

**TOWN OF SKANEATELES
ZONING BOARD OF APPEALS
MEETING MINUTES OF
June 7, 2022**

Present:

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

The meeting commenced at 7:00 p.m. at Town Hall via Zoom. The next Zoning Board of Appeals meeting will be held on July 5, 2022, at 7:00 p.m.

Minutes

Previous distribution to the Board of the regular meeting minutes of May 3, 2022, and special meeting minutes of May 31, 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 May 3, 2022, minutes as presented. The Board having been polled resulted in unanimous (4-0) affirmation of said motion. Member Kiefer abstained from the vote due to his absence at the May 3, 2022, meeting.

Record of Vote

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

The Board agreed they would like more time to review the minutes from the Special Meeting that was held on May 31, 2022.

Board Member Hours

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

Continuation

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 this application was granted Site Plan approval and a Special Permit in 2015, to retain 11% impermeable surface coverage (ISC), with a total lot coverage at 12.2% and shoreline structures being reduced to 600SF. A survey from 2019 indicated the Site Plan approval was not followed, the shoreline shed had not been removed, the gazebo had not been relocated, and the new shed was larger than proposed, placed partially within the 50ft. lake yard setback only 2.3ft. from the south property line. Additionally, the house deck had been built larger than proposed and the driveway was not reduced to the coverage required by the Site Plan approval. Total existing shoreline structures is 1,268SF, the Applicant requests the original existing shoreline pumphouse shed and gazebo remain, as well as seeking approval for the enlarged house deck, relocation of the new larger shed 30ft. from the property line outside of the lake yard setback and correct the driveway by reducing the size. Site visits were conducted April 23rd and May 21st. Bob Eggleston, Architect, stated the site plan was revised after the May ZBA meeting, reflecting the new shed in an updated location conforming with zoning requirements, eliminating one of the previously requested variances. Mr. Eggleston explained in 2015 the Applicant intended to rebuild the entire house with additional improvements being as compliant as possible. Considering the 2020 zoning revisions the Applicant would have been able to reduce to the proposed 774SF shoreline structures without requiring a variance because the result would have been less nonconforming than what existed. The Applicant understands the previous agreement was to remove the existing gazebo and pumphouse and make the shoreline structures less nonconforming, however they are asking the Board to reconsider the retention of both structures as the current code would allow for it. The gazebo is an older structure, possibly unable to survive being moved to a new location, and Ms. Murphy, the north adjacent neighbor, prefers the gazebo in its current location. The pumphouse structure is from the 1930's, consisting of concrete block with an electric meter on a post just outside of it. The original proposal was to install an underground chamber to accommodate the pump. The electric meter is a necessity and will need to remain in place if the pumphouse is required to be relocated, leaving it to stand alone in the middle of the lot. The Applicant has agreed to relocate the shed that was put in place erroneously by the contractor with the goal of maintaining the existing locations for the gazebo and pumphouse shed which has existed for over 60 years.

Member Kiefer sought clarification on the variances required for this application, asking if the deck was part of the application. Mr. Eggleston explained the deck, the removal of the gravel driveway, and the addition of the permeable walkway are being reviewed for Site Plan approval only. The items under review by the ZBA are the pumphouse shed and the gazebo. The new shed is no longer in need of a variance as it has been relocated to a conforming location.

Chair Rhoads reviewed at last month's meeting this application was declared to be a Type II action under SEQR not subject to further review and opened the public hearing concluding with a motion to continue the public hearing at the following meeting.

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

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 Ketchum and seconded by Member Lee to close the public hearing. The Board having been polled resulted in unanimous (5-0) 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 two area variances simultaneously concerning the applicable sections of Town Zoning Code: Section 148-4-2.C.1.b.D. Dimensional Limits - Side Yard Setbacks; and Section 148-7-1.K.1.a.iii.b. Shoreline Regulations – Dimensional Limits. Counsel Molnar stated when considering the benefit to the Applicant if the area variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community, the Zoning Board of Appeals is charged with answering these five questions:

1. **Whether an undesirable change will be produced in character of neighborhood or a detriment to nearby properties will be created by the granting of the area variance:** No by majority vote. The proposed change will not alter the character of the neighborhood, nor will it produce a detriment to nearby properties. The neighborhood is a mix of older and newer homes, most have lakefront structures consisting of sheds, decks, patios, or similar structures. Most of the properties in the neighborhood are preexisting nonconforming lots. The existing pumphouse shed has been in its current location for many decades and would not be a detriment to remain as it exists, in fact it could be more detrimental to disturb the structure. Some members observed the Applicant was willing to remove the pumphouse shed in the 2015 application resulting in an expectation from the neighborhood of that being executed. This raises an issue that the Applicant did not comply with a previously approved proposal, with the impact on the neighborhood being status quo.

