

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

**July 2, 2019**

Present:

Denise Rhoads  
Jim Condon – 7:30 pm Arrival  
David Palen  
Kris Kiefer  
Michael Ciaccio  
Scott Molnar, Attorney  
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 August 15, 2019 at 7:00 p.m. Previous distribution to the Board of the regular meeting minutes of June 4, 2019 was executed and all members present acknowledged receipt of those minutes.

**WHEREFORE** a motion was made by Member Palen and seconded by Member Kiefer to accept the June 4, 2019 minutes as submitted. The Board having been polled resulted in unanimous affirmation of said motion. Vice Chair Codon was absent from the meeting during the vote to adopt the June 4, 2019 minutes.

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

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

Initial Review

Applicant: 3285 Lake LLC/Patrick & Jessica Danial  
3285 East Lake Rd  
Skaneateles, NY  
**Tax Map #041.-01-47.1**

Present: Leif Kellquist, Architect

Proposed is the new construction of a permeable patio and pergola requiring a lake yard setback. Architect Leif Kellquist represented applicant Jessica Danial, stating the project is a small permeable patio and terrace off the north side of the house which is an existing house with a lake yard setback of 59 feet 9 inches to the stonewall of the patio on the west side of the house. The proposed terrace is set off the north side of the house, tied into the architecture of the house, and set in a way where it is married in to the grade tying back into the landscape of the north side. The new stone walls will step down with the

existing grade forms, designed to be visibly unobtrusive blending into the natural styles and architecture from the last project including the side yard, court yard driveway, and stone site walls. The existing lake yard setback is 10.5 feet off the existing guest/boat house on the south-west corner of the property. The existing house has a covered porch that is being turned into family room space; a 27 sq. ft. addition will connect the area to the north allowing for door swings and access to the terrace. The new terrace will allow for a dining area, stepping down to a fire pit area with a new retention wall continuing the court yard stone currently on the existing house. The proposed lake yard setback is 69 feet whereas the existing is 59 feet 9 inches. The proposed project is open, low set to the ground plane, and ties into the existing elements.

Mr. Kellquist explained the existing impermeable surfaces falling apart along the front of the house will be replaced with the same permeable materials being used for the proposed terrace patio, decreasing the impermeable surface coverage on the property from 9.06 percent to 8.7 percent. The concept is to tie into existing grades, staying out of the old septic area so there is no effect on the sheet drainage of the property. The north side yard setback is currently 5.8 feet at the tennis court, which will remain, whereas the site plan reflects an 80 foot north side yard setback to the proposed project. The proposed new structure and addition of family space are to allow for a growing family, there is no location behind the 100 foot lake yard setback that would be accessible to the living area of the home. Placement of the dining area on the existing terrace was reviewed, however there is not enough square footage to allow for a table and chairs without dangerously encroaching on the existing site wall.

Member Palen inquired about the permeable surface being used for the patio/terrace. Mr. Kellquist stated the bordering containment wall is impermeable but the primary surface is permeable, using a 4:1 designed permeable surface system allowing drainage to go through. The system will be continued along the front side of the house to pull the surfaces together. Member Palen then asked how runoff from the house is addressed. Mr. Kellquist stated the runoff from the house will not change as the roofline will not be altered. The sheet runoff from the roof has been bouncing off the existing hard surface terrace then running off the edge, whereas the proposed terrace will allow runoff to drop directly into the subgrade along the terrace.

Chair Rhoads asked Counsel about the Zoning Code related to pergolas. Counsel Molnar stated they are unregulated. Clerk Barkdull stated the reason for the application to the ZBA is a result of the proposed new structure within 100 feet of the lake. Mr. Kellquist explained, the site walls themselves are considered structures and even if the applicant kept the proposed terrace behind the 100 foot setback the access out the north side of the living space would require structures being built to get there. Counsel Molnar stated the pergola itself is unregulated as it is open to the air and there is no impermeable surface roof above it which would require storm-water management.

A site visit was scheduled for *Saturday, July 13, 2019 at 9:00 am.*

At this time the Board discussed rescheduling the ZBA meeting on Tuesday, August 6, 2019 at 7:00 pm as there would not be a quorum, to Thursday, August 15, 2019 at 7:00 pm.

**WHEREFORE** a motion was made by Member Palen and seconded by Member Kiefer to change the date of the Tuesday, August 6, 2019 Zoning Board meeting to Thursday, August 15, 2019. The Board having been polled resulted in unanimous affirmation of said motion.

