant and that the same be approved by the Town of Skaneateles Planning Board and thereafter strictly complied with in all respects. Based upon the resolution, the decision and order of the Court in the Article 78 proceeding, Counsel Molnar recommended the ZBA entertain a motion to approve the proposed resolution, deliberate and vote on it at the present meeting.

WHEREFORE, a motion was made by Chair Rhoads and seconded by Vice Chair Palen that the ZBA approve the area variance as stated on the record and as summarized in the Five Criteria presented to the Board by Counsel, subject to Standard Conditions, together with the sixth condition of compliance with the Site Plan and Narrative, dated February 25, 2021, and approval of the Town Planning Board. The Board having been polled resulted in unanimous affirmance of said motion.

*Below is the approved ZBA Resolution for Dawn Altmeyer, 2530 Wave Way, Skaneateles, NY 13152

**RESOLUTION
ZONING BOARD OF APPEALS
TOWN OF SKANEATELES
AREA VARIANCE FINDINGS AND DECISION
UPON REMAND**

Applicant:	Dawn Altmeyer	Zoning District:	RF LWOD
	2530 Wave Way	Published	X
	Skaneateles, NY 13152	Notice:	
		Notice to	NA
		County:	
		Hearing Held	11/10/2020
		On:	

Tax Map ID# 054.-04-07.0

Property Location: 2530 Wave Way, Skaneateles, NY 13152

Requirement for which Variance is requested: In the Lake Watershed Overlay District, on nonconforming lots of less than 40,000 SF and within 1000' of the lake line the total footprint and floor space of all principal and accessory buildings shall not exceed 6% and 10% of the lot area respectively, whereas the site plan shows the proposed detached 2-story 2-car garage with living space above increasing the existing 8.6% total footprint to 9.9% of the lot area.

Requirement for which Variance is Approved: By Verified Petition and Complaint dated December 14, 2020, the Applicant commenced a proceeding under Article 78 of the Civil Practice Law and Rules in the Supreme Court of the State of New York, County of Onondaga, Index No. 008549/2020, the Honorable Gerard J. Neri, J.S.C. presiding (the "Article 78"), resulting in a Decision and Order of the Court dated February 3, 2021 (the "Article 78 Decision"), by which the Court ORDERED: a) that the Applicant's application for an area variance be remitted back to the Respondent Zoning Board of Appeals for reconsideration and approval consistent with the Article 78 Decision; and b) that the Respondent Town of Skaneateles amend its zoning code so as to be consistent with Town Law Section 267-b.

Applicable Section of Town Zoning Code in effect on November 10, 2020: Section 148-12G (1)(a)[7][a][i]; Existing nonconforming lots - Footprint

FACTORS CONSIDERED:

1. Whether an undesirable change will be produced in character of neighborhood or a detriment to nearby properties will be created by the granting of the area variance: Yes No

Reasons: No. Granting of the area variance will not create an undesirable change or detriment to the character of the neighborhood, as the variance was previously approved in 2018 but not acted upon by the Applicant within required time limits, and Winding Way is a mix of seasonal and year-round dwellings, where most of the year- round dwellings have garages. The property is located in the Lake Watershed Overlay District (LWOD) on a lot that slopes toward the lake, consisting of a frame house, 2 sheds, a large blacktop area, impermeable driveways, deck on the rear of the house, boathouse, deck as well as a concrete ramp at the boathouse, a fire pit, and a lakeshore patio. Even though some of those items will be removed the stand-alone garage structure will not be out of character for this neighborhood, and there would be a benefit in the 10% reduction of ISC and improvement in the installation of a new septic located further from the lake than it currently exists.

2. Whether the benefit sought by the Applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance: Yes No

Reasons: No. The Board was in agreement there is no feasible alternative to requesting an area variance to achieve the benefit sought by the Applicant. The property is a pre-existing nonconforming lot in the LWOD, requiring a variance for any improvements to the property. However, while the footprint exceeds 6%, benefits will result from approval of the Application in that: a) floor space will remain less than 10%; b) an overall reduction of ISC will be accomplished from 27.8% to 18.1%; c) compliance with the Town's small-scale stormwater management guidelines will be achieved by the creation of bioswales; and d) relocation of the septic system will occur placing it farther than 100' from the Lake.