RECORD OF VOTE

MEMBER NAME	AYE	NAY	ABSTAIN
Chair DENISE RHOADS	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Vice Chair DAVID PALEN	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>

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. The benefit sought by the Applicant can be achieved by a feasible alternative method as was reflected on the 2015 Site Plan approval. The 2015 Site Plan proposed the removal of the existing pumphouse structure and relocation of the existing gazebo, additionally reduction of the impermeable surface coverage on the property which was not completed. If the Applicant were to remove the pumphouse structure and relocate the gazebo as approved in 2015 a variance would not be required.
3. **Whether the requested variance is substantial:** Yes, by majority vote. Some members observed the reduction in impermeable surface coverage and shoreline structures is positive, and to maintain the existing locations of the shed and gazebo is not substantial. However, the ZBA concluded the requested variance is substantial since there was disregard for certain approvals granted with the 2015 Site Plan approval. The Applicant is now requesting to maintain that which was previously conditioned to be removed and relocated, where a typical variance requests permission to complete a proposal in the future. Although 174 square feet of shoreline structures may not seem substantial, it is 29% higher than the allowed 600 square feet.

RECORD OF VOTE

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

- 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 retention of the pumphouse and gazebo structures in their current locations will have no impact environmental impact as there would be no change to what has existed for some time. The relocation of the 210 square foot shed to become conforming will have minimal impact.
- 5. **Whether the alleged difficulty was self-created:** Yes.

WHEREAS, in review of the stated 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 to maintain the existing location of the pumphouse shed; whereas, the benefit to the Applicant, as weighed against the detriment to the health, safety and welfare of the neighborhood, or community, does not lie in favor of the Applicant with regard to the maintenance of the existing gazebo location. This decision is based on all the evidence presented in the Application, the Record, as well as the Board members’ inspection of the property, and the Board’s articulated factors on the record while deliberating the statutory questions presented.

WHEREFORE a motion was made by Chair Rhoads and seconded by Vice Chair Palen, that this application be **APPROVED** and **DENIED** 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 May 3, 2022, as prepared by Licensed Architect, Robert O. Eggleston, be updated to reflect the determination of the Zoning Board of Appeals and reviewed and approved by the Town of Skaneateles Planning Board and be complied with in all respects.

RECORD OF VOTE

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

Continuation

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

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

Chair Rhoads described the Applicant is requesting a variance for shoreline structures and a side yard setback on a preexisting nonconforming lot. The benefits sought are the stabilization of the shoreline, increase in the square footage of the dock, and the addition of a roofed boat port. Allowable shoreline structures are 600SF, whereas the Applicant currently has 1,074SF and is requesting to increase the shoreline structures to 1,624SF. A site visit of the property was conducted by the Board. Since the initial review of the application and opening of the public hearing at the May 3rd ZBA meeting, the proposal has been updated based on comments from a neighbor and the Board. The boat port location moved to the north of the dock from the south, and the dock extension is toward the south rather than extending to the north. Tom Trytek, Engineer, stated in addition to the modifications described by Chair Rhoads stone riprap is proposed between the new timber cribbing and south property line. The zone where the riprap is proposed is partially protected by the south adjacent neighbor’s dock, which is encroaching on the Smart property. There is no intention or request for the neighboring dock’s removal. However, if it were to be removed the south shoreline of the Smart property would be exposed to the effects of the lake, particularly the wave action coming from the south. The stone riprap will also protect the root bases of the trees existing on the south property line. The updated proposal is a mirror image of what was reviewed originally and at the May 3rd public hearing. The north location of the boat port creates a safer approach for the boat to the port as the existing dock structure provides additional protection.

Chair Rhoads reviewed at last month’s meeting this application was declared to be a Type II action under SEQR not subject to further review and opened the public hearing concluding with a motion to continue the public hearing at the following meeting.

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

Chair Rhoads stated neighbor comments are on the record from the May ZBA meeting. She then asked if there was anyone who would like to speak in favor of, against or had any comments regarding the application.