**WHEREFORE** a motion was made by Member Kiefer and seconded by Member Ciaccio to schedule a public hearing *Thursday, August 15, 2019 at 7:02 pm.* The Board having been polled resulted in unanimous affirmation of said motion.

At this time Counsel Molnar recommended the Board take the next matter on the calendar that is an initial review in hopes Vice Chair Condon can be present for the public hearing, creating the record, and participation in the Aerodrome application. Chair Rhoads stated the next matter on the agenda would be the initial review.

**Initial Review**

Applicant: Dr. Brooks Gump  
2621 Rickard Road  
Skaneateles, NY  
**Tax Map #036.-01-40.0**

Present: Dr. Brooks Gump, Owner  
Taylor Kimball, Apex Solar Power representative

The proposal is for the installation of a residential ground mounted solar array of 84 panels, 13 feet high, comprising approximately 1,500 sq. ft., requiring an 8 foot side yard setback and 12 foot rear yard setback. Taylor Kimball, of Apex Solar Power, submitted photographs of a 25 kW ground mounted solar array for the Board to review, this is the unit proposed for installation by the applicant. He explained the array is approximately 28 inches off the ground to allow for snow-shed and water runoff. Between the panels there is separation which allows water to runoff and drip between panels as it is not one continuous sheet.

Member Kiefer asked how much electricity the array is expected to produce. Mr. Kimball answered approximately 26,000 kW hours. Counsel Molnar inquired if that was average consumption. Mr. Kimball responded yes.

Chair Rhoads asked if the location of the array is indicated on the survey. Mr. Gump pointed out where the array would be located as it was not drawn on the survey. He explained following setback requirements would make the array more obtrusive than requesting the variance. Placing the array further to the north and west on the property within the setback would conceal it from view of the neighbors, as there is a hedgerow blocking the sight line from the north and that point on the property is not as visible to the south adjacent neighbor. Chair Rhoads asked if the applicant had contacted the neighbors about his proposal. Mr. Gump stated he had not been in contact with the neighbor on the north adjacent property; he did speak with the neighbor on the south adjacent property but they have since sold the property and he has not yet met the new neighbor to discuss the proposed project. The previous owner of the south adjacent property informed Mr. Gump they would like the array located as far north and west on his property as possible. Mr. Gump provided photographs of the view from that neighbor's balcony, as well as a Google map view of his property with a green box indicating the location of the array for the Board to review. He stated it is difficult to see the slope of the land in the photo provided.

Member Palen asked who would maintain the solar array. Mr. Kimball responded Apex Solar Power is responsible for maintenance being electronic it is "set it and forget it" but it also comes with a 25 year warranty allowing for service if necessary. Cables will be buried underground with a typical life span of 40 years. Member Kiefer asked if the location was chosen due to angle to the sun or for aesthetic reasons. Mr. Kimball answered two reasons; the orientation to the sun should be 180 degrees due south and distance to the home is owner preference. For aesthetic purposes the applicant wanted the array tucked into the hedgerow, the angle to the sun is not the most ideal and Mr. Gump will lose a little electricity but it keeps the array concealed from view. Member Palen asked if this unit will be metered back and feeds National Grid. Mr. Kimball stated yes, it will be net metering as it is a grid tied array.

A site visit was scheduled for *Saturday, July 13, 2019 at 9:30 am.*

Chair Rhoads recommended Mr. Gump contact his neighbors prior to the public hearing and invited them to issue a comment to the Board via email or letter stating they do or do not have any objections to the proposed project; unless they plan to attend the meeting as this is helpful and appreciated. Member Kiefer requested the property be staked out indicating the location of the solar array.

**WHEREFORE** a motion was made by Member Ciaccio and seconded by Member Kiefer to schedule a public hearing *Thursday, August 15, 2019 at 7:10 pm.* The Board having been polled resulted in unanimous affirmation of said motion.

Vice Chair Condon arrived at the meeting at 7:30 pm. Chair Rhoads updated him on the progress of the meeting thus far.

Counsel Molnar asked if the Chair would like to call an attorney advice session prior to the calling of the next agenda item.

**WHEREFORE** a motion was made by Member Kiefer and seconded by Vice Chair Condon to enter an attorney advice session at 7:34 pm. The Board having been polled resulted in unanimous affirmation.

**WHEREFORE** a motion was made by Member Palen and seconded by Member Kiefer to return from attorney advice session at 7:50 pm. The Board having been polled resulted in unanimous affirmation of said motion.

