

**TOWN OF SKANEATELES
ZONING BOARD OF APPEALS
MEETING MINUTES OF
May 3, 2022**

Present:

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

Absent:

Kris Kiefer

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

Minutes

Previous distribution to the Board of the regular meeting minutes of March 1, 2022, and April 5, 2022, 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 March 1, 2022, and April 5, 2022, minutes as presented. The Board having been polled resulted in unanimous (4-0) affirmation of said motion.

Record of Vote

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

Chair Rhoads asked that all Zoom attendees identify themselves with their first and last names when making statements on the record.

Public Hearing

Applicant: Micheline Yuan
3257 East Lake Rd
Skaneateles, NY 13152
Tax Map #040.-01-04.1

Present: Bob Eggleston, Architect
Sidney Devorsetz, Attorney
Hansen & Micheline Yuan, Owners

Chair Rhoads described the application is for the maintenance of the existing gazebo and shed locations, as well as the rebuilt deck. The Zoning Board of Appeals (ZBA) conducted a site visit of the property Saturday, April 23rd, three of the ZBA members were present, as well as the Applicant's Architect Bob Eggleston. Updates to the proposal were received just before the meeting. Bob Eggleston, Architect, stated the Applicant has been the owner of the property for some time and during that time acquired the adjacent property. The Planning Board (PB) approved a lot line adjustment after the acquisition of the

neighboring property to make this existing property less nonconforming. The previous PB application proposed redevelopment of the waterfront with the anticipation of demolition and rebuilding of the existing dwelling. After the PB approval the Applicant opted not to rebuild the cottage and did not follow through on all of the agreed upon conditions. Mr. Eggleston reviewed the existing, approved and proposed "Lakefront Structures" cited on the Site Plan. The existing gazebo was to be moved outside of the lake yard setback. An existing shed was to be removed as it was in the lake yard setback. An 8ft. x 16ft. shed was proposed 10ft. from the property line setback more than 50ft. from the lake line, therefore conforming. When the new shed was installed, the individual dropping it off placed it in an area that did not required regrading rather than placing it in the PB approved location. The newly installed shed measures 10ft. x 20ft. rather than the approved 8ft. x 16ft. Mr. Eggleston has updated his site plan to reflect the correct measurements of the shed, the calculations for Impermeable Surface Coverage (ISC) and shoreline structures remain accurate as only a portion of the new shed is within the 50ft. lake yard setback and those calculations were based on the survey provided by Paul Olszewski. Based on the site visit, the Applicant has decided to relocate the shed to the southeast corner of the dwelling outside of the 50ft. lake yard setback, with a conforming 30ft. side yard setback. The existing gazebo and smaller shed, which houses the water system for the neighboring dwelling, are proposed to remain in their existing locations within the lake yard setback. The Site Plan and Narrative have been updated with a May 3, 2022, revision date to reflect the current proposal. The required variance for shoreline structures has been reduced from 887sq.ft. to 774sq.ft. Mr. Eggleston stated from a neighbor's perspective, shoreline structures are almost identical to what has always been there except rather than the 1,029sq.ft. deck, a 540sq.ft. patio exists.

Vice Chair Palen asked if the proposed revisions are intended to bring the property into compliance with the PB approvals from 2015. Mr. Eggleston stated yes, explaining the approved 2015 shed was placed in an incorrect location so the Applicant is proposing a new compliant location for the shed to be moved to. Vice Chair Palen then inquired if there were any revisions to the driveway reduction. Mr. Eggleston answered the proposal to reduce the size of the driveway remains the same in order to achieve previously approved 11% ISC. Vice Chair Palen asked what assurance there would be if the proposal were approved that the Applicant would be in compliance with the determination. Mr. Eggleston stated the responsibility would fall on himself, the owner and the surveyor to complete an As-Built survey in a timely manner.

Member Ketchum inquired about the 278sq.ft. of ISC reflected on the Site Plan as "shed". Mr. Eggleston stated that calculation was based on the 2019 As-Built survey that included the 10ft. x 20ft. shed that had been placed in the wrong location.

Chair Rhoads asked if the public hearing would have to be republished in light of the revised proposal. Counsel Molnar explained, no, if the Applicant had continued with the request that the 10ft. x 20ft. shed remain 2.3ft. off the property line, it would have been necessary for the notice to be republished. The public hearing notice called out a shed of 128sq.ft. rather than a 210sq.ft. shed as the subject of the variance. Since the Applicant has revised the proposal to move the shed to a fully compliant location and they seek the 11% ISC as previously approved, there is no need to republish the public hearing notice or postpone the public hearing.

Chair Rhoads asked if the actual size of the shed was what was proposed in the 2015 PB application. Mr. Eggleston answered no it is larger, the 2015 proposal called for an 8ft. x 16ft. shed where a 10ft. x 20ft. shed was installed. Counsel Molnar added, the current proposal requests the retention of the existing 68sq.ft. shed, which was not part of the prior approval. Mr. Eggleston summarized the ZBA is now reviewing the maintenance of the locations of the existing gazebo and pre-existing shed. Chair Rhoads sought clarification as to why the existing shed is required at this time when it was previously agreed to be removed from the property. Mr. Eggleston explained at the time the owner was going to go through the

expense of putting the pump in an underground vault that would have eliminated the need for the shed. Now that the Applicant does not intend to renovate the property to the extent that was originally proposed they wish to maintain the water system that has existed for the past 50 years.

The Board agreed it would be beneficial to open the public hearing then continue it to the next meeting to allow more time to review the recently submitted revisions.

WHEREFORE, a motion was made by Member Ketchum 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 Chair Rhoads and seconded by Member Lee to open the public hearing. The Board having been polled resulted in unanimous (4-0) 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.

Dennis McCarthy, 3251 East Lake Rd., stated he had submitted a letter to the ZBA opposing the variance as requested noting some of the issues had been modified by the Applicant since then. The 2015 proposal complied with the 600sq.ft. shoreline structure requirement allowing for the new patio by removing the gazebo and 68sq.ft. shed. The patio has since been installed but the accessory structures have not been removed. Mr. McCarthy asked why the Applicant would not be required to follow through with the removal of those accessory structures to be in compliance with the shoreline structure requirements. The new shed is proposed in a new conforming location with a 30ft. side yard setback as it is over 200sq.ft., he then inquired what the lake yard setback requirement is for a shed of this size.

Mr. Eggleston responded because the structure is less than 600sq.ft. it is allowed to be a minimum of 50ft. setback from the lake, if it were over 600sq.ft. the requirement would increase to a 100ft. lake yard setback. The proposed new shed location is approximately 110ft. from the lake line, which is compliant even if the shed were over 600sq.ft.

Chair Rhoads stated the concern is what was previously agreed upon in 2015 was not followed by the Applicant. Mr. Eggleston stated if the Applicant were to continue with the original application the two structures would need to be removed, but the zoning law allows for the request of a variance and the homeowner preferred to take advantage of that option. Chair Rhoads asked if the Codes Officer has cited the property in violation. Counsel Molnar stated the Applicant has not yet completed the 2015 improvements which would require an As-Built survey and the Codes Officer to inspect checking for conformity, as it was caught up in Covid. Chair Rhoads asked about time limits on the PB approval and building permits. Mr. Eggleston explained the Yuan's received a letter from Codes Enforcement Officer (CEO) Herrmann indicating the project had not been completed and submit an As-Built survey for review. At that time the Applicant decided to keep the existing gazebo and shed so they opted to apply for a variance. Clerk Barkdull explained when the CEO is closing out a building permit, if there is no cooperation from a homeowner, he will then go to a compliance format of Order to Remedy. In this case they were working through the compliance on it when CEO Herrmann discovered the building permit had

not been completely closed out and there were compliance issues. CEO Herrmann and the Applicants have been working together on a resolution for some time.

Mr. Eggleston asked if the anonymous letter that was submitted to the Board would be taken into consideration when the Board is making their determination as this is an open public hearing. Counsel Molnar stated the public record is the combined letters received whether one is anonymous or not that creates the record. Like any other application, the letter will be given the value it is worth.

Member Lee questioned the 2015 PB action that included three conditions, one being that there would be an expiration of 18 months on the approval, it does not appear an application for an extension was made. Mr. Eggleston clarified the 18 months is the time frame in which the Applicant must apply for a building permit, which was acquired within those 18 months. Member Lee asked if the building permit that was issued had expired. Mr. Eggleston stated the building permit is valid for 18 months from the day it was issued, the PB application was approved in 2016 so with the addition of the 18 months for the building permit that puts the Applicant at 3 years in 2019 when CEO Herrmann would have made the inquiry.

WHEREFORE, a motion was made by Member Ketchum and seconded by Vice Chair Palen to continue the public hearing on Tuesday, June 7, 2022, at 7:02 pm. The Board having been polled resulted in unanimous (4-0) affirmation of said motion.

Public Hearing

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

Present: Mona Smart, Owner
Tom Trytek, P.E., TDK Engineering
John Templin, Leatherstocking Lake Services & Construction

Chair Rhoads described the proposal is for the addition to the existing shoreline structures. Board Members conducted a site visit Saturday, April 23rd, which resulted in some questions regarding the proposed retaining wall. Tom Trytek, P.E., TDK Engineering, reviewed the application was presented to the ZBA April 5th, then April 8th the application was submitted to the Army Corps, DEC and OGS. The application is currently under PB review, they have also conducted a site visit. The south extension of the timber cribbing is to combat the further erosion of the embankment as there is currently erosion beginning to undermine the existing timber cribbing. The proposed timber cribbing will be filled with large angular rocks, approximately softball to bowling ball in size. The timber crib system will serve as a filter to the lake with ground water permeating through the rocks then the wood face of the cribbing which aesthetically hides the rock. The cribbing materials will be non-pressure treated timbers which will be naturally decay resistant further enhancing the environmental aspect of the overall system. The arrangement will follow the existing shoreline acting as a continuation of the terrace approach that is in place currently. There was concern at the site visit with protecting the upper embankment area and potentially extending it further the purpose of this is square off what is existing of the bank. The proposed boat port location will utilize part of the existing pile system of the current dock allowing less disturbance of the lakebed.

Member Ketchum asked where the water is coming from that is resulting in erosion of the embankment. Mr. Trytek explained it is a combination of a couple of things occurring, the primary reason being the wave action of the lake at the base. The existing plantings do not have a strong root base to retain the soil

of the embankment. Another reason for the erosion is the natural ground water permeating and following its way to the lake through the embankment. Additionally, the soils are of a silty nature, not known for retaining their position, minimal disturbance can cause a snowball effect with the erosion. An underdrain feature does exist in the form of a 4in. diameter perforated pipe in the proposed timber crib location, the underdrain will remain in place draining through the rock and timber cribbing then into the lake. Member Ketchum asked what will prevent the water from eroding the remaining portion of the exposed bank to the south of the proposed timber cribbing. Mr. Trytek stated there are a couple of features protecting that location toward the south property line, one being the south adjacent neighbor's dock system jutting out to the east creating a protective cove. The pine tree that exists in that area has a large root mass that has not allowed the lake to affect the area under that base. The Applicant is considering placement of a large 4ft.-6ft. riprap with 36in. diameter rocks south adjacent to the proposed timber cribbing in an effort to protect the exposed area of the bank the Board has concerns with. Member Ketchum asked why the timber cribbing wasn't continued further south at the time the existing timber cribbing was installed. Mr. Trytek stated the erosion that is occurring in the proposed timber cribbing zone is now occurring up into the embankment and not just at a limited zone in the base. If rock alone were placed in that area, it would not be attractive and it would be difficult to control its positioning, the timber cribbing will prevent any natural movement after the rocks are placed.

Member Lee shared concern at the south end of the proposed site as it is quite steep in grade, as the excavation takes place to install the timber cribbing it is likely that will loosen the soil adjacent to that destabilizing a small area. He did not recall a discussion of rocks along the base of the remaining area to the south in the original application. Mr. Trytek stated during the site visit the Applicant heard these concerns from the Board and decided that adding the larger stone at the end of the timber cribbing would mitigate the destabilization of the bank during the installation of the timber cribbing. Member Lee asked if there were any alternative bank stabilization methods considered. Mr. Trytek described loose rock placed on the embankment was one option, however it is not in the best interest of anyone as it would not physically stabilize the bank or create a long-term solution. Another option could have been a concrete or steel-sheet pile wall, or possibly incorporate vegetation. The issue is the majority of the erosion is occurring at the lake line requiring a form of protection. The timber cribbing is the best option allowing water to filter through while stabilizing the base of the bank and maintaining the character of the property.

Chair Rhoads inquired about the south placement of the proposed boat port wondering if a north placement which could provide additional protection had been considered. Mr. Trytek answered yes and confirmed being in receipt of the south adjacent neighbor's comments requesting the Applicant consider an alternative north placement of the boat port. The Applicant would also prefer a north placement of the proposed boat port however it would require an additional side yard setback variance so initially the Applicant opted for the south side placement to request the minimum possible variance. Vice Chair Palen commented based on his experience with wave action on the lake it would be an improvement for the safety of the boat to have the proposed boat port placed on the north side of the existing dock. Mr. Trytek agreed it would be safer to place to boat port to the north of the dock.

Member Lee asked what the need for the east extension of the dock was. Mr. Trytek explained there was a need for a seating area closer to the water for safety reasons. Mona Smart, Owner, explained her children are hearing impaired and it is critical to be able to clearly view the children while they are in the lake. Member Lee asked if the extension could be a seasonal dock rather than a permanently installed structure. Mr. Trytek stated it could be. Mrs. Smart stated she would be open to using a seasonal dock to extend the existing dock. Chair Rhoads asked how the dock extension would be impacted if the boat port were relocated to the north side. Mr. Trytek stated it would be a mirror image of the current proposal.

The Board agreed it would be best to review an updated plan from the Applicant reflecting the north placement of the boat port as well as the addition of the rip rap south of the proposed timber cribbing. Mr. Trytek stated he would make the adjustments to the plans based on the discussion with the Board and input from the neighbor then submit them for review at the next ZBA meeting. Mrs. Smart responded she was agreeable to changing the location of the boat port as well as adding the rip rap south of the timber cribbing, however she would prefer a permanent dock extension rather than a seasonal dock.

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.

WHEREFORE, a motion was made by Chair Rhoads and seconded by Vice Chair Palen to open the public hearing. The Board having been polled resulted in 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. She then asked if there was anyone who would like to speak in favor of, against or had any comments regarding the application.

Mr. Eggleston, 1391 E. Genesee St., commented he has not studied this application; however, he received a draft of the proposed Shoreline Structure Regulations going to public hearing at the Town in June. It is his recommendation Mr. Trytek and the Applicant review the new zoning regulations to see how they may impact this application. He stated the advantage of a permanent structure is less annual disturbance of the bottom of the lake as the dock will not be installed then removed every year.

Mr. Trytek was in agreement the temporary structures in the lake really disturb the lake as they require multiple individuals to pull them in and out. One of the purposes to protect the lake is spawning. In water work activity is only permitted after the middle of July because the DEC would like the fish population to take hold. If numerous properties are dragging structures into the lake disturbing where the eggs have been laid that creates an issue. Based on Mr. Trytek's experience installing waterfront structures throughout the state open piles are the least intrusive method of building because once it is installed you are done, and it is a very limited area that is disturbed. Mr. Trytek encouraged the Board to keep that in mind when reviewing future applications. John Templin, Contractor, stated the temporary dock structure has a larger footprint on the bottom of the leg and it would require 4-6 legs, where a permanent structure would require 2 small additional piles to create the same size extension on the existing dock. Mr. Templin noted temporary docks become housing for fish, when the fall returns, the temporary docks are removed displacing the fish. Overall the temporary docks disturb the bottom of the lake significantly more than the permanent structures.

WHEREFORE, a motion was made by Member Lee and seconded by Vice Chair Palen to continue the public hearing on Tuesday, June 7, 2022, at 7:10 pm. The Board having been polled resulted in unanimous (4-0) affirmation of said motion.

Initial Review

Applicant: Adam Graham
3429A East Lake Rd
Skaneateles, NY 13152
Tax Map #041.-01-06.0

Present: Bob Eggleston, Architect
Adam Graham, Owner

Chair Rhoads described the application is for the redevelopment of a lot less than 20,000sq.ft. The proposal is to relocate a porch, with the addition of a permeable walkway, a patio, exterior alterations, and the removal of a portion of the driveway. Bob Eggleston, Architect, stated the Applicant is purchasing the home on a preexisting lot less than 20,000sq.ft. which will require a variance for any redevelopment of the property based on the zoning code. The current property is nonconforming in size, as well as ISC, Total Coverage, potential living area, house footprint, and south rear yard setback. The dwelling is compliant in the north front yard setback, as well as the two side yard setbacks. The existing rear porch has a 9ft. setback to the property line, the Applicant would like to remove the porch and construct a new one on the front of the dwelling. The proposal also calls for a new patio on the west side of the home off an existing screened porch. Placing the porch on the front of the home will improve aesthetics and functionality of the dwelling. Steppingstones measuring 16” x 28” will connect the front porch to the proposed west patio which will have stairs to access the screened porch on the dwelling. The reverse gable over the garage area is strictly cosmetic.

Mr. Eggleston explained nonconformities on the property are being reduced. ISC is impossible to bring to 10% unless parts of the house were to be removed, so it is improved from 23.6% to 17.7%. The rear yard setback is being improved from 9.6ft. to 19.4ft. Total coverage is being reduced to 20.9% from 23.6%. The proposal is to maintain the potential living space and building footprint. PB will be reviewing the green areas on the Site Plan reflecting surfaces being converted to permeable from impermeable, reducing about 1,000sq.ft. of ISC. A bioswale is proposed on the east side of house. A newer septic system exists on the west side of the house in a location which would be more favorable for a bioswale. The bioswale cannot be placed next to the septic system as one would defeat the other. A ditch exists along the south property line. The bioswale will capture rainwater from the driveway that is pitched toward via French drain which will run along the east side of the driveway, it will also capture water from the gutters on the east side of the dwelling. The west side of the dwelling gutters physically cannot be directed to the bioswale, but the spouts will be directed to the lawn for sheet absorption to the northwest and southwest of the property.

A site visit was scheduled for *Saturday, May 21st at 8:30 am.*

WHEREFORE, a motion was made by Vice Chair Palen and seconded by Member Ketchum to schedule the public hearing for this application at the *Tuesday, June 7, 2022, Zoning Board of Appeals meeting at 7:20 pm.* The Board having been polled resulted in unanimous (4-0) affirmation of said motion.

Other Board Business

Local Law Referral

Chair Rhoads stated the Town Board had scheduled a public hearing for Introductory Local Law A of 2022 regarding Shoreline Structure zoning on Monday, June 6, 2022. The ZBA will need to submit comment to the TB prior to the public hearing. The Board agreed it would be best to schedule a special meeting to discuss the comments that will be submitted to the TB regarding Shoreline Structure regulations. A meeting was scheduled for *Tuesday, May 31, 2022, at 6:00pm via Zoom only.*

Board Member Hours

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

There being no further Board business, a motion was made by Member Lee and seconded by Vice Chair Palen to adjourn the meeting. The Zoning Board of Appeals meeting adjourned at 8:30 pm.

Respectfully Submitted,
Kim Benda