Bob Eggleston, 1391 E. Genesee St., commented that permanent structures are better for the lake environmentally than installing/removing temporary structures each season. The disruption of installing/removing a boat hoist twice a year during the period when the DEC declares there should not be any work to protect the reproduction cycle of fish, suggests having a permanent structure would be more desirable. Based on what was proposed for the shoreline structure zoning updates Mr. Eggleston was unsure of where this proposal would fall, but ultimately it is his opinion from an environmental standpoint a permanent structure would be more favorable than a temporary structure.

WHEREFORE, a motion was made by Member Ketchum and seconded by Member Lee to close the public hearing. The Board having been polled resulted in unanimous (5-0) 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 two area variances simultaneously concerning the applicable sections of Town Zoning Code: Section 148-7-1-K.1.a.iii.b Shoreline Regulations – Dimensional Limits; and 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:** Yes, by majority vote. Some members observed the proposal would not produce an undesirable change in the character of the neighborhood, as this property is similar to the lakefront homes with docks, boathouses, and like structures in the area, and additionally, like the neighboring properties it is a preexisting nonconforming lot. However, the majority of the Board concluded the proposal would result in an undesirable change to the character of the neighborhood, reflecting that currently there is an extraordinary amount of shoreline structures on the property (seawalls, shed, dock) with a proposal to add more dock and a permanent roofed structure (boat port) in the lake, and creating an additional timber cribbing retaining wall will cover almost the entire side of the lakeshore on the property, the natural topography of the land will be lost as a result of such a large seawall changing the contour of the lake in a detrimental way. The ZBA also concluded there are not similar permanent structures in the immediate vicinity, certainly no similar permanent structures with such a close side yard setback to the neighboring property, and a significant mooring field and dock area is located nearby for members of The Lane, which is of a different character than that which is being presented.

RECORD OF VOTE

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

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, by majority vote. The Board is in unanimous agreement there is a need for bank stabilization to ensure a safe shoreline environment and concluded that building the seawall could increase the usefulness of the yard. However, the majority of the Board concluded there are alternative options to the proposal, that would be less obtrusive and more environmentally friendly methods. There is no hardship with respect to the existing dock, as the depth of the water is normal, if not better than most areas. Seasonal floats and moorings could provide a benefit to the Applicant similar to what is proposed. The existing permanent structures are currently over the allowed 600SF, and there are alternative ways to achieve the benefit sought by the Applicant without the use of additional permanent structures. Large stone, like that which is proposed along the south shoreline, could be placed adjacent to the south of the existing timber cribbing rather than the proposed timber cribbing extension. It was stated the desired benefit of additional dock and a boat port could not be achieved in any way without requiring an area variance, and the shoreline work is necessary and well designed.

RECORD OF VOTE

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

3. **Whether the requested variance is substantial:** Yes. The requested area variance is substantial as there is an increase in shoreline structures from 1,074 square feet to 1,624 square feet, which is a 51% increase, and over the allowed 600 square feet. The proposal requires a significant amount of construction along the shoreline, with the addition of a permanent boat port is substantial.
4. **Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district:** Yes. The proposed variance will have an adverse effect or impact on the physical or environmental conditions of the neighborhood or district. The improvement of the seawall will have a positive impact on the physical and environmental conditions in the neighborhood. However, the construction of the timber cribbing seawall could create a destabilization of the bank adjacent to it, which would not be mitigated by the proposed riprap along the south shoreline. There may be a case that a permanent structure will have less impact on the lake bottom than a temporary structure as it requires only the initial installation. Otherwise, it is permanent existing in the lake year-round and requires drilling into the lakebed for installation. Any time there is a disturbance of the lakebed there is potential for additional fracturing of the shale under the lakebed when drilling during installation. A temporary structure is not there when it is no longer needed. The treated lumber of the timber cribbing wall is falling out of favor with the Skaneateles Lake Association. There are alternative methods to stabilizing the seawall which is a necessity.
5. **Whether the alleged difficulty was self-created:** Yes.

WHEREAS, in review of the stated 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, does not lie in favor of the Applicant. This decision is based on all the evidence presented in the Application, the

Record, as well as the Board members’ inspection of the property, and the Board’s articulated factors on the record while deliberating the statutory questions presented.

WHEREFORE a motion was made by Chair Rhoads and seconded by Vice Chair Palen, that this application be **DENIED**.