3. Whether the requested variance is substantial: Yes No

Reasons: The building footprint is limited to 6%, and the addition of the proposed garage will increase footprint by 1.3%, resulting in floorspace increasing from 7.3% to 9.9%, which will remain compliant with the 10% limit in the Zoning Code. The garage will have a conforming lake yard setback of 152' and a conforming 50' watercourse setback.

4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district: Yes No

Reasons: No. There would be no adverse impact on the physical or environmental conditions of the neighborhood by granting the area variance to increase the building footprint 1.3%, and by reducing the ISC from 27.8% to 18.1%, with the reduction of blacktop, improvements of a new septic system and addition of 2 bio-swales.

5. Whether the alleged difficulty was self-created: Yes No

Reasons: Yes.

DETERMINATION OF ZBA BASED ON THE ABOVE FACTORS:

The ZBA, after taking into consideration the above five factors and the Article 78 Decision, upon a motion made by Chair Denise Rhoads duly seconded by Vice Chair David Palen, and after an affirmative vote of all Members present as recorded below, finds as follows:

the Benefit to the Applicant DOES NOT outweigh the Detriment to the Neighborhood or Community and therefore the variance request is denied.

the Benefit to the Applicant DOES outweigh the Detriment to the Neighborhood or Community.

Reasons: In review of the stated findings of the Zoning Board of Appeals and the Article 78 Decision, the benefit to the applicant, as weighed against the detriment to the health, safety and welfare of the neighborhood, or community, does lie in favor of the applicant. This decision is based on all the evidence presented in the Record, as well as the Board members' site visit to the property, the Board's articulated factors on the record while deliberating the statutory questions presented, and is conditioned as follows:

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.

6. That the Site Plan and Narrative, as prepared by Robert O. Eggleston, Licensed Architect, last dated February 25, 2021, submitted by the Applicant, be approved by the Town of Skaneateles Planning Board, and thereafter strictly complied with in all respects.

 Denise Rhoads
 Chair, Zoning Board of Appeals

March 2, 2021
 Date

RECORD OF VOTE

MEMBER NAME	AYE	NAY	ABSTAIN
Chair DENISE RHOADS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vice Chair DAVID PALEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Member KRIS KIEFER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Member DAVE LEE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Member SHERILL KETCHUM	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Initial Review

Applicant: Elizabeth Ernyey
 4434 Jordan Rd
 Skaneateles, NY 13152
Tax Map #023.-02-23.0

Present: Elizabeth Ernyey, Owner

Chair Rhoads described the proposal is for the demolition of an existing garage and the construction of a new 24ft. x 24ft. pole barn. Elizabeth Ernyey, Owner, explained the existing garage is over 100 years old, and her house is over 120 years old. The existing garage has a Hip roof and is 20ft. x 22ft. Ms. Ernyey submitted photos of the garage to show the debilitated state of the structure. As a standard 2-car garage is 24ft. x 24ft., Ms. Ernyey felt if she were going through the expense, rather than replacing what was there it would be best to create a standard sized 2-car garage structure. The current Hip roof is 15ft. in height, the proposal is for a gable roof about 4ft. taller at 19.8ft. in height to allow for an adult standing in the upstairs. Ms. Ernyey has been in contact with adjacent neighbor, Dale Mecomber, who will be most affected by the proposed project. The new structure will utilize the existing setback from the property line, Mr. Mecomber has submitted a letter of approval of the proposal to the ZBA. The adjacent neighbor to the north and east is Card Mowing, which has constructed a 30ft. tall building behind the Applicant's property. The west neighbor across the road is Haba Toy Outlet, a commercial building as well. Ms. Ernyey met with Codes Enforcement Officer, Bob Herrmann, who recommended the existing garage be demolished and replaced.