**Continuance - Public Hearing**

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

Present: Jamie Sutphen, Attorney  
Michael J. Lazar, Project Manager

Chair Rhoads gave a brief summary of the presentation from the June 4, 2019 meeting then prefaced the presentation of the proposed project stating the process of the public hearing. She informed there had been minor modifications to the application so the public hearing would be open for public comment after a synopsis of the proposed changes to the project by the applicant. Chair Rhoads requested all members of the public respect individuals addressing the Board, she asked that all public comments be held until addressed by the Chair as each person would be given an opportunity to speak and address the Board.

Jamie Sutphen, Attorney, stated there was a minor change to the proposed project and a revised Site Plan was submitted. Runway 28 would be extended 267 feet to the east. This is a modification of the original proposal to extend the runway 300 feet to the east. There is no longer a variance required for the property to the east (051.-02-11.0). At the request of the ZBA the applicant reviewed the length of the extension and the 267 feet is the least amount required for safety, allowing one side yard setback variance of 41 feet to the property north of the runway (051.-02-10.0). This proposal is the least variance necessary to achieve the desired results of the applicant to increase safety.

At this time Chair Rhoads opened comment from the Board to the applicant. Vice Chair Condon asked if the Fire Department had been contacted to review the application and if so did they have any written comment on the project. Ms. Stutphen stated there are no issues with respect to the Fire Department and the applicant was not aware if it was sent for review to the Fire Department. The applicant has no objection to the Fire Department reviewing the application, but there is no issue with respect to fire. Vice Chair Condon stated the application is being presented as a safety issue, as the Fire Department manages the safety of the community it would be respectful to submit the application for their review and give them a chance to comment. Ms. Stutphen stated it is not the applicant's responsibility to reach out to agencies like the Fire Department although they are in support of the Board doing so; the safety the applicant is concerned with is that of the flying public and air travel.

Vice Chair Condon asked if the air traffic into and out of the airport would increase as a result of the runway extension, and does the applicant have any documentation in support of their answer. Ms. Stutphen stated the applicant is prepared to answer the five criteria of the Area Variance, and there is expertise to answer all of these issues. The answer to Vice Chair Condon's question is no, there is not an expected increase in air traffic, which can be supported by expert testimony.

Member Kiefer asked if it was the applicant's position the ZBA should make the referral to the Fire Department for the application's review. Ms. Stutphen said yes. Member Kiefer then asked if the applicant was able to quantify the number of flights that have to adjust/cancel takeoff as a result of not being able to adequately take-off on the existing runway since the discussion at the last meeting. Ms. Stutphen responded the applicant has not been able to quantify that. She continued the issue at hand is a safety issue with respect to takeoff, being an airport this is unique as safety is paramount, the runway extension would make it safer. The grant that has been given was to ensure additional safety. Member Kiefer rephrased his question as understanding the safety the applicant is concerned with as the Board was aware of the conditions the pilot uses to calculate their ability to take-off, what is the number of flights that were aborted as a result of the calculation determination. Ms. Stutphen stated this is not the safety issue as it is not that there are aircraft that may abort the flight rather the issue being is this a safer way to run this airport, which has an evolving issue of safety and over time what is considered a safe distance for takeoff evolves. Member Kiefer then asked if the applicant's position is that those flights were not handled in that particular manner as a safety issue. Ms. Stutphen rebutted that is not what she was intending to say, but in general the issue of safety at this airport is what she is talking about and all of the aircraft utilizing the runway require safer takeoff, perhaps some aircraft at certain times of the year have canceled flights due to their calculation but the concern is for all aircraft.

Chair Rhoads asked if the 267 foot extension is not just an extension, but a displacement of the runway due to the removal of the runway from the Benson Rd (west) end. She then inquired if this is actually a replacement of the removed runway due to safety conditions on Benson Rd. Ms. Stutphen asked if Mr. Lazar would like to speak to that, he stated it would make more sense if the Board would allow the applicant to present what they had prepared. Counsel Molnar reminded the Board the typical hearing process is the summary of changes to date, comments or questions from interested parties, followed by rebuttal from the applicant. Counsel Molnar asked if the Board would prefer to present that material after comments by the interested individuals. Mr. Lazar stated the material was not presented to the Board previously. Ms. Stutphen explained there was a presentation the applicant prepared of the five criteria, during which the applicant would include expert testimony, and after which the Board would have answers to their questions or possibly new questions for the applicant. Counsel Molnar stated to the extent that information would satisfy potential questions from interested parties it was his recommendation the presentation take place at that time with the applicant entitled to reserving a rebuttal after public comment, followed by the closing of the record. Under counsel advisement, Chair Rhoads requested a motion to re-open and continue the public hearing.

**WHEREFORE**, a motion was made by Member Kiefer and seconded by Vice Chair Condon to re-open and continue the public hearing at this time. The Board having been polled resulted in unanimous affirmation of said motion.

Chair Rhoads, supported by Counsel Molnar, stated the parties in favor of the application would be allowed to present their revenue at this time. Ms. Sutphen stated the presentation would be for the small extension of the runway for the taking off of aircraft and not the landing of aircraft, the additional runway allows a plane to take-off at a height that allows planes to get over Benson Rd at a height more safely than present. There has been a grant that has been given to improve the Aerodrome safety, which is how this project is being made possible. Ms. Sutphen called Mr. Lazar forward to review the five criteria for the Board. She presented the Board with Mr. Lazar's resume, qualifying him as an expert in matters of flight safety with respect to small aircraft and of the sort that utilize the Aerodrome and an expert with respect to the workings of the Aerodrome. Mr. Lazar reviewed his resume for the Board and provided a written copy to keep on record in the file.

Ms. Sutphen asked Mr. Lazar when his involvement with the Aerodrome began and to what capacity. Mr. Lazar stated he has been involved with the Aerodrome since 2007 as a technical consultant, with the goal of keeping airports like this open as there has been a loss of about 1,000 airports like this in the past 20 years.

Ms. Sutphen stated the first criteria of the ZBA is whether an undesirable change will be produced in the character of the neighborhood or a detriment to the nearby properties will be created by the granting of the area variance. She continued, each criterion is relevant but no single criterion is a binding issue, it is the balancing of interests. The important issue the Board should consider is the airport is an existing allowed use and has been in use since 1947. The Planning Board confirmed the allowed use granting a Special Permit in 2007 and 2011. In 2007 the Town Board found the Aerodrome property "located on Benson Rd which has long been recognized as a unique land use that adds to the economy as well as the character of the Town." The Town Board also supported a project to upgrade the Aerodrome and unanimously adopted a resolution in its support as "it is a major asset to the Town as it provides an alternate means of transportation and tourists." The question is not whether the airport is a detriment to the character of the Town, but does the variance create a detriment, the applicant answered no. There are challenges with proximity to residential neighbors but the airport has been in existence since 1947. The variance will not cause a detriment to the neighborhood as the airport is there, with respect to the detriment to the neighboring property the minor impacts can be mitigated and the applicant is willing to do so. When the Board reviews the benefit of the safety as opposed to the detriment to the one property while reviewing the five criteria, they will see the safety outweighs the detriment as there will be mitigation. In the last 16 years there have been five changes in ownership to the property east of the runway (051.-02-11.0) which is not encroached upon but indicating the concerns residents have with the impact of the airport. The price has changed minimally on this property in that period of time; this information can be found in public records. The proposed changes keep the end of the runway well over 200 feet from the house north of the runway and approximately 200 feet from the house east of the runway. The fact that an airplane can be seen from the house is an issue that is currently present, and the fact that you will be able to see it a little bit closer is a very minor change. The paved area into the buffer is not visible from any roads or other properties; it is only visible to the two neighbors, one of which is not opposed to the proposed changes. One neighboring lot is totally wooded and the other is partially wooded, so departing airplanes can be slightly seen. Mr. Lazar submitted some photographs for the Board to review and they are on record in the file. Ms. Sutphen described the neighboring properties and their view stating there would be less of an impact with mitigation. Counsel Molnar asked if the applicant was volunteering mitigation. Ms. Sutphen stated mitigation was already offered to the owner of the property

east of the runway, allowing discussion for a fence and trees or other plantings. The incremental increase of sound by an airplane that is taking off is not that substantial. Mr. Lazar stated he has been involved with a Planning Board for 28 years and conducted multiple sound studies, the only way to block sound is with a forest covering tens of hundreds of feet and sound won't be blocked over the next 20 years because trees large enough to block sound can't be planted. If you planted 6-8 foot trees and staggered them to block the sight, even that would take time. Mr. Lazar continued, the best way to block is by putting up a fence, which is a discussion he had with Ms. Messer. Member Palen asked what type of fence. Mr. Lazar responded Ms. Messer would like to match her existing fence, but it has staggered boards which blocks visual but not sound. Member Palen inquired if there was a certain height required for the fence to block sound. Mr. Lazar answered yes, it is calculable, and from the point of the source the sound goes out omnidirectional.

Ms. Sutphen stated another question being raised is whether there's an increase in use by the variance, the answer to that is there is no evidence there will be an increased use. Importantly even with increased safety improvements over the years the applicant has provided the Board with real data that the number of trips has not increased since 2006. Mr. Lazar stated it is important to understand how the airport has transitioned since 1947. The airport began as a private airport with 100% turf runway, and later the north-south turf runway was added. Mr. Lazar continued, in 1961 it became a public use airport, privately owned with public use, which means there is no government involvement, it is owned privately but anybody can utilize the airport at any time without permission. In 1964, Empire Aero Services created major activity by becoming a Piper distributor for about 8 north-eastern dealerships. Every Piper, a small general aviation aircraft, that was sold along the East Coast came through the Skaneateles airport for outfitting, mainly avionics, rather than being done at the factory. At the time the owner built on that as he wanted service, so a service shop was created with a full maintenance facility, as well as a flight school and charter service. The airport became an FBO (Fixed Base Operator) that would match any in the area today but the operation was moved to Hancock when it became too big for the Skaneateles Aerodrome during the 1970's. The FAA gives awards for beautification in an airport; this was the first privately owned airport in the country to receive that award. There were 25 based aircraft during that peak period, which included a T-hangar and one of the small larger hangars; the other hangars were used for the owner's facility. There would have been more activity at the airport in the 1970's than there is today, as that was the heyday of general aviation, the activity since then has decreased especially since the majority has moved to Hancock Airport. The Skaneateles Aerodrome ownership transferred a couple of times from the 1970's to 2006, at which time it was purchased on auction by current owner, Skaneateles Aerodrome LLC. Over the past 12 years major improvements have been done, the biggest one for activity was the construction of a 10 unit hangar space and the repair of the runway; all other repairs were an organized plan of safety projects to make this airport an exemplary general aviation airport, which has been done similarly at other general aviation airports throughout the country.

Mr. Lazar reviewed the operations of the airport, including the capacity for 25- 28 aircraft based at the airport, which fluctuates depending on the size of the aircraft. These numbers help answer the question of number of flights per day. The number of flights the Board has discussed is found on a 5010 form from the FAA, which Mr. Lazar provided a spreadsheet for the record in the file, indicating 24 based aircraft as of May 23, 2019. Before the runway was repaired there were 13 airplanes based at the airport, with the combination of the runway being repaired and the hangar being built, the number of airplanes based at the aerodrome has increased to 25-28. However this number does not include the 7 tie-down stations for transient overnight guests but including those that is the maximum allowance for aircraft. Mr. Lazar noted there are some flights that are transient daily and do not stay as they are simply dropping off or picking up passengers or cargo. Member Kiefer inquired about the annual operations number on the spreadsheet. Mr. Lazar answered if you divide that (9,108) by 365 that is where the 25 flights/day are calculated. The FAA has not changed that number since the airport was purchased by Skaneateles Aerodrome LLC and

improvements have been made, so the accuracy of those numbers is questionable. Mr. Lazar stated there is no way it is an average of 25 flights/day, peak days that is possible but during the winter it is only 1-2 flights/day or none. The 5010 is the only official source for this information, there are no records of this information kept by the aerodrome, the only records they keep are for the Pilatus. The number of flights/year for the Pilatus are 50 in 2016, 66 in 2017, and 41 in 2018, and this is for larger charter aircraft as the plane can hold up to 10 passengers. This plane is a single engine turboprop specifically designed to operate out of this field. Counsel Molnar asked when the Pilatus began utilizing the airport. Mr. Lazar was unaware of what year the plane began using the airport but the aerodrome has been tracking its use since 2016 as they require the pilot to file a flight plan.

Mr. Lazar explained where traffic comes from at the airport. Two planes are regularly flown for business and they utilize the airport 2-4 times per week, which is more frequently than anyone else. Tenants who have open cockpit airplanes don't fly for more than half the year due to weather, those flights are for fun primarily on weekends. Small Piper Cubs and Cessna 172's are able to take off and land before reaching the middle of the runway, which means they will not need to utilize the runway expansion since the safety is already built into the airplane as it is a good climber. This accounts for base aircraft. The use of the charter aircraft was reviewed during the discussion of the flight recordings, there are no other charter flights coming in that Skaneateles Aerodrome LLC is aware of. Transient aircraft comes in during the 6 month period of good weather. There is no foreseeable increase in traffic due to the runway extension; pilots look to see if the runway is safe in length. If the aircraft is a jet they know they cannot utilize this airport as they require a runway of 5,000 feet in length. Otherwise pilots don't determine where they are going because of the runway length; pilots determine where they go because they want to go there to pick up or deliver a passenger, or because it is a great tourist attraction. Skaneateles Aerodrome has worked with the Skaneateles Chamber of Commerce, tourism for NYS, and both support the airport because it is a reason to come to Skaneateles and not go somewhere else. Ms. Sutphen then asked Mr. Lazar if the variance for the extension of the runway would cause greater usage of the airport. Mr. Lazar answered no.

Ms. Sutphen then reviewed the second of the five criteria. She stated safety is the paramount issue and that is the purpose. Currently the area is graded as a runway, its overrun is maintained as a grass area, and the other end is blocked by Benson Rd, so this is the only location available to extend the runway. The intent is to increase safety for the pilots but this would also protect the neighbors in the situation of an aborted flight because of a short runway. Mr. Lazar stated he started at the end of the discussion at the previous meetings by answering questions about accelerate stop distances, the results of people not being able to fly due to the heat, and other specific detailed questions. First the Board should be informed of why those discussions even happen and it's because aviation is one of the few industries where everybody involved in it is safety first for preservation of life. NTSB and FAA investigate accidents, and they are tasked with answering why the accident happened as well as what can be done to prevent this type of accident in the future. DOT Aviation, AOPA, and aircraft manufacturers also focus on safety and accident prevention, through education and changing equipment on the airplanes the number of accidents has decreased. Mr. Lazar presented the Board with a chart which is on record in the file to support the information presented about accident occurrences. Safety in aviation has increased as a result of the cult for safety initiative throughout aviation. Since keeping a record in 1983 the AOPA database has documented 5 accidents associated with the Skaneateles Aerodrome (the Wickstrom accident was not included as it was prior to 1983); two accidents were instructional one resulting in a fatality, another was an overloaded ferry pilot, one was a result of being overweight at takeoff, and most recently was the ice related incident. Ms. Sutphen asked Mr. Lazar if there is any other method to achieve the safety which is sought on takeoff, other than extending the runway and requiring the area variance. Mr. Lazar answered no and then reviewed the safety precautions Skaneateles Aerodrome LLC has taken since purchasing the airport, including tree removal, paving taxiways and installing a weather reporting system. In 2015 the NYSDOT required the airport to submit a 7 year capital improvement plan of projects that need to be



addressed and how to prioritize them. The list submitted to the NYSDOT are safety issues and items 1-4 on the list have either been completed or are in the process of being completed; the fifth item on the list is the runway 28 extension. This is an important part of the safety initiative the airport has created and none of these safety related projects have created an increase in air traffic.

Ms. Sutphen discussed the question of whether the variance is substantial, noting the variance is now a single variance which encroaches into a buffer of one property located at the end of an existing runway. The asymmetrical configuration of the property causes the encroachment, the configuration is minimal as required and it is not substantial as related to the entirety of the airport and its usage.

Ms. Sutphen answered the fourth criteria pointing out there are no structures being built, the existing vegetation is maintained, the storm water will recharge to ground water and not leave the lot (the modified plan has been reviewed and approved by the Town Engineer), there are no physical changes that would affect the environment, the aircraft will continue with their affects, but the variance is not the cause of the air traffic which exists and it will not be more adverse than it was before. The affect and impact on the one neighbor is a mitigatable issue which the applicant has offered to undertake.

Ms. Sutphen addressed the fifth criteria stating an adverse finding does not preclude the area variance but generally because the allowed use desires to create additional runway space which can be considered self-created. In this instance the airport does exist and safety standards are evolving, this is a way for that to be met and they need to be complied with for public safety.

Ms. Sutphen called Virginia Wheeler forward to address the Board. Ms. Wheeler stated she has been the Manager for Skaneateles Aerodrome for 10 years, handling administrative oversight for the owner of the airport. Ms. Wheeler's background is not in aviation, it is strictly administrative. She spoke to the character of the airport and the contributions it has made to the community hosting the Boy Scouts, the Girls Scouts, and aiding other residents in personal requests. Ms. Wheeler explained her involvement in the application process for the grant funding the proposed project, stating this has been no different than any of the other safety initiatives previously undertaken and safety is the primary goal of the airport. The airport is not a profit center any profit that has been made over the years has been reinvested in the airport to increase safety; Ms. Wheeler listed the various safety investments the Falcone's have made. Ms. Wheeler supported previous statements, saying the largest aircraft to utilize the airport is the Pilatus PC12, a charter aircraft; jets will not be using the airport as they require 5,000 feet of runway.

Ms. Sutphen called for Richard Pinkowski to address the Board. Mr. Pinkowski reviewed his credentials stating, he is a 5,000 hour commercial pilot, certified pilot flight instructor, and a retired competition aerobatic and airshow pilot, utilizing the Skaneateles Aerodrome since 1986. Mr. Pinkowski stated 95% of his flying is related to his Skaneateles based business Digital Analysis Corp. In his experience with the FAA and safety, you begin your pilot career immersed in a culture of safety which is promoted and mandated by the FAA and NTSB. One of the requirements before any flight is assessing the safety in length of a runway; anything that can be done regarding the length of a runway enhances the safety of operations. Mr. Pinkowski is a pilot who occasionally meets his departing parties at Hancock Airport for safety; he said lengthening the runway isn't a convenience' it is simply a matter of safety. The length of the runway isn't about the distance that's needed for takeoff so much as it is about the distance required to come to a complete stop if a flight has to be aborted. Another safety factor is the amount of distance that can be put between a pilot and an obstacle they are trying to avoid. Skaneateles airport has many obstacles hills, trees and an antenna tower which all have to be accounted for; so the small length of 200-300 feet can make a significant difference to a pilot. Mr. Pinkowski noted a decrease in air traffic since 1986. Although Mr. Pinkowski is based here in Skaneateles, he is considered a transient pilot due to his business flights and as a transient pilot he looks for full fuel services, a maintenance facility, rental car

services; none of which are available at Skaneateles Aerodrome therefore not meeting his criteria for an intended destination, rather Hancock Airport would be a better choice.

Vice Chair Condon asked if it were true airplanes would be able to takeoff in either direction on the runway, so long as they were flying into the wind. Mr. Lazar answered yes.

Chair Rhoads thanked Ms. Sutphen for her presentation and opened public comment.

Tara Renner, 2900 West Lake Rd, presented the Board with a letter of opposition which is on record in the file. Ms. Renner responded to information presented during the meeting, stating her concern for her family's safety on their property as the pilots have control over their own safety but her family does not have any on their own property.

David Johnson, 2935 West Lake Rd, clarified Mr. Lazar had very informal conversations with Mr. Johnson and his wife to mitigate the impact, with no offer for noise abatement. Mr. Johnson expressed his frustration when he and his wife suggested mitigation and were not accommodated, especially when that could have been incorporated when applying for the grant. He stated he is not looking to make a mint when he goes to sell his modest home but would not like to lose his shirt. He is disappointed mitigation was not considered during this process as Mr. Lazar has an extensive planning background.

Gretchen Messer, 2935 West Lake Rd, stated the maximum mitigation offered was 40 feet of fence. She said Mr. Lazar informed her it was not his responsibility to increase the value of her property and she felt that was important the Board be aware of that. Ms. Messer stated her concern for her family's safety with the end of the proposed runway being 200 feet from her house. Ms. Messer then corrected previous statements made about the property being wooded screening the view of the runway, she indicated one tree, a shed, and a dying tree on her property are in the sightline of the runway. Ms. Messer reviewed some of the letters of opposition she submitted to the Board as well as some of the included photographs, all of which are on record in the file. Ms. Messer then emphasized the proximity of their home to the end of the runway, stating there is no other situation like this documented in the country. Ms. Messer requested the Board require the applicant to stake the property for the proposed project indicating the location of the lights and runway. Ms. Messer expressed her concern with the fact that four properties on West Lake Rd south of the property adjacent to the Aerodrome have not been contacted regarding the proposed expansion. She then explained the science of sound and encouraged the Board to require the Town Engineer to utilize a tool to measure the sound emitted from the airplanes. Ms. Messer spoke about emissions from the planes, stating trees are an ideal way to mitigate particulates released from aircraft and she is convinced there will be more particulates because there will be more air traffic. Ms. Messer reviewed SEQR requirements, suggesting the Board look at the social and economic impacts of the proposed project and then requesting the Board require the applicant to submit a mitigation plan. She then discussed the grant application, pointing out the runway extension was initially listed as a \$92,000 project, so why now is the project funded for \$211,000, wouldn't that mean there is additional funding for mitigation. Having an extensive background in writing grants, Ms. Messer believes the community should be taken into consideration as the grant is funded with tax payer dollars. Ms. Messer requested the Board require the grant application be provided for their review then read some of the questions an applicant is required to answer on the application. She feels as though many of the questions have been asked by the Board specifically and are not being addressed directly, if the applicant won the grant they must have provided the answers. Ms. Messer would like to know how the applicant answered the question on the grant regarding primary purpose since that has been a subject of debate.

David Lee, 1741 Pork St, read a letter in favor of the extension to the Board, it can be found on record in the file. Mr. Lee noted the accidents cited previously were not on the airport, totally unrelated to the

facility and could have happened anywhere. It has been established that the airport belongs in the community, so everything that can be done to make it safe should be.

Don Sundman, 2920 West Lake Rd, has lived across the road to the east of the runway for 20 years. When he and his wife initially moved in it was a quiet airport with small airplanes and limited traffic. In 2006, when Mr. Falcone purchased the airport and began making improvements there was a substantial increase in the amount of air traffic, as well as larger, faster planes. As a result of another improvement, Mr. Sundman believes there will be even more traffic, with bigger airplanes, and that raises concerns for the well-being of his family as well as his neighbors. For those reasons he expressed his opposition to the runway expansion.

Chair Rhoads closed public comment at this time thanking those who spoke, and allowed the applicant to address concerns the public has gone on record with during the comment period with a rebuttal. Ms. Sutphen stated the applicant has heard the comments of the public and does not discount their concerns. However, in the context of the variance, the expert testimony states there will be no increase in the size of the aircraft coming into the airport, and there will be no increase in the number of aircraft. The applicant acknowledged there is one neighbor who will be impacted by the expansion and that is for the Board to decide if the impact does or does not outweigh the benefit, which is safety. Ms. Sutphen reminded the Board the applicant has stated the willingness to make mitigation available to the impacted neighbor, asking the Board to facilitate a meeting to assist in reviewing the impact on the neighbor. To make a decision that would not allow the airport to continue operations of its allowed use as it has would be a decision that could be considered arbitrary just because there are people who don't like it. Again, Ms. Sutphen acknowledged the concerns of the impacted neighbor and stated they should be addressed, with a meeting facilitated by the Board. Besides that, there has been no other evidence other than the empirical evidence brought forth by the applicant with respect to the safety issues, which is the benefit, and there is no detriment to the general public which outweighs that benefit.

Counsel Molnar recommended the Chair and the Board request from the applicant a specific proposal on what mitigation measures they are willing to absorb and/or recommend for the fence and/or tree plantings which were suggested. If the applicant could kindly put together a scope and specific proposal that would be beneficial and informative to the Board and other interested parties. Member Kiefer added with regard to the fencing, the grant application did indicate that fencing would be added in the area of runway extension, so fencing was contemplated at one point and time and we would like to understand why it is now just a mitigating factor as opposed to part of the project proposal. Mr. Lazar addressed the Chair, stating he was concerned with the process Counsel recommended and suggested the neighbor and he meets to create a design for what they would like for mitigation and then present it to the Board. Counsel Molnar agreed with the suggestion, he thought in the absence of communication they should begin with a proposal, to the extent that there is communication he recommends a meeting, come to a conclusion on what is mutually agreeable, and present it to the Board. Member Kiefer clarified, he was not recommending the applicant design a fence themselves and erects it on the border, but clearly there was a contemplation of that with some amount of the grant money being directed toward that. Member Kiefer was in agreement with counsel's recommendation. Vice Chair Condon recommended the applicant and the neighbor obtain the Town's Zoning Code for fence installation before planning.

Vice Chair Condon asked Mr. Camp if the new lighting installed at the end of the runway expansion would be distracting to traffic driving on 41A. He also asked if it is a concern, would planning be put in place to block the light. Mr. Camp deferred his response to counsel asking if that is something for the Planning Board or if it is up to the FAA, as it is an FAA requirement. Member Palen added it is understood the lights are only on when activated and are not on all of the time. Counsel Molnar agreed, clarifying this is in the context of screening from oncoming traffic, not the positioning, or how/when they

are operated, but what automobile traffic on the roadway can see versus what airplanes can or cannot see. Vice Chair Condon rephrased his question would the lights have an effect on the road traffic where they would be located. Mr. Camp responded that is something they would look at as part of the Planning Board application. Vice Chair Condon asked if the Planning Board had reviewed it at this time. Mr. Camp stated it has been introduced but it hasn't been examined in any detail as they are waiting for the decision of the ZBA. Counsel Molnar supported this