RECORD OF VOTE

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

Mr. Trytek stated he would have liked the opportunity to review the installation of the boat port and the bank stabilization from an engineering perspective to address some of the Boards concerns that were expressed during the review of the criteria. As a result of the height difference of top of the eroding bank being approximately 10-12ft. above the lake the options for stabilization are quite limited for longevity reasons. Mr. Trytek explained the rationale for the proposal and stated he would have done so during the public comment portion of the hearing if the Board’s concerns would have been expressed prior to the review of the criteria.

Public Hearing

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

Present: Bob Eggleston, Architect

Chair Rhoads described the application is for the redevelopment of a lot less than 20,000SF located within 1,000ft. of the lake. The proposed redevelopment of the lot will reduce three nonconforming aspects of the property, rear yard setback, total lot coverage and ISC. A site visit was conducted on May 21, 2022. Bob Eggleston, Architect, stated a variance would be required no matter what the Applicant proposed as the lot is less than 20,000SF, the only alternative would be to make no improvements. The house was built to conform with the zoning in place at that time, which has since changed multiple times making what exists nonconforming. The proposal is to take the nonconforming rear porch and exchange it for a front porch, keeping the heritage of the dwelling while improving the aesthetics of the midcentury home. The proposal is also for the addition of some permeable coverage in front. Three nonconformities of the property will be improved. The footprint of the dwelling, as well as the amount of living space will remain the same. The only variance required is relief for the lot being less than 20,000SF.

Mr. Eggleston explained over half the stormwater drainage will be mitigated with the installation of a bioswale. When the bioswale is being dug the outlet will be adjusted to dispose of the runoff water into the existing south ditch.

WHEREFORE, a motion was made by Member Lee and seconded by Member Kiefer to consider the proposed action as a Type II SEQR action as per section 617.5(c)(12) and not subject

to SEQR review. The Board having been polled resulted in the unanimous (5-0) affirmation of said motion.

Chair Rhoads asked if anyone on the public would like the public hearing notice read. No one asked to have the public hearing notice read.

WHEREFORE, a motion was made by Vice Chair Palen and seconded by Member Lee to open the public hearing. The Board having been polled resulted in unanimous (5-0) 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.a Existing nonconforming lots – lot size. 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 result in an undesirable change to the character of the neighborhood, nor will it produce a detriment to nearby properties. The proposed porch, patio and walkways are typical improvements. The property is a preexisting nonconforming lot, therefore any modifications desired by the Applicant would require a variance. The proposal reflects various improvements of existing nonconformities including a reduction in impermeable surface coverage, reduction in total surface coverage, and an increase in the rear yard setback.
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:** No. There are no alternative options to the proposal, due to the size of the lot any proposed changes would require an area variance.
3. **Whether the requested variance is substantial:** No. The requested area variance is not substantial as it reduces the existing nonconformity of the property. Although the building footprint will remain noncompliant it will be slightly reduced. The impermeable surface coverage is also being reduced with the removal of a portion of the driveway and the addition of a permeable walkway.
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. In addition to reducing the existing nonconformities, the Applicant will be installing a bioswale which will collect and treat stormwater onsite from a French drain, as well as the east gutters on the dwelling, ultimately redirecting stormwater to the south ditch to the rear of the dwelling. The walkway will be permeable constructed with flagstone pavers.
5. **Whether the alleged difficulty was self-created:** Yes.

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

WHEREFORE a motion was made by Vice Chair Palen and seconded by Member Ketchum, 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 April 21, 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.

RECORD OF VOTE

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

Initial Review

Applicant: Griffith Oil Co., Inc
 1376 East Genesee St
 Skaneateles, NY 13152
Tax Map #042.-01-07.0

Present: Bob Lewis, General Manager

Chair Rhoads described the variance is for a rear yard setback for an 18ft. by 25ft. shed. Bob Lewis, General Manager, explained existing is a box trailer to the rear of the propane tank and fill room, the box trailer is not big enough so the Applicant would like to install an 18ft. by 25ft. shed on a concrete pad. The existing dock is approximately 30ft. from the rear fence line. The proposed setback for the shed is about 10ft. from the property line. The metal shed will be used to store a trencher and piping out of the weather, there will be no utilities in the shed. The shed will be preordered, and is assembled onsite on the concrete pad when it arrives.

Member Kiefer sought clarification as to who the neighboring owners of the adjacent rear property were, and recommended the Applicant reach out to them as well as the other neighbors regarding the proposed project. Clerk Barkdull confirmed the rear adjacent neighbor is Self-Storage LLC. Mr. Lewis stated he has not reached out to them, he or his manager will do so.

The Board agreed to make a Site Visit of the property at a future date prior to the next ZBA meeting. Mr. Lewis stated one of the staff members will escort Board members through the site as it is secured from public access.

Member Lee asked if the shed will be free standing from the tank storage/fill building. Mr. Lewis answered, yes. Member Lee observed a 36ft. setback to the rear property line from the fill building with a fence between the building and property line. Member Lee requested a site plan reflecting more specific setbacks and structure measurements. He stated this is a hazardous operation and there is concern this area would become too tight for emergency services to access if needed. Mr. Lewis stated a box trailer is currently in that location, a fire truck would not fit behind the building as it exists, and the adjacent rear neighbor has a Morton building with a 10ft. setback to the property line, so it is unlikely a fire truck would fit behind the building as it exists today. Member Kiefer requested the area for the proposed shed be reflected with cones on the lot to have a visual understanding of how it would exist onsite. Mr. Lewis stated he could paint the ground and stake out the proposed shed area for the Board, the shed will be 18ft. wide but there will be an additional 6in. width on each side required to bolt the shed to, as well as some overhang so the setback could be less than 10ft. to the fence line. Member Ketchum asked if there are currently propane tanks stored behind the box trailer. Mr. Lewis answered there are empty propane tanks.

WHEREFORE, a motion was made by Chair Rhoads and seconded by Member Ketchum to schedule the public hearing for this application at the *Tuesday, July 5, 2022, Zoning Board of Appeals meeting at 7:02 pm*. The Board having been polled resulted in unanimous (5-0) affirmation of said motion.

Initial Review

Applicant: Sue Edinger
2316 Thornton Grove S
Skaneateles, NY 13152
Tax Map #056.-03-07.0

Present: Bill Murphy, Architect

Chair Rhoads described the variance requested is for a lake yard setback to a new porch and bathroom addition. Bill Murphy, Architect, stated this is a generational family camp where the Edinger's return for the summer each year. The Applicant is looking to make minor improvements to keep the camp in the family for future generations. The proposed addition will be just under 130SF, including a full bathroom and area for laundry facilities. The only existing bathroom is located on the second floor. The existing rear porch will be replaced by a new porch with a similar footprint, allowing for the new first floor entry layout while maintaining the existing mechanical room. The property is preexisting nonconforming, and the Applicant has made an effort to reduce the ISC as much as possible, however there will be a payment into the DRA Fund to offset the overage. The stormwater on the uphill part of the slope will be managed with a bioswale, the septic and leach field prevent stormwater management from being placed further down the slope.

Member Kiefer sought confirmation what variances were under review. Mr. Murphy explained there are preexisting nonconformities, the variance required is for a lake yard setback to the new construction proposed for the existing dwelling as it is within the required 100ft. setback. The only alternative would be to create a detached structure and place the bathroom outside of the 100ft. setback, the Applicant does not feel this is a reasonable use of the property. The benefit sought is that of an attached bathroom and laundry facility addition to the existing dwelling on the first floor.

A Site Visit was scheduled for *Saturday, June 25, 2022 at 8:30am*. The Griffith Oil site will be visited immediately following the completion of the Edinger site visit.

WHEREFORE, a motion was made by Member Lee and seconded by Member Ketchum to schedule the public hearing for this application at the *Tuesday, July 5, 2022, Zoning Board of Appeals meeting at 7:10 pm*. The Board having been polled resulted in unanimous (5-0) affirmation of said motion.

Other Board Business

Local Law Referral

Chair Rhoads stated the Board had received emails from the TB regarding the Introductory Local Laws of 2022. Clerk Barkdull informed the Board of the June 27th shoreline structure public information meeting. Clerk Benda reminded the Board they will need to review 3 items at the July meeting; shoreline structure regulations, cannabis zoning, and a proposed zone change application for the LAB building. Counsel Molnar stated shoreline structures have been pulled in light of the public information meeting.

There being no further Board business, a motion was made by Vice Chair Palen and seconded by Member Kiefer to adjourn the meeting. The Zoning Board of Appeals meeting adjourned at 8:41 pm.

Respectfully Submitted,
Kim Benda