

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

June 4, 2019

Present:

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

Also Present:

John Camp, Town Engineer

The meeting commenced at 7:00 p.m. at Town Hall. The next Zoning Board of Appeals meeting will be held on July 2, 2019 at 7:00 p.m. Previous distribution to the Board of the regular meeting minutes of March 5, 2019 and May 7, 2019 was executed and all members present acknowledged receipt of those minutes.

WHEREFORE a motion was made by Vice Chair Condon and seconded by Member Ciaccio to accept the March 5, 2019 minutes as submitted. The Board having been polled resulted in unanimous affirmation of said motion.

<u>Record of Vote</u>			
Chair	Denise Rhoads	Present	[Yes]
Vice Chair	Jim Condon	Present	[Yes]
Member	David Palen	Present	[Abstain]
Member	Kris Kiefer	Present	[Abstain]
Member	Michael Ciaccio	Present	[Yes]

WHEREFORE a motion was made by Member Palen and seconded by Member Keifer to accept the May 7, 2019 minutes as submitted. The Board having been polled resulted in unanimous affirmation of said motion.

<u>Record of Vote</u>			
Chair	Denise Rhoads	Present	[Yes]
Vice Chair	Jim Condon	Present	[Yes]
Member	David Palen	Present	[Yes]
Member	Kris Kiefer	Present	[Yes]
Member	Michael Ciaccio	Present	[Abstain]

Member hours for the Board were turned in for the month of May, 2019.

Public Hearing

Applicant: Skaneateles Aerodrome, LLC
2984 Benson Road
Skaneateles, NY
Tax Map #051.-02-08.1

Present: Michael J. Lazar, Project Manager

The proposal is for the expansion of the existing runway 28 by 300', requiring a side yard setback. Project Manager Lazar referenced drawing C-100 to present the project to the Board. The drawing shows West Lake Road on the east side of the runway, Benson Road to the west, hangars along the north and south sides of the runway, with the runway running east and west. The application is for a small area 15'x20' widening a taxiway on the south side, as well as a 300' extension 60' wide on the east end of the runway requiring a side yard setback variance. Mr. Lazar referenced the Variance Plan drawing, explaining the proposed 300' extension and the two parcels (051.-02-10.0 & 051.-02-11.0) involved with the side yard setback requirement. Mr. Lazar stated the Zoning Code requires 100' from the paved area to the side yard. The 100' setback goes 15' beyond the property line on parcel 051.-02-11.0 and comes within 41' of the property line on parcel 051.-02-10.0. Mr. Lazar spoke with both parcel owners, the new owner of 051.-02-10.0 has given a letter of approval to the Board, and the neighbor fully understands the extent of the project. Mr. Lazar has been to extensive meetings with neighbors (noting their attendance at the meeting) regarding the proposal, to mitigate what they would like to see happen with the work on the runway. Mr. Lazar stated he had nothing additional for the Board at this time.

Chair Rhoads noted there was a site visit of the property and asked if the Board had any questions for Mr. Lazar. Member Kiefer recalled a conversation about the FAA envelope going up and out from the runway during the site visit, stating for purposes of the record to talk about the impact on the envelope. Mr. Lazar stated there is no impact on the envelope, as they had talked about at the site visit, the displaced threshold for this, where the planes are landing, remains the same so there is no impact at all. The way this works with the FAA, even though the airport is extending the runway it is being done with a displaced threshold which means the landing aircraft coming over the lake using runway 28 cannot land before the same spot they currently land on, there will be no lower landing. The extension can be used for takeoff from west to east, as well as for landing if aircraft is coming in from runway 10 for deceleration. As far as the flight envelope, there is zero impact on that.

Vice Chair Condon asked if the runway is currently non-compliant with FAA. Mr. Lazar answered it isn't in non-compliance. Engineer Camp interjected the safety aspects of the runway are non-compliant with FAA. Mr. Lazar continued saying it is a safety issue, it's not qualified as non-compliant, aircraft is restricted during the summer from the heat and load, and there isn't enough runway length for takeoff. Member Kiefer stated, what he recalls it is contingent on a number variables that go into a calculation; the type of the aircraft, the weight of the aircraft from both the fuel and the passengers, the luggage they may have, humidity, temperature, etc. Member Kiefer shared his concern with the use of the term 'non-compliance' and what he understands it is an aircraft specific calculation that is used to determine whether they will be in accordance with FAA for takeoff. Mr. Lazar confirmed Member Kiefer's statement adding, it is a pilot decision they have to make each time they take off they have to calculate it, based on what Member Kiefer enumerated that is correct. The pilots calculate what they need for length of runway so that when you apply full power with brakes on at the point when you start taking off you reach where you should be taking off, and you're not taking off the pilot has to pull back full power with maximum braking and you have to be able to stop on the runway, you can't run off the end, that's what that calculation does. So this is about a 10% increase in the runway length and it allows smaller aircraft to

fly out of here making a difference in the summer time for utilization. Member Palen stated, this is meant to improve the margins of safety. Mr. Lazar said Member Palen was right. Vice Chair Condon asked if jet airplanes can land at the airport now because he thought he saw one landing there a couple of weeks ago. Mr. Lazar answered no, and then asked you saw one. Vice Chair Condon described a 10 window plane jet engine with the landing wheels down heading that way. Mr. Lazar inquired turbo prop or a jet. Vice Chair Condon responded it went by quick but it was low with the landing wheels out, it was a pretty big plane for the size of that airport. Mr. Lazar explained he had mentioned there is a plane, the Pilatus, that is a turbo prop single engine and depending on how it is configured it can seat up to 8 people. Vice Chair Condon stated that is probably the plane he saw. Mr. Lazar continued that's the plane that typically brings in and takes out charter passengers, there are a couple of private ones that come in but most of them are charter. They actually stop takeoff, depending on load, very safely on this runway but it is a calculation they have to do and they are regulated by the FAA. The Pilatus has to file standard operating procedures and it has to be criteria that they cannot start the takeoff roll if they do not satisfy the calculation.