Chair Rhoads stated the Board will make a site visit of the property; at which time they will see the condition of the existing garage. Chair Rhoads noted this is a preexisting nonconforming lot on 0.60 acres. The variances being requested are for an increase in the height and building expansion of the footprint of the proposed structure as discussed by the Applicant. Member Ketchum inquired about the ISC. Clerk Barkdull stated the expansion of the proposed structure will occur over the existing driveway, therefore there will be no change in ISC.

Vice Chair Palen asked, since the upstairs of the garage is being used for storage space, is there any utilities other than electric going to the pole barn. Ms. Ernyey stated no, currently there is electric for

lights and electricity, but there will be no other utilities to the pole barn as it will be storage and a workshop. The upstairs will be storage, there will not be an apartment, the Applicant is in need of storage as the house is older so the basement cannot be utilized for storage. The existing garage has a small attic space for storage of wood and materials, but it is not a useable space to store anything of significance. The increase in roof height is to allow for the Applicant to stand up when accessing the storage space upstairs.

Member Ketchum asked for clarification on the proposed 2ft. expansion as it does not look to be going on top of existing driveway. Clerk Barkdull explained the aerial view on Pictometry Connect reflects an existing driveway along the north side of the existing garage.

Member Kiefer asked about the floorspace, inquiring if the increase from 7,275SF to 11,462SF is due to the useable upstairs storage space. Ms. Ernyey confirmed that is correct, as it is Cape Cod style it will allow an individual to stand in the center of the upstairs.

The Board was in agreement, each member would conduct an individual site visit of the property at their convenience.

WHEREFORE, a motion was made by Member Ketchum and seconded by Member Kiefer to schedule a public hearing on *Tuesday, April 6, 2021 at 7:02 pm*. The Board having been polled resulted in unanimous affirmation of said motion.

Amendment

Applicant: Edward & Christine Szemis
1682 Amerman Rd
Skaneateles, NY 13152
Tax Map #063.-04-05.0

Present: Bob Eggleston, Architect
Chris Szemis, Owner

Chair Rhoads described the amendment to the proposal for the removal of an existing cottage and shed, followed by the construction of a new 1,100SF seasonal 2-bedroom cottage. The application for area variance was approved during the February 2021 meeting. Since, an alteration has been made to a proposed bioswale.

John Camp, Town Engineer, reviewed, as mentioned in previous correspondence there had been a fair amount of discussion about the site and the stormwater management. Mr. Camp is aware of the complaints from the neighbors, however based on the reflected topography and what was witnessed during site visits, he feels the drainage is mostly well contained to this site. A minor change suggested by Mr. Camp, is the roof leaders from the new relocated camp be directed to the same place as the existing roof leaders to maintain that drainage pattern. The existing roof leaders have a relatively safe path through a well-developed channel down to the lake. A more substantial suggested change was the elimination of the small-scale stormwater management facility/bioretenion area. Originally that area was proposed very close to the top of what is a typical formation on the lake, a shale cliff approximately 15ft. high. The shale at this site is dry and crumbly. While the original location for the proposed facility was logical in the sense that it was down slope from the structure and it was one of the few flat areas on the site, there were two concerns. The first concern being the act of creating the facility in that area would have required digging into the earth material close to the top of the edge of the shale cliff. The other concern was the likely possibility that putting water into a stormwater management facility in the proposed area would push more water down into the earth in that area, which would then more than likely come out through

the cliff having a destabilizing effect on the cliff. Mr. Camp stated given the fact that ISC is being significantly reduced, he has recommended the stormwater management facility be removed from the plan. It was given a great deal of consideration and it is not a recommendation that would be made too often, however given the specific circumstances of this property with the location and substantial reduction of ISC, it was agreed with Mr. Camp and the PB to remove the facility from the plan.

Counsel Molnar recommended the Board make a motion to accept the amendment and take it to vote as it would enable the ZBA and PB to be reviewing the same drawing, with additional engineering consultation, as presented by the Applicant before both Boards. Counsel Molnar recommended first the ZBA recognize that it declares this a Type II action not subject to further under SEQR. Then subsequently entertain a motion to approve the amended plan as the plan for which the variance has been granted. Bob Eggleston, Architect, stated the plans and narrative had been revised, dated February 17, 2021, reflecting the desired plan as described by Engineer Camp.

WHEREFORE, a motion was made by Member Ketchum and seconded by Vice Chair Palen to adopt the prior SEQR for this application as a Type II action not subject to SEQR review. The Board having been polled resulted in unanimous affirmation of said motion.

Member Kiefer stated he was concerned about this proposed change and some of the additional analyses. Member Kiefer asked what the distance between the new structure is and where the bioswale would have been constructed. Mr. Eggleston described it would have been about 25ft. from the dwelling to the bioswale where it was proposed. Member Kiefer requested Mr. Eggleston provide the magnitude in difference in size of digging that will occur to create the new structure versus the digging that would have occurred for the bioswale. Mr. Eggleston explained the digging for the new structure will remain the same as originally approved and the bioswale is eliminated. Mr. Eggleston continued, the bioswale accommodated 134cu.ft. of volume, plus an extra 6in. above it, totaling about 150cu.ft. Mr. Camp clarified, the comment regarding digging wasn't directed toward the quantity of the digging rather the location of the digging. Member Kiefer explained that was why he asked about the proximity of the digging for the new structure to the bioswale. Mr. Eggleston explained when the digging occurs for the new structure and gutters are installed water will be eliminated from that area, whereas the installation of a bioswale would have done the opposite as there would have been digging to saturate the soil. Saturating soil at the top of a cliff would not be a good idea. Member Kiefer stated that was part of his hesitation since last month when the Board was making their decision relying on the expert opinions and the analyses coming into it, the bioswale was a key part of his analysis and what he put into the discussion of the Five Criteria. Member Kiefer continued that the Formoza's had raised concerns about the shale and the potential impact of construction in the area on that shale but based on the expert analyses the ZBA granted the variance. After granting the variance a second analysis and site visit occurred with additional considerations that came in determining the shale is in fact unstable, resulting in erosion if water ran on top or down the side of the shale. Member Kiefer stated he is questioning which analysis to lean on and if it were the second one, he would have considered the Five Criteria differently and likely come to a different conclusion, the potential for an undesirable change in the neighborhood as well as how substantial the variance is. Member Kiefer now questions how this construction will impact the shale. Mr. Eggleston explained the Formoza's solution, before zoning reviewed such things, is direct the water through a pipe to the bottom of the bank, rather than have it saturate into the ground. Member Kiefer added that the Formoza's solution would have been to build on the current footprint. Mr. Eggleston clarified, the Formoza's discussed how Toby Nadel, the architect who owned the property originally, had developed a solution of stormwater management which is exactly what is being proposed in the amendment as it is better to put the water into a pipe being so close to a geological cliff to safely get it down to the lake rather than soak the water into the top of the bank. Vice Chair Palen asked about the existing pipe that is directed into the lake. Mr. Eggleston stated the Applicant will be tying into the existing pipe. Mr. Eggleston reviewed the proposal on page 2 of the revised site plan, dated February 17,

2021. Gutters will remain as originally proposed and gravity will carry stormwater runoff into the existing drainpipe. Vice Chair Palen asked if the original intent of the bioswale to divert the water from the roof or was it to divert other sources of water. Mr. Eggleston explained the original intent of the bioswale was to take the water from the impermeable surfaces on the property, mainly the roof, directing the water from the gutters into the bioswale. He appreciates Mr. Camp's reconsideration that this may not be the best place for a bioswale, they are a great solution on normal sites, but this is not an appropriate site. Vice Chair Palen clarified, the water that would have been directed to the bioswale is alternatively being taken care of through the existing drainpipe, which would be a neutral change to the proposal.

Member Ketchum described, water comes from down the hill, across the road and onto the site hitting the new structure, it would then divert around it and originally it would have diverted into the bioswale. She questioned where that runoff water will go now. Mr. Eggleston explained this site doesn't take much water from across the road and other sites do being on a lower portion of the road. Vice Chair Palen asked how big the buffer was above the lot to the farmland. Mr. Eggleston described there was forest land between the lot and the farmland with this lot being located on a high point of the road where water is diverted to the lake either before or after this property. Member Ketchum described the existing 6in. drainpipes, 2 that drain north into the lake right next to the adjacent neighboring house directly on the lake line and 1 closer to the Formoza property line. Mr. Eggleston stated the proposal is for the water to be directed into the existing drainpipes that are currently utilized on the north side of the property, draining straight into the lake and not down through the cliff.

Member Kiefer stated he felt constrained in how to vote on this amendment. Mr. Camp asked Counsel Molnar, as the technical review of the drainage is in the per view of the PB and that is not completed until the PB has completed their review, in this situation is the ZBA required to make a decision on the variance prior to the completion of the technical review by the PB. Counsel Molnar answered no, but the ZBA is taking into consideration professional opinions which have changed and that is when the Five Criteria are answered and the ZBA takes into consideration the entirety of the application when considering those five questions. Counsel continued, while the PB will typically review the final engineering and small-scale stormwater management plans, the ZBA takes into consideration all of the application when agreeing to grant relief under the code. Mr. Camp expressed his point is that the technical review by the PB is not complete until the PB is done reviewing the application, the suggestion is that the plan has changed but in actuality the plan was not done being reviewed. Counsel Molnar stated the ZBA made a decision based on the information that was in the file and that has changed. Mr. Eggleston reminded the Board of the current 6 nonconforming aspects to the property and structure which will be reduced to 2 nonconformances. One being a lot less than 20,000SF that the Applicant has no control over, the other being the lake yard setback which is being improved from 38ft. to 50.6ft. Member Kiefer stated he found that convincing at the last meeting, but part of that was weighing the potential for a destabilizing effect from a large construction project building an entirely new dwelling on that property, as opposed to question 2, is there a benefit the Applicant could seek by some other method, and the Applicant could build on the existing footprint however the additional benefits of cleaning up the other nonconformities would not happen. Weighing the benefit of correcting the additional nonconformities against the destabilization of the brittle shale area is where Member Kiefer stated he was struggling. Mr. Eggleston explained rebuilding on the same footprint would result in the same amount of disruption as a basement would have to be dug and the structure would be closer to the property line.

Member Kiefer acknowledged that the vote is to amend the variance to make it a more prudent approach than what was approved previously, however he felt inclined to abstain from the present vote. Counsel Molnar stated Member Kiefer can vote or abstain how he sees fit; this is a challenging determination but one which is an amendment to reduce and eliminate a bioswale for good reason and achieve compliance with 4 out of 5 noncompliant existing aspects of the application based upon a previously approved application.

WHEREFORE, a motion was made by Member Lee and seconded by Vice Chair Palen to adopt the amended Site Plan and Narrative, dated February 17, 2021, as prepared by Bob Eggleston, Licensed Architect. The Board having been polled resulted in affirmation of said motion by a majority vote (3-1-1).

*Below is the approved ZBA Amendment Resolution for Edward & Christine Szemis, 1682 Amerman Rd., Skaneateles, NY 13152

Re: Requested Amendment to Resolution of the Zoning Board of Appeals, Dated February 5, 2021 Regarding Application of Edward & Christine Szemis.

Whereas, at the Skaneateles Zoning Board of Appeals meeting held on **Tuesday, March 2, 2021**, Edward and Chrstine Szemis (“Applicants”) for property located at 1682 Amerman Road in the Town of Skaneateles (063.-04-05.0), submitted a revised site plan and narrative dated February 17, 2021 (“Revised Site Plan”) reflecting proposed modifications to the original approved site plan and narrative dated November 20, 2020, with the proposed modifications to the storm water management system eliminating the bioswale proposed at the south east end of the lot to utilize the existing 6” storm drain on the property as recommended by Town Engineer John Camp (the “Requested Amendment”); and

Whereas, the Applicant was granted variances on February 2, 2021 for the demolition of the existing seasonal single-family dwelling and construction of a seasonal single-family dwelling on an 11,542 square foot lot where a 20,000 square foot lot is required in the LWOD with a 100 foot setback to the lake line, and the proposal will increase the existing lake line setback from 38ft. to 50.6ft. (“Prior Approval”); and

Whereas, Prior Approval is subject to standard conditions as well as a number of conditions necessary in order to manage adverse impacts upon the neighborhood or community; and

Whereas, the Revised Site Plan, as supplied by the Applicant, reflects the new proposed storm water management system as recommended by Town Engineer John Camp; all revised figures are within acceptable limits and compliant with the variances previously approved; and

WHEREFORE, upon a motion made Member Sherill Ketchum and seconded by Vice Chair David Palen the Zoning Board of Appeals adopted and ratified its prior SEQRA determination for the Application, which was a determination that the Application constitutes a TYPE II single-family residential project seeking an area variance, not subject to further SEQRA review; and

WHEREFORE, upon a motion made by Member Dave Lee and seconded by Vice Chair David Palen, and duly adopted, the Requested Amendment was approved, with these conditions:

Condition No 1: That the site plan and narrative dated February 17, 2021 prepared by Robert O. Eggleston, licensed architect be complied with in all respects; and

Condition No 2: that the Prior Approval adopted on February 2, 2021, with all of the original conditions, remain in full force and effect except amended hereby.

Date

Denise Rhoads, Chair
Zoning Board of Appeals

RECORD OF VOTE

MEMBER NAME	AYE	NAY	ABSTAIN
Chair DENISE RHOADS	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Vice Chair DAVID PALEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Member KRIS KIEFER	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Member DAVE LEE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Member SHERILL KETCHUM	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Referral Local Law A-2021 – Article 11 Planned Unit Development

Counsel Molnar reviewed the proposed local law as he had previously distributed documents detailing the law to the ZBA. The Introductory Local Law is designed to create Planned Unit Development districts intended to provide land use and design flexibility, to facilitate development of projects that would not otherwise be possible in the underlying zoning district or under standard zoning regulations. The PUD district is intended to balance the need for flexible land use planning with the need for appropriate land use variety and design, efficient use of public improvements and protection of community interest. Counsel Molnar continued, PUD zoning is common in most municipalities, especially larger municipalities, and some of our smaller neighboring municipalities. PUD is a forward-thinking alternative to illegal spot zoning. This would take into consideration the interest of the community, the comprehensive plan and otherwise tries to advance projects which are unique and qualified but are unqualified for placement in the existing underlying zoning district. The statute presented to the ZBA was prepared by Town Attorney, Brody Smith, based on what he has seen in other municipalities. Counsel Molnar agreed with Counsel Smith’s drafted legislation in comparison to what he has experienced in other municipalities as well, as it allows for flexibility while maintaining an element of control at the ZBA, PB and Town Board levels. Counsel Molnar summarized the process and requirements of an Applicant when applying for a PUD, then reviewed the Criteria considered when determining an application worthy of a PUD. He recommended the ZBA review the proposed local law and endorse it.

Chair Rhoads asked if the Town Board would ultimately hear the Applicant and render the decision or would they defer it back to the ZBA or PB. Counsel Molnar answered the Town Board would hear the full application and rendering a PUD change or approval, that is subject to public hearing and referral to the PB for review with dimensional requirements of the zoning code where applicable. Vice Chair Palen asked if this would generate variances. Counsel Molnar stated no, it would eliminate other relief under the code. Member Kiefer sought clarification that the Town Board would assume the responsibility of the ZBA if it were to approve the PUD and none of the zoning regulations that would apply or require the evaluation of the variance would be in play without the ZBA being involved. Counsel Molnar confirmed that is correct, when the Town Board would be considering a PUD it would not be in a vacuum or for political reasons, rather it would be consistent with the zoning code and the character of the community. Counsel Molnar does not foresee this being used excessively but it would be in the jurisdiction of the Town Board and they would be the final arbiter.

Member Kiefer stated he understood why the Town Board may want to use this tool, then asked what some of the criticisms are formed with using a PUD. Counsel Molnar stated Mr. Camp voiced a valid criticism, a limiting factor in the legislation should restrict and not permit single-family residential development as it could be the factor that would lead to potential abuse. Mr. Camp stated typically a PUD, in his experience, is used for a more large-scale situation, giving an example of an application he reviewed for the River Mall property in Baldwinsville, NY asking to make it a mixed-use property. Mr. Camp doesn’t see where this would be used very often as Skaneateles doesn’t have that kind of development, however it could have been taken advantage of when the sports complex was proposed on Route 20 a number of years ago. Counsel Molnar reminded the Board there are a number of controls that

would be in place, allowing the interested parties to speak their mind during public hearings and public comment to the Town Board.

Chair Rhoads asked if the ZBA is referring the local law back to the Town Board or to make a motion to approve the law as written knowing it is in need of editing, she then asked Counsel what the Boards options are to move forward with this. Counsel Molnar recommended the ZBA communicate back to the Town Board that it endorses the proposed legislation with changes, limiting the use of a PUD for a single-family residential use. If there are other conditions the Board would like to add, Counsel made the recommendation to endorse the legislation with changes. Member Kiefer noted the referral requested a response within 90 days of February 17, 2021. Chair Rhoads stated that is correct and asked if the Board would like to postpone making an endorsement. The Board was in agreement, they will postpone the endorsement of the legislation until a later date within the 90 days to allow time for research on PUD legislation and refinement of any recommended changes from the ZBA.

WHEREFORE, a motion was made by Member Kiefer and seconded by Chair Rhoads to place the Referral of Local Law A-2021 – Article 11 Planned Unit Development on the agenda for the April 2021 meeting at which time the Board will discuss the potential endorsement and any recommended changes. The Board having been polled resulted in unanimous affirmation of said motion.

Referral Local Law B-2021 – Zoning Amendments §148-10-10

Chair Rhoads stated the this was briefly introduced during the February meeting. Counsel Molnar reviewed this local law was the result of the decision that was ordered by the court during the Article 78 proceeding, the Town of Skaneateles Town Board was required to amend the Zoning Code, so the area variance questions are consistent with State Law applied uniformly across the state which is a legal requirement. As a result, Section 148-10-10 of the Town code now matches Section 267 of the Town Law of the State of New York. This referral is subject to a 30-day turnaround from the letter given to the ZBA and PB, dated February 18, 2021. Counsel Molnar recommended the ZBA endorse the proposed legislation and communicate that back to the Town Board.

WHEREFORE, a motion was made by Vice Chair Palen and seconded by Member Ketchum to endorse Local Law B-2021 – Zoning Amendments in a letter to the Town Board. The Board having been polled resulted in unanimous affirmation of said motion.

RECORD OF VOTE

MEMBER NAME	AYE	NAY	ABSTAIN
Chair DENISE RHOADS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vice Chair DAVID PALEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Member KRIS KIEFER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Member DAVE LEE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Member SHERILL KETCHUM	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Other Board Business

Chair Rhoads stated the Board had been receiving educational opportunities from Clerk Benda to continue their training.

Clerk Benda requested the Board submit their hours for the record via email and thanked those who have been sending them consistently.

Councilor Tucker informed the Board the PUD is being discussed by the Town Board as there are preexisting buildings that make it difficult to keep businesses in, possible future affordable housing or senior housing opportunities. This tool could be useful for these possible opportunities. Councilor Tucker shared his appreciation for the thoughts, comments and questions the ZBA brings to their meetings. Chair Rhoads thanked Councilor Tucker for joining the meeting.

There being no further Board business, a motion was made by Vice Chair Palen and seconded by Member Ketchum to adjourn the meeting. The Zoning Board of Appeals meeting adjourned at 8:23 pm.

Respectfully Submitted,
Kim Benda