

**TOWN OF SKANEATELES  
ZONING BOARD OF APPEALS  
MEETING MINUTES OF  
April 5, 2022**

**Present:**

Denise Rhoads, Chair  
David Palen  
Kris Kiefer  
Dave Lee  
Scott Molnar, Attorney  
Karen Barkdull, P&Z Clerk  
Kim Benda, ZBA Clerk

**Absent:**

Sherill Ketchum

The meeting commenced at 7:00 p.m. at Town Hall via Zoom. The next Zoning Board of Appeals meeting will be held on May 3, 2022, at 7:00 p.m.

Chair Rhoads asked that all Zoom attendees identify themselves with their first and last names. All attendees were properly identified and recorded on the Sign-In sheet.

**Public Hearing**

Applicant: Kelly Scalzo  
2803 East Lake Rd  
Skaneateles, NY 13152  
**Tax Map #038.-01-18.0**

Present: Bob Eggleston, Architect

Chair Rhoads described the application is for the demolition of an existing garage with construction of a new garage closer to the dwelling requiring a variance for the side yard setback. A site visit was conducted by the Board on March 19, 2022. Bob Eggleston, Architect, reviewed the existing garage is nonconforming in two ways, as it sits within the required front yard and side yard setbacks. There is an existing driveway with a parking area that is located near the dwelling. As this property is intended to become a year-round use, parking in the garage up by the road then walking down the sloped driveway to the house will be unsafe in the winters. The new garage will have a similar footprint to the existing garage, and the front yard setback will become conforming additionally the nonconformity of the north side yard setback to 10ft. from 4ft will be improved. If the garage were placed with an 18ft. side yard setback to meet the requirements, it would not allow space to turn around on the lot and exit the driveway forward facing onto the roadway. The garage will be designed to complement the house.

Member Lee asked how the grade difference would be accommodated from the east to the west side of the garage. Mr. Eggleston explained there may be a slight retaining wall on the east side. The garage will be at the level of the current driveway parking area. The proposed rear man-door on the garage will exit to a 3-4ft. landing with steps down to a permeable walkway leading to the house. Member Lee stated he was addressing the shape of the raised bed. Mr. Eggleston stated the garage is at the toe of the raised bed and it would be best to avoid cutting into it if possible.

**WHEREFORE**, a motion was made by Member Lee and seconded by Vice Chair Palen 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 (4-0) affirmation of said motion.

Chair Rhoads asked if anyone would like the public hearing notice read. No one requested the public hearing notice to be read into the record.

**WHEREFORE**, a motion was made by Vice Chair Palen and seconded by Member Kiefer to open the public hearing. The Board having been polled resulted in unanimous (5-0) affirmation of said motion.

At this time Chair Rhoads asked if there was anyone who would like to speak in favor of, against or had any comments regarding the application. No one spoke.

**WHEREFORE**, a motion was made by Member Lee and seconded by Member Kiefer to close the public hearing. The Board having been polled resulted in unanimous (4-0) affirmation of said motion.

Chair Rhoads asked that Counsel Molnar take the Board through the Statutory Criteria set forth in Town Code for an area variance. At this time, the Board reviewed the Five Criteria for the area variance concerning the applicable section of Town Zoning Code: Section 148-8-9-A.1.d Nonconforming Lots – minimum side yard. 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 will be produced in character of neighborhood or a detriment to nearby properties will be created by the granting of the area variance:** No. The proposed change will not alter the character of the neighborhood, nor will it produce a detriment to nearby properties. The new garage will be less nonconforming than the existing garage which is quite old and in need of improvement. It will be built in keeping with the character of the home. The proposed design of the structure enhances the character of the house and will improve the aesthetics of both this property as well as neighboring properties. The safety of the property will also be improved as the existing garage is located very close to Route 41 (East Lake Rd.) on a bend in the road. Allowing the 10-foot side yard setback rather than the 18.6 feet is an important safety measure to give the Applicant the ability to back up and turn around in their driveway before pulling out onto Route 41 in a forward-facing direction.
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. There are alternative options to the proposal, however the benefits to the alternatives would be less desirable and/or feasible than what could be achieved by the proposed project. Requiring the Applicant to comply with the minimum 18.6-foot side yard setback would not allow adequate space to turn around in the driveway to pull onto Route 41 in a forward-facing direction. Maintaining the existing garage structure would be difficult considering its close proximity to the road. The proposed garage location is more logical than the existing location as it will both benefit the homeowner and improve the safety of the site.
3. **Whether the requested variance is substantial:** No. The requested area variance is not substantial as it reduces the existing nonconformity of the property.
4. **Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district:** No, the proposed variance will not have an adverse effect or impact on the physical or environmental conditions of the

neighborhood or district. The catch basins and bioswales proposed with the redevelopment of the property will address any runoff coming from the new garage structure in its proposed location. The small-scale stormwater management will benefit the lake. The removal of the asphalt along the road will improve highway safety.

**5. Whether the alleged difficulty was self-created: Yes.**

**WHEREAS**, in review of the above findings of the Zoning Board of Appeals, the benefit to the applicant, as weighed against the detriment to the health, safety and welfare of the neighborhood, or community, lies in favor of the Applicant. Based on the Board members’ site visits and discussions before the Board at the public hearing the benefit to the applicant outweighs the detriment to the community and will not have significant adverse impacts on the character of the neighborhood or the physical or environmental conditions of the property.

**WHEREFORE** a motion was made by Chair Rhoads and seconded by Vice Chair 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.

**ADDITIONAL CONDITIONS:** The ZBA finds that the following additional conditions are necessary in order to minimize adverse impacts upon the neighborhood or community:

1. That the Site Plan and Narrative dated February 16, 2022, as prepared by Licensed Architect, Robert O. Eggleston, be reviewed and approved by the Town of Skaneateles Planning Board and be complied with in all respects; and
2. The modification to remove the asphalt parking area within the New York State Department of Transportation right-of-way be complied with as recommended by the Onondaga County Planning Board.

**RECORD OF VOTE**

<b>MEMBER NAME</b>	<b>AYE</b>	<b>NAY</b>	<b>ABSENT</b>
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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Initial Review**

Applicant: Micheline Yuan  
 3257 East Lake Rd  
 Skaneateles, NY 13152

## Tax Map #040.-01-04.1

Present: Bob Eggleston, Architect  
Sidney Devorsetz, Attorney

Chair Rhoads described the application is to maintain the existing gazebo and shed locations as well as rebuild/expand a deck. Bob Eggleston, Architect, stated the homeowners are unable to participate at the meeting, however Attorney Sidney Devorsetz will be making a statement on their behalf. Mr. Devorsetz explained the Applicant received approval for an application a few years ago to remove and relocate the existing garage further east, the family decided to forgo this part of the project. The Applicant did proceed with the installation of a new septic system, a stone wall along the lake to mitigate erosion, and a Raze deck that extended over the lake. Since the previous application the driveway has had gravel added to fill ruts created during the improvements and the deck on the front of the cottage was repaired. Mr. Devorsetz stated the Yuan's purchased the property over 40 years ago, at that time there was a water line easement across the property from the lake up to a house on East Lake Rd. A few years ago, the Yuan's purchased the house on East Lake Rd. being fed by the water line that required the easement. The current request is to maintain the location of the existing structures on the property.

Mr. Eggleston stated he was initially consulted to correct the shoreline of the property. The total coverage for shoreline structures is over 1,200sq.ft., which is double what is allowed. Mr. Eggleston continued the Applicant has purchased the adjacent property on East Lake Rd, consisting of a house and large lot. The land acquisition increased the lot size of the property currently under review from less than 20,000sq.ft. as they were able to complete a lot line adjustment. The lot line adjustment was done with the intention to demolish the existing cottage and build a more substantial year-round dwelling. When the 2015 application to improve the shoreline structures was approved the Planning Board (PB) allowed 11% ISC and 600sq.ft. for Total Shoreline Structures. The gazebo structure was to be relocated as a condition to meet the maximum 600sq.ft. requirement, contractors determined the gazebo would not withstand the process and left it as existing within the 50ft. lake yard setback. The pumphouse shed was to be relocated and a new shed was to be placed outside of the 50ft. lake yard setback to comply with total coverage allowed for shoreline structures. This would have required re-grading the proposed location, so the contractor placed the new shed within the 50ft. setback behind the existing shed where grading was not necessary. It came to light that the improvements were not executed in compliance with the 2015 PB approval, so in 2019 an As-Built survey was acquired from Paul Olszewski. Mr. Eggleston reviewed the survey and explained what would be required to make the property compliant with the 2015 PB approvals.

The Applicant has been in communication with the neighbors regarding the proposal. The ZBA has received comments from north adjacent neighbor, Eileen Murphy, and south adjacent neighbor, Ted Spencer, each stating they prefer the existing structures to maintain their current locations. Mr. Eggleston stated the current variances requested are to allow 877sq.ft. of shoreline structures where 600sq.ft. was previously approved and 1,268sq.ft. was existing, as well as the request for side yard setback to the sheds. The Applicant will reduce the existing ISC to meet the previously approved 11%. The repairs and addition to the deck on the cottage have been included with the application to legitimize them. The addition of a proposed permeable walkway is reflected on the site plan as well.

Chair Rhoads asked if a variance was obtained to allow the 11% ISC in 2015. Mr. Eggleston explained the 11% ISC was approved through the PB with a Special Permit and a payment by the Applicant into the DRA Fund.

A site visit was scheduled for *Saturday, April 23rd at 8:30 am.*

**WHEREFORE**, a motion was made by Chair Rhoads and seconded by Vice Chair Palen to schedule the public hearing for this application at the **Tuesday, May 3, 2022, Zoning Board of Appeals meeting at 7:02 pm**. The Board having been polled resulted in the unanimous (4-0) affirmation of said motion.

**Initial Review**

Applicant: Ryan & Mona Smart  
1043 The Lane  
Skaneateles, NY 13152  
**Tax Map #050.-01-19.0**

Present: Tom Trytek, P.E.

Chair Rhoads described the proposal is for the addition to the shoreline structures. Tom Trytek, Engineer, reviewed existing is an open pile dock structure with timber-crib retaining walls integrated into the embankment with a timber stairway system. The proposal is to extend the timber-crib retaining wall further south from the south end of the dock approximately 24ft., it will be pinned to the earth/shale bedrock with rip rap stone behind the wood to prevent further erosion. The wall will be 10ft. above the existing dock. A 29ft.8in. by 15ft.4in. single-slip boat port is proposed on the south side of the open pile dock structure with a maximum height of 12ft. above the mean high-water mark. The boat port will also be an open pile structure, supported by 8in. diameter piles driven into the lakebed. There will be sharing of the framing system with the existing dock, therefore of the 8 piles required some are already in place. At the east end of the existing dock, the proposal is to install additional open pile docking that is 12ft. x 6ft. in keeping with the existing construction. The proposed boat port will be open without walls and its purpose is to protect the watercraft and lift system.

Mr. Trytek noted the overlap of the boat port on the dock was not accurately taken into consideration when preparing the site plan summary table. He will correct the calculations and submit a revised site plan to the Board. The current existing docks reflect 928.5sq.ft. where it should be 948sq.ft. and the proposed docks reflect 1,024.5sq.ft. where it should be 1,044sq.ft. This would change the Total Shoreline Structure Coverage which will be accurately reflected on the updated site plan. Accurate applications are being submitted to the DEC and Army Corps.

Member Lee asked if the existing dock that protrudes from the main filled area is on piers or if it is a solid timber dock as described on the site plan. Mr. Trytek explained the dock system running parallel to the shoreline, as well as the dock extension perpendicular to the shoreline are all on open piles.

Vice Chair Palen sought clarification on which chart Mr. Trytek was referring to that will require revision. Mr. Trytek described the Shoreline Structures Summary Table on page SP-2 of the site plan. Mr. Trytek reviewed the corrections required to reflect an accurate summary table.

Member Lee asked if the new timber-crib retaining wall is being considered as permeable. Mr. Trytek answered yes, there are support boards along the front, but the fill is rip rap allowing water to permeate the stone into the lake. There is minimal excavation required to install the rip rap retaining wall as a result of the erosion of the embankment.

A site visit was scheduled for **Saturday, April 23rd at 9:00 am**.

**WHEREFORE**, a motion was made by Vice Chair Palen and seconded by Member Kiefer to schedule the public hearing for this application at the ***Tuesday, May 3, 2022, Zoning Board of Appeals meeting at 7:10 pm.*** The Board having been polled resulted in the unanimous (4-0) affirmation of said motion.

**Other Board Business**

*Planning & Zoning Meeting*

Chair Rhoads reminded the Board of the Planning & Zoning Meeting scheduled for Wednesday, April 20, 2022, at 6:00 pm. Clerk Barkdull confirmed it will be held via ZOOM only.

**Minutes**

Previous distribution to the Board of the regular meeting minutes of March 1, 2022, was executed and members present acknowledged receipt of those minutes. The Board agreed to postpone the approval of the minutes until the following ZBA meeting to allow more time to review them and all ZBA members to be present.

*Board Member Hours*

Member hours for all Board members were requested and submitted for the month of March 2022. Everyone was brought up to date and submitted hours via email.

There being no further Board business, a motion was made by Member Kiefer and seconded by Vice Chair Palen to adjourn the meeting. The Zoning Board of Appeals meeting adjourned at 7:56 pm.

Respectfully Submitted,  
Kim Benda