Vice Chair Condon asked has there been any kind of study regarding the extension of the runway 300' bringing in any additional air traffic. Mr. Lazar answered no but we know from who's utilizing the airport now and how the kind of planes that come what makes more traffic come in the summer is tourism. That has gone up dramatically with the improvements the airport has made. Vice Chair Condon said that is the concern, as Mr. Lazar had mentioned at the site visit the pilot calculates how much weight is in the plane, how many people are in the plane, fuel, the wind, and the length of the runway, sometimes they need to pick up their passengers in Syracuse. If the runway is longer will there be more activity here if the plane doesn't have to go to Syracuse to pick of their passengers, wouldn't they just fly out of Skaneateles more. Mr. Lazar responded with the example, there are a couple of people who live here and utilize the airport for business and for pleasure, in the summer if they want to go someplace with their family the plane will still use the airport to takeoff but they will have to meet the passengers at Hancock airport, landing is not an issue. Member Palen inquired what would be an average month in the summer time for use of the airport. Mr. Lazar answered it would be a guess for the winter time but he knew the charter plane utilization is 50-70/year. Member Palen clarified not just use for the year but average use in the summer time for all aircraft not specifically charters. Mr. Lazar stated the charter flights he counted are concentrated in a 6 month period of time. The rest of the flights he cannot accurately account for because although he spends a lot of time at the airport he hasn't spent full days there. Mr. Lazar tracks usage by the amount of fuel that is utilized by the people at the airport; there may be 40-50 purchases/month which would average to 1.5-2 flights/day. That also increases on the weekends because some of the traffic is transient, that isn't all of the traffic but it is an indication of the base traffic and how often they fly. Vice Chair Condon pointed out on the airport's website it says aircraft operations average 25 airplanes/day. Mr. Lazar questioned how many. Vice Chair Condon restated 25 airplanes/day on the website. Mr. Lazar asked on the website, and then responded that's the FAA number. Vice Chair Condon interjected the website says Skaneateles Aerodrome, he got all of the information off it. Mr. Lazar said that was from 2010. Vice Chair Condon read from the website document the 12 month period ending July 20, 2018. Mr. Lazar asked if that was the 28/10. Vice Chair Condon answered that was for all of the runways right off the aerodrome's website. Mr. Lazar reviewed the document and stated it was not from the Skaneateles Aerodrome website, independent websites compile data from the available information and this was from FAA estimates that were done based on what he was unsure of but on average there are not 25 flights/day and if there were the extension won't change that. Vice Chair Condon commented there hasn't been a study done to see if that number will change. Mr. Lazar said this can't be studied; it's something that has to be measured. Member Kiefer re-phrased the question, since you haven't done a study, one of the things that will help inform for the potential increased use would be how many flights fall into the category Mr. Lazar discussed as being cancelled because they can't takeoff after they do their calculation or how many on average have to go to Syracuse as a result of the calculation. Mr. Lazar answered its very small because it's only in the summer time and it depends on the load, if they are dropping people off its zero, if

they're taking off that plane can't come here to pick them up. Mr. Lazar does track this because he bills them, so there is a website that has that. Mr. Lazar added if a flight is cancelled completely he can't tell as it isn't billed but a flight that's billed those numbers include takeoff and landing.

Member Kiefer inquired if charter companies have reached out to indicate they would take more advantage of the facility. Mr. Lazar stated only one company has and the initial request was from someone who operates out of Hancock, when that happened they would have the people come to their place in Syracuse. Member Kiefer asked if it was correct that the entity doesn't currently land here but they will if the changes are made. Mr. Lazar stated they do, when they ran the calculation they couldn't do it so they asked the people to come to Syracuse, they will probably drop them off but he doesn't remember seeing anything like that.

Vice Chair Condon complimented Member Kiefer's explanation, continuing to ask Mr. Lazar if he could explain what the accelerated stop distance listed on the grant application is. Mr. Lazar explained the pilot starts at the beginning of the runway full power, brakes up, until you've got maximum rotation of the props at takeoff and when you get to the point where normally on that runway at that distance of calculation (there are 1000' markers along the runway) if you are not at an air speed that would allow you to take off you apply maximum braking. The pilot has to be able to stop with the combination of that accelerate/stop distance the calculation on the chart the Board was shown on the site visit would indicate for that day. Vice Chair Condon said that it also mentions you make a longer roll out. Mr. Lazar said that's if you land on runway 10 coming in and happen to land longer because of wind or whatever, once again you apply maximum braking to stop this gives you an extra 300' for that rollout area if you land long. Vice Chair Condon asked if jet fuel is allowed at the airport. Mr. Lazar answered no. Vice Chair Condon then asked if the local Fire Department had reviewed the plans and made any comments. Mr. Lazar answered the Fire Department had not reviewed the plans but they had conducted a site visit, 2 years ago 2 fire departments came down to the property. Vice Chair Condon again asked if the Fire Department had seen this specific plan and if they had a comment about it. Mr. Lazar answered no but he can certainly give the Fire Department the plans, what they were interested in was the source of water, how the planes are kept in the buildings, and access points, which stay exactly the same. Mr. Lazar stated every 3 years he files with the NYS Aviation Bureau, which is also distributed to the police department, a safety plan, security plan, and outlines all of those things. Vice Chair Condon stated wouldn't you think it would be important with 25 airplanes/day for the Fire Department to review these plans being closer to the houses, closer to the lake, and closer to Route 41. Mr. Lazar said he could, he pointed out the location of the access roads on a map, as well as the water pond which will remain the same, stating no one is landing there (on the extension) they are only taking off there in the rollout area so the points of their concern are basically up in the middle of the runway. Vice Chair Condon stated he was concerned and would like the Fire Department to review the plans and give a comment about them. Mr. Lazar agreed to that. Vice Chair Condon continued supporting his statement saying the Board is governed to look for the health and safety of the community, and there is no study on the increase of activity so he would at least like them to review this and get their opinion if there was increased activity because there's no guarantee there won't be. Vice Chair Condon then asked if Engineer Camp had received any comment regarding the safety of this. Engineer Camp stated he is not an aviation design expert but he does work with several of them, so he has talked with a few about this project and they were generally supporting what the applicant said about the fact that this will create a displaced threshold. It will increase the safety aspect of the runway to make it compliant with FAA standards. It is to Mr. Camp's understanding, noting he was unsure if Mr. Lazar said this, the useable length of the runway will not change. Mr. Lazar agreed with Mr. Camp, adding for landing but for takeoff it does. Mr. Camp stated yes for landing.

Chair Rhoads asked if the expansion would still be feasible at 241' without requiring a variance because you could go right up to the setback at 241' without a variance. Mr. Lazar asked if Chair Rhoads was

asking if that can be done. Chair Rhoads clarified would that be feasible or should it be the 300'. Mr. Camp replied he was unsure of the answer to that question but the applicant would still need the side yard variance. Mr. Lazar also stated longer is better, shorter isn't better. Chair Rhoads then stated if the expansion was reduced to 241' she didn't think the applicant would need the variance. Mr. Camp said he was just eyeballing it, but with the expansion shown at 300' if you take 60' off of that you're still going to be at that side yard pinch-point. Chair Rhoads re-phrased her question to what would be the maximum extension. Mr. Camp answered that would be a detailed question that he would have to ask to one of his aviation specialists. Mr. Lazar answered it's easy enough to calculate, it's somewhere near to what was said, because it's 100' here (indicating increments shown on the drawing), the only difference is you're at an angle here so it's not the full 100' it's something different than that. Mr. Lazar paused to reevaluate the actual distance; Mr. Camp pointed out with Mr. Lazar in agreement you would not miss the setback of 41' in the side yard unless you go well short, less than half. Mr. Lazar continued pointing out the 33 marking on the drawing, stating it is a difference between 3300' and roughly 3450' so it's 150' which is half of it. Vice Chair Condon asked where Mr. Lazar came up with the 300'. Mr. Lazar answered when the original airport layout plan was submitted and approved by the FAA and the State back in the early 1990's that was a forward looking plan for the airport for changes that might be made and they have to be in that to get federal money, not state money, and now it has to be on the plan in order to get a grant. That was one of the items that was listed as an improvement that could be made to improve the length of the runway and there were other things in that the airport has already done, and that was 300'x60'x80' and that was done by C&S.

Member Ciaccio asked if an airplane had ever crashed at the airport. Mr. Lazar answered no, correcting himself stating not in the period the Falcone's have been involved with it. There was a practice simulated engine out where somebody was killed; they crashed across the street so it wasn't actually on the runway and it had nothing to do with this. Vice Chair Condon stated if you look at the website there have been some accidents not on the property but linked to the airport. Mr. Lazar explained a takeoff accident occurred as the result of a pilot taking off on a grass runway when he knew he shouldn't have, nobody was hurt but the plane was destroyed. Member Ciaccio questioned how often max braking has to be deployed on a yearly basis and if it is reported. Mr. Lazar answered it is not reported, a lot of pilots when they takeoff they apply maximum power and brakes and release it, that's the way they're taught to takeoff because it can get you higher sooner. Member Ciaccio clarified his question, if a plane gets to a point where they are going to take off and they can't how often does that happen. Mr. Lazar answered it is very rare. Member Ciaccio continued if the main purpose of the expansion is safety concerns, what proof is there the runway is unsafe right now. Mr. Camp stated the runway does not meet safety standards right now, that's a fact.

Vice Chair Condon asked Mr. Camp about stating the runway is non-compliant right now. Mr. Camp stated the aviation specialists he consulted informed him it is not. Mr. Lazar stated the east end of the runway was non-compliant because of the location of the road which is why they proposed the displaced threshold to the east bringing the west end to compliance. Vice Chair Condon inquired about the placement of new lighting on Benson Rd. Mr. Lazar explained they were added to navigate where Benson Rd is and mitigate the pole obstruction, but the displaced threshold was created because the end of the runway was right at the edge of Benson Rd and if a vehicle were on the road at the time an airplane was using the runway it could cause an issue. Vice Chair Condon then asked on a private airport, why is the state interested in paying for the work with a \$211,000 grant. Mr. Lazar answered the state aviation department is tasked and charged with supporting aviation in NYS, as is the federal government for the whole country. This is a privately owned public use airport, the owner has designated 100 acres for public use, and no one needs permission to land here. There is a \$400,000 weather system that broadcasts weather to aircraft and anyone who wants it; it was installed with some state aid. All of the improvements have been made and are available to the public; the airport can't deny an aircraft. Some other airports like

Skaneateles are reliever airports to take some air traffic away from the main airports so they are not overloaded, but Syracuse does not have this problem.

Member Palen inquired if there were a number of airports applying for this grant. Mr. Lazar stated the grant was offered to airports in all of NYS, it was very competitive and the airport was lucky to receive it. Larger airports, smaller airports, and airports like Skaneateles compete for these grants every year and this is a process that has been going on for the past 10 years. Vice Chair Condon quoted an answer on the applicant's five criteria stating many of the departing aircraft will continue departure starting at the current location at the end of the runway; he then asked which ones won't use that. Mr. Lazar responded the larger twins and some of the smaller ones that are loaded up, depending on the aircraft what the allowable load is you have to calculate that every flight, you can't overload the aircraft because it gets out of balance; those would be the ones that wouldn't be able to take off.

Vice Chair Condon asked if the use is year-round or seasonal. Mr. Lazar answered very seasonal; it goes down to almost nothing in the winter time. The airport is kept open and only closed a couple of days in the winter but there is very little use.

Member Kiefer asked about the runway work listed on the grant for runway 10. Mr. Lazar explained part of it was for mitigating the Benson Road issue creating the displaced threshold in a protected area, obstruction lights for the poles, and removal of trees within a protected area; it has been approved by the Planning Board, the Water Department, and the DEC. Member Kiefer noted the trees on that end of the runway were in the envelope; he then asked how the tree mitigation went with the owner of the property. Mr. Lazar explained the owner of the airport also owned the property where the trees were located. Member Kiefer then asked if the 2 National Grid poles at the end of runway 28 were in the envelope. Mr. Lazar stated yes, but as they are not on the property of the airport and there is nothing they can do about it.

Member Ciaccio asked for clarification as Mr. Lazar stated the runway is in FAA compliance and Mr. Camp stated it is not in FAA compliance. Mr. Camp responded he is not an aviation expert but has consulted with those in his office and offered to have them come in front of the Board; but his understanding is that because the threshold on runway 10 is to be displaced to make it compliant this extension is required to maintain the useable length of the runway. Mr. Lazar agreed, stating there's a 3000' criteria for FAA, by not adding the displacement the runway would be under the 3000'. Mr. Camp added the fact that the threshold is essentially at the edge of pavement which is adjacent to the ditch line, which is adjacent to the road, which is then adjacent to the next ditch line there are all sorts of grading issues there which make it non-compliant. To satisfy the non-compliance of runway 10 the displaced threshold is created, the extension is then required to maintain the useable length of the runway. This particular project isn't related to the other end other than they are maintaining the useful length of the runway to correct the non-compliance. Vice Chair Condon stated to his understanding the other end (runway 10) is where it's non-compliant but by adding the 300' to runway 28 you don't have to use that part it isn't non-compliant any more. Member Kiefer explained usually when something is considered "non-compliant" it is therefore a violation so we should see something from the FAA, and you should therefore not be allowed to use it. Member Kiefer noted an event the airport had with 100 kids out there and they wouldn't be using the runway, taking off and flying kids around with this "non-compliance" in the way we think about it, which is why he was leaning more toward the calculation requirements.

Chair Rhoads asked if there were any more questions for Mr. Lazar or Mr. Camp, no one spoke. No one wished to have the public notice read. A site visit was conducted by the Board on Saturday, May 11, 2019. Chair Rhoads asked for a motion to declare this action a Type II action as per Counsel's recommendation.

WHEREFORE, a motion was made by Vice Chair Condon and seconded by Member Ciaccio to consider the proposed action as a Type II SEQR action as per section 617.5(c)(16) 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 and asked if there was anyone in favor of the project. There was no one who spoke in favor of the area variance application. Chair Rhoads inquired if there was anyone who would like to speak in opposition or had any comments. Laura Ponticello stated she was not there in opposition but seeking clarity, she had received the public hearing notice but this is the first time she has seen the proposed plan. Ms. Ponticello continued there are low traffic periods, from her perspective as a resident, with the exception of the summer months, however there is a lot of community involvement on Benson Road with people walking dogs, riding bikes, and jogging. Ms. Ponticello stated she is unclear what the actual impact to Benson Road is, the green space along Benson Road because that's important for our environment, the impact of any noise variance to the area. She is just seeking clarity if the plan is put impermeable runway space where there is now a grass runway. Chair Rhoads assured the grass runway will remain the same. Member Palen added the variance is on the opposite end of the runway, the West Lake side. Ms. Ponticello continued stating; living in close proximity to the airport she feels plane safety is critical to the pilots. She followed up questioning if the proposed plan will draw higher powered planes, as she is concerned with the noise interrupting the peacefulness of the neighborhood. Mr. Lazar answered there are 4 classifications of airplanes based on weight and flying criteria A, B, C, and D, the only planes allowed to land at the airport currently are A & B. Mr. Lazar explained C & D can't fly here because they are the highly regulated airlines, they can't safely land and takeoff, if they are privately owned they might come here but he's never seen one and the airport doesn't have jet fuel for them. Mr. Camp added earlier in the meeting useable length of the runway had been discussed, that will not change with this project and what Mr. Lazar was getting towards is certain types of aircraft can only use an airport based on the useable length of the runway, so the project will not make it longer so therefore larger planes will not be permitted to land as part of the project. Ms. Ponticello asked if the project is expanding it for a turnaround. Mr. Camp clarified the marker that defines the useable end of the runway on the Benson Road end is being moved 300' to the east toward 41. Ms. Ponticello stated she understood; this seems like it is meant to ensure pilot safety, it's not impacting green space, based on the information presented, and she is okay with the proposed plan. Chair Rhoads thanked Ms. Ponticello and asked if there were more comments from the public.

Gretchen Messer stated she would like to speak asking if should could present from the front of the room. Ms. Messer indicated she lives in the house located on parcel 051.-02-11.0. Ms. Messer stated as this is being presented as a safety issue she proposed crashes have occurred, although they were not on the runway which would be 200' from her house. Ms. Messer contacted FAA Regional Safety which is in Rochester, NY; they stated the runway is in compliance and if it weren't the runway could not be utilized, there is no compliance issue, there is no safety issue, the expansion allows for heavier planes which means even though you have classifications ABC&D, you would have more C. So planes that would normally have a family with 3 people are too heavy would have to fly 2 people to Syracuse to pick up the third party member, now they don't have to do that, which is great for the environment. However now planes that normally would not fly here because they weigh the weight of a plane plus 3 people now can. The net weight increases making the runway an available resource for heavier planes. Ms. Messer asked what is the purpose for the runway expansion, since the FAA has not issued a letter stating the airport needs to meet compliance. The FAA is aware of the project, fully reviewed it and it's an expansion for development. Ms. Messer offered to supply the Board with her resources and who she spoke with regarding the project, stating this is not a safety issue. Ms. Messer said there are days when there are 20-30 flights/day, in the winter there is definitely some use as the snow is cleared every day. Ms. Messer

stated the approval from the owner of parcel 051.-02-10.0 is coming from someone who has just purchased the property with the intent to rehab the building and he has never been there for an entire day so he has no sense of the impact. The plan doesn't show the existing lighting and how it would be extended, it currently says on the plans you have lighting and conduit is to be removed and relocated by others. At this time Ms. Messer presented the Board with photos of the lights at night, she described them being like a Christmas tree. Ms. Messer stated in terms of safety any improvement to increase it is making it safer, yes it is a safety issue; it will become safer because now you have a longer safety distance. But it is not necessary. In terms of where people will be taking off they are not going to be taking off at 28 any more when there is a safer condition, every pilot will act in self-preservation taking the safer route which is the longest runway (runway 10). And they are getting rid of the circle that is currently at 28 so they won't have the turning radius that is permitted. Member Kiefer clarified Mr. Lazar was very frank about runway 28 being where the planes were landing and the expectation would be the planes taking off from further back. Ms. Messer said what was presented was that some would use this, the heavier planes; continuing if you make the current 28 circle straight all of the planes will taxi out to the extended part of the runway. Ms. Messer referred to the photos she provided pointing out the view of the runway from her perspective on her property, stating her concern is the distance from the proposed end of the runway to her house describing it as the distance from Tops Grocery Market to SECNY Credit Union.

Ms. Messer questioned what the impacts of this are that are not being addressed, asking what is the maximum size airplane, if you are going to design this and you pick 300' you must know under optimal weather conditions what the maximum size airplane; that can be calculated. How many additional runway lights and where; they aren't on the plan and they must be, it's obvious there are lights all over the place, every 20'. It's insane to assume you're not going to have lights, they go on every night, they're pilot activated, the lights can be turned on at any time. Ms. Messer discussed the lights with the owner of the parcel adjacent to her property warning him not to cut down trees on his property until he has seen what the lights do. Ms. Messer inquired since flights need to be logged, how many flights were there in 2018, there has to be an actual number of the flights. There has to be an expectation of how many more will use this to even do the project. As a developer there's a reason to do this, and what is it, it's to increase use. So how many more and what size, there won't be jets but that doesn't mean anything. Ms. Messer asked if the Board had any more questions as she has done a lot of research regarding the project. The Board thanked Ms. Messer for her comments and Member Keifer commented he appreciated the compliance point of her research which is why the discussion of the specific planes and the pilot calculations came up. Ms. Messer stated she interjected earlier on because the Board was making conclusions that shouldn't be made, she then addressed the public stating as far as safety is concerned that will not change the only end that will get more dangerous is the one closer to her house. She then offered to get the original safety information from the safety inspectors, stating if the issue was safety the planes wouldn't be flying as the airport is inspected every year.

Chair Rhoads called upon Donald Sundman to speak, he stated his wife and himself both live across West Lake Rd from the airport. Mr. Sundman read his letter of objection to the Board, the letter is included in the case file. The Board thanked Mr. Sundman for his comments.

Chair Rhoads then called on Tammy Renner to address the Board. Ms. Renner stated she lives across West Lake Rd, next door to Mr. Sundman, and has occupied the property since 1972. From 1972 to present day there has been an increase in flight traffic especially since Mr. Falcone purchased the property. In 1987 an airplane crashed on the Renner property and 4 people died, verifying plane crashes associated with Skaneateles Aerodrome; the flight was not leaving the airport but coming in for a landing over the family's home. Ms. Renner continued Michael Falcone, Sr. approached their family last year (2018) after their mother had passed in a threatening manner about the Renner's clearing trees on their property. Mr. Falcone informed the Renner's that the FAA required it as a safety issue, stating eminent

domain. The Renner family contacted the FAA who told them there is no such requirement. Ms. Renner feels as though this is a way to expand the runway, now requiring the trees to be cut down on the Sundman and Renner properties so there is better access to the runway. This is an end run to get bigger planes into the airport. Ms. Renner stated she is in agreement with Ms. Messer as she has also contacted the FAA and they confirmed they are not requiring the airport to do anything for safety. Member Keifer asked about the contact with the FAA, if there anything the FAA provided regarding eminent domain or any concern about the ability to cut the trees down. Ms. Renner answered the FAA did not touch on the eminent domain; she ended up contacting Town Supervisor Aaron asking was this at all a discussion. Supervisor Aaron spoke with the FAA spokesperson last year and no eminent domain was brought up. Member Kiefer stated the ultimate outcome was it's your property, your trees and no one is cutting them down, Ms. Renner said yes. Chair Rhoads thanked Ms. Renner for her comments.

Tara Renner then came forward to speak, stating she is also associated with the property next door to the Sundman property across West Lake Rd from the airport. Ms. Renner pointed out the previous owner of the airport's father was killed in a crash at the airport. The crash in 1987 that occurred on the Renner property was about 50-60' from the family camp on Thanksgiving day and 4 people were killed coming in to land at the airport. According to the Renner family there have been about 8 deaths associated with Skaneateles Aerodrome. Ms. Renner stated there has been a huge increase in traffic, larger planes, louder planes, and helicopters coming in very late at night. The air traffic comes in with their lights and Ms. Renner believes they use her mother's home as a point of reference to come in for landings on the runway. Planes are coming in lower, closer to the house and it's a matter of time before there's something else that happens. Ms. Renner stated from a safety point of view it's not necessarily for the people who fly out of the airport because you can control the size and weight of those planes who takeoff and come in. The size and weight of the planes that come in over the Renner property can't be controlled by the land owners, so it is a safety concern for them. Ms. Renner inquired about departure from the new location 300' out going west, doesn't it depend upon the wind conditions, obviously they can depart but can they fly in and if so can they touch down at that 300', which would bring the planes in lower affecting Ms. Messer's, the Sundman's, and the Renner's properties.

Chair Rhoads asked if the public had any other questions, no one spoke. Chair Rhoads then asked if Mr. Lazar would like to answer any questions the public had that weren't answered. Mr. Lazar addressed Ms. Ponticello's concerns stating there is nothing going on at the east end of the runway other than planes landing further down the runway. Mr. Lazar then reviewed the lighting proposed with the expansion indicated on drawing C-103; there are 6 additional lights at the end of the 300' extension tied into the current lighting. Mr. Lazar assured the lights do not flash and they are off unless turned on by a pilot at night via a frequency on their radio, the control system then shuts the lights off after 15 minutes. There is a timer that records the hours of use for the lights, since their installation in 2016 there are 400 hours of use total, which includes the routine testing of the lights. In one month's time the maximum use is up to 4 hours. Member Palen asked on the north end of the circle how close will the 3 proposed lights be to the adjacent properties. Mr. Lazar stated there will be three 6 watt LED lights. Ms. Messer interjected; currently the runway will be 200' from her house, placing the lights 200' from her house. Mr. Lazar stated the lights are there for a purpose, they are not strobe lights just night lights for when it is dark.

Mr. Lazar addressed the issue of airplane size stating the maximum size of the plane being increased as a result of this is not a reality; there is no expectation of larger planes to be coming in based on the numbers and kind of traffic. There are no facilities on the airport; there are no rooms for people who typically fly those planes to send their passengers to, the bathroom is a port-a-potty. The traffic has increased in the past 10 years since Mr. Falcone purchased the property because it was in disrepair; 10 years ago the runway was not safe to land a plane due to the disrepair. The facility is not a profit center; every penny taken in from the airport goes back into the airport, including the purchase price and additional dollars to

get the airport to where it is. The entire goal is not to increase traffic but to make the airport safer for people utilizing the airport, there is no ulterior motive. Mr. Lazar stated this is an asset to the community as there are at least 4 people, who have moved in near the airport because they do fly or wanted to be able to fly and they keep their plane at the airport. There were two helicopters based at the airport, one person moved and the other had their lease terminated because of his unacceptable flying. The airport was asked to host a flight school on the property and that was not pursued due to the constant takeoffs and landings of the planes. The airport is used by many instructors to train students on the grass runway because it is one of the nicest in Central New York. Mr. Lazar also stated instructors bring students here to train for a "chop and drop"; the pilot has to fly over the trees, get by them, and drop right down to land hoping to land on the numbers with enough room to slow to a stop. Many instructors bring students here to practice because this is a very difficult place to land; the trees make it dangerous to land. Pilots know about the trees and the danger of landing at this airport at night, the trees across West Lake Road are in the way not allowing for a night approach for landing from the east toward the west, making this runway non-compliant. Mr. Lazar corrected, you can land at night but you won't have an instrument approach, which means when you have instrument weather they won't clear you to land on that runway which is why they are trying to mitigate it at the other end. You can always land at an airport that is public use at any time; Mr. Falcone is trying to maintain Skaneateles Aerodrome as a public use airport. The FAA is in favor of the proposed plans, NYS Aviation Bureau is in favor as the airport has received the grant over many other airports, and the goal with a public use airport is to make it as safe as you can. There's no question the reason for the area variance is the close proximity to adjacent homes, but the impact of this with pilots taking off in the 300' expansion it would be closer to the homes. Mr. Lazar stated he flies out of Hancock, where there are 5 different taxiways you can take off from and the smaller planes take off from the one nearest to where their hangar is because they don't want to taxi all that length. He continued, as long as the numbers work, there's no reason not to take off from here, if the numbers don't work you would obviously like to have the extra footage. The problem is that when you go to do the calculation in the book it was done in a new airplane with a test pilot it's not what's done for the guy who flies 50 hours a year in an old airplane, so Mr. Lazar has been told to add 20% to any of those numbers and you will be safe but don't use the numbers that were based on new planes. Mr. Lazar reaffirmed there is no landing on the new section of runway, there will be paint indicating it is a displaced threshold and not the full length of a runway for landing.

Vice Chair Condon asked why the current circle on runway 28 is being removed, stating it was missing on drawing C-103. Mr. Lazar assured the circle will remain so planes that taxi up can use it to turn around since the taxiway is not being extended.

Chair Rhoads thanked Mr. Lazar for his comments and asked if there was anyone else in the audience who did not have an opportunity to speak and would like to. Chair Rhoads then asked if there were any new comments or questions. Tammy Renner spoke up asking about the section between 28 and the circle at the end as being able to takeoff but not land, is there a reason it cannot sustain one or the other or is it simply just designated as that by choice. Mr. Lazar answered flying is a highly regulated activity, if a pilot crashes on the displaced threshold portion of the runway during landing, his insurance will not pay him a penny. When you look at the charts on the internet it will show the runway length 3000' 10/28 but the proposed work will allow 3300' on 10 for landing and 3000' on 28 for taking off. Pilots know that they will not be able to land there because it is indicated as a displaced threshold but he can use it to roll out and takeoff. The FAA is requiring bigger regulated airports to have displaced thresholds exactly like this so they have to accommodate something in the way.

Chacea Sundman spoke up stating the height of her trees keep the planes in the air longer keeping them away from her home. If the trees located on her property weren't there the planes would be landing closer to West Lake Rd which has heavy traffic. Ms. Sundman has heard comments from drivers on West Lake

Rd who had a plane come in for landing over their vehicle and it is unnerving because you don't realize the airport is there.

Ms. Ponticello commended airport operations for the cleanliness and respectfulness of the pilots who have landed there. As a resident there interacting there has been a lot of pride and caring for the existing ground.

Chair Rhoads recommended the Board make a motion to continue the Public Hearing to the July meeting, at that time counsel will be in attendance and there are a number of comments to consider. The Board was in agreement.

Wherefore, a motion was made by Member Ciaccio and seconded by Member Palen to continue the Public Hearing on Tuesday, July 2, 2019 at 7:10 pm. The Board having been polled resulted in the unanimous affirmance of said motion.

Initial Review

Applicant: LLC Jordan Road Town Homes /Chris Graham
4331 Jordan Rd
Skaneateles, NY
Tax Map #024.-02-01.2

Present: Chris Graham, Owner
Bob Eggleston, Architect

Architect Eggleston described the property owned by Mr. Graham as a 6 acre parcel on Jordan Road; it is a large piece of property with various encumbrances. The plan to build a multi-family dwelling has been delayed; for now there is a two family dwelling. There was an approval of an application to build a detached garage with a third family dwelling unit above the garage, but it would take up the total 6 acre allowance requirement for 3 dwelling units in the RR district closing out what he could do residentially. Mr. Graham decided that wasn't the best use of the land, choosing to create storage and an office space for his business instead. The small triangle on the north east corner of the property (parcel 024.-02- 01.1) was granted a variance to place an office/storage building; again upon further review Mr. Graham decided that wasn't the best use of the property as it would take away from the potential development of the remaining 4 acres of the property. Mr. Eggleston stated originally parcels 024.-02-01.1 and 024.-02-01.2 were one parcel, Jordan Road came straight north then turned west, in the 1950's NYSDOT moved the road for safety bisecting the property. City of Syracuse also has a water line running across the north end of the property and a second water line through the north west corner, shown on the land survey dated July 3, 2018. With the property being split there are multiple setback requirements making the property difficult to build on, especially with the easements. In the RR district Mr. Graham is allowed to put multiple family units on the property and has not ruled that out but the existing garage is in poor condition. The county made Mr. Graham move the driveway to its current location for better sight lines. Reviewing the site plans, Mr. Eggleston proposed a 4 car garage offering storage for the tenants of the two family dwelling with a place for garbage on the north end of the building. The requirement is for a 60' front yard setback in the RR district on Dimensional Table I, the proposed garage requires 60' on the north, west and east of the building while allowing for the water lines running through the property. To keep the garage in the existing location but push it further south is difficult with the new location of the driveway as it would require about 20' to turn around in the driveway and the garage would end up in the City of Syracuse right-of-way for the water line, or it would be placed at an odd angle taking up more space. Mr. Eggleston stated from a presence stand point if there was matching façade on the garage it would be better. If Mr. Graham chose to keep the office on parcel 024.-02-01.1 that would put the

property into Dimensional Table II in the RR district allowing for 30' setback from a town road because it would be considered a mixed use property. If the property zoning had been changed to Hamlet, like Mr. Graham had applied for all of the setbacks would be 30', no longer requiring any variances. The property is set up like much of the adjacent hamlet properties, and most of the neighboring properties consider themselves residents of the Hamlet even though they are not. Mr. Eggleston continued the property line requiring the variance will never be a true front yard because it is a very steep embankment, the driveway that was once there has been removed. The west side of the property does not function like a front yard, there are no other buildings lined up along this section of Railroad Street until a couple thousand feet down the road when you get to Dan DeVoe's house. The properties surrounding the bisected triangle are close with short setbacks so it would not be out of character with a 30' setback. Mr. Eggleston stated the garage would have a 12'x22' bay for each with 6' of cage storage, allowing for items that would not go in the house for the tenant. The 6'x12' foot area to the north will have doors to cover the trash cans. Mr. Eggleston described the garage as being built in proportion with the house to blend in with the house.

Member Kiefer asked if there's an existing garage why you wouldn't just replace that. Mr. Eggleston said it is awkward to get into the garage as it is very tight to turn around in the driveway with the current garage location. Mr. Graham stated the current garage was built about 24 years ago and it was about 2' higher at the time. Mr. Eggleston explained with the current grading a new garage would have to be dug into the ground with a 3-4' retaining wall. Mr. Graham stated he is having a drainage issue he needs to deal with on the property and until the garage is removed he cannot deal with it.

Vice Chair Condon asked Mr. Eggleston if Mr. Graham were to further develop the property if the best option for access would be to come in the driveway and through where the garage is now located. Mr. Eggleston answered yes that is an option; you could come in through the existing driveway and then tie into the rest of the property. Vice Chair Condon then asked if that was what the drawing was that had the proposed apartments on them. Mr. Eggleston explained the apartments were being kept separate and the road cut was located further south on Jordan Road per the County. Mr. Eggleston continued if Mr. Graham were to continue with the apartments they would keep them separate with a road cut south on Jordan Road to get the driveway away from the Vinegar Hill Road intersection. Mr. Eggleston stated the apartments would allow for 8-16 families, creating an increase in traffic which is why it would be kept separate from the house. Mr. Eggleston continued regarding the garage there will be grading that would have to occur, fixing the drainage issue. Mr. Graham added the City of Syracuse had a water leak on his property that seems to have corrected itself as it has stopped without any repair. Mr. Graham explained right after he bought the property an air valve on the City water line started leaking because a City Water Department employee came out and did something with the valve and it began to leak. After years of the air valve on the 36" pipeline leaking it has ceased without repair.

Vice Chair Condon inquired about utilities going to the proposed garage. Mr. Eggleston stated there will only be electric for lights, no water, no plumbing, and no heat. Vice Chair Condon then asked if the previously granted zoning variance for the office had expired. Mr. Eggleston answered yes, it had been extended at one time but the decision to let it expire made the most sense. Vice Chair Condon asked if there is a plan for any future use of parcel 024.-02-01.1. Mr. Graham stated he received an approval from the County for a septic design with the City's approval to cross the water line, but at the moment there are no future plans. Mr. Eggleston stated he and Mr. Graham were disappointed in the Hamlet annexation procedures to further develop the property but there is hope that may still occur. With the development of the Hamlet committee they are trying to better understand what the Comprehensive Plan means by 'expanding the Hamlets'. Mr. Eggleston feels it is a matter of time before better utilization of the property can take place. Mr. Eggleston stated Mr. Graham has been very successful renting the two-family dwelling on the property now; it has been used for temporary housing by people who are between closings on a house or families new to the town and have not yet bought their own home. One tenant has

a lease for 2 years while rebuilding her life after some family changes. Vice Chair Condon asked if the Hamlet does not go through is there Plan B, C or D for the property. Mr. Eggleston stated Mr. Graham still has the ability to develop 7-8 apartments in the RR district, the impermeable surface coverage works against the applicant and the number of dwellings per acre is limited. Allowed is 4 units per acre; currently 4 acres are consumed by the two family dwelling, leaving the ability to add 8 apartments on the remaining 2 acres. This is a plan that could occur in the future.

Member Kiefer asked for clarification on the comment 'short term rental'. Mr. Eggleston clarified it is not a short term rental; the dwelling is a two-family house. Mr. Graham explained the shortest tenant to occupy the home was there for 3 months because they had no other choice as they were trying to keep their children in the same school district while waiting to close on their new home. Member Kiefer then inquired how a 4 car garage fits in with a rental property. Mr. Eggleston explained the property rents for a \$2,000.00/month and it is a quality rental so tenants would like the convenience of parking their car in a garage. He continued as there are two dwellings there would be 4 cars requiring the 4 car garage rather than a 2 car garage. Mr. Eggleston explained if Mr. Graham designated part of the garage as his office space it would designate the property as a multi-use no longer requiring the area variance. Vice Chair Condon asked if there was a reason Mr. Graham did not plan the garage in this way. Mr. Graham stated if he were to begin development over again he would have torn the house down and not built the two-family dwelling but now that the house is there it is costing him 4 acres of use. Vice Chair Condon stated Mr. Graham needed to use the foundation that was there. Mr. Graham said correct. Mr. Eggleston stated the two-family seemed as though it was a logical starting point when refurbishment began, unfortunately there wasn't much to be saved. Vice Chair Condon said \$48,000.00/year in rent is significant. Mr. Graham stated he didn't think it was possible initially but his tenants are excited and he would like to have more rentals like this.

Chair Rhoads stated a Site Visit will be conducted on Monday, June 10, 2019 at 6:00 pm, the Board was in agreement.

Wherefore, a motion was made by Chair Rhoads and seconded by Member Kiefer to schedule a public hearing on **Tuesday, July 2, 2019 at 7:02 p.m.** The Board having been polled resulted in the unanimous affirmation of said motion.

Other Board Business

Vice Chair Condon commented he was hoping the applicant for the Skaneateles Aerodrome would have offered a study on the increased usage of the airport, as well as a project review by the Skaneateles Fire Department with comment to the Zoning Board of Appeals before the July meeting. Member Ciaccio commented, if it were going to benefit the applicant to do the study and contact the Fire Department they would have, by not doing so it creates cause to draw a negative inference. Member Kiefer stated having a split opinion, having the Fire Department review the project would be good for the community and it was a good suggestion. Based on Member Kiefer's experience doing a study would take too long and be too expensive. Vice Chair Condon agreed and suggested a print-out of the use of the airport since they must document flights. Member Kiefer commented, Mr. Lazar acknowledged an increase in flight traffic since improving conditions of the airport. He would like to know the numbers for two years prior to Mr. Falcone's ownership and the improvements and numbers post improvement to compare and anticipate traffic increase as a result of the proposed improvements. Vice Chair Condon requested the Town ask Mr. Lazar provide documents with flight information from the past two years. Member Palen pointed out the Board's limitations as this is not a Use Variance.

Member Kiefer mentioned emailing Counsel Molnar, the content of the email and what Counsel Molnar's response was. Member Palen noted there is nothing in the Code about airport use or noise ordinance.

Vice Chair Condon restated the Board request a Fire Department review with receipt of their comments before the July meeting, the Board was in agreement. The Town will contact Mr. Lazar to inform him of request for Fire Department review.

There being no further business, a motion was made by Vice Chair Condon and seconded by Member Palen to adjourn the meeting. The Zoning Board of Appeals meeting adjourned at 8:55 p.m.

Respectfully Submitted,
Kim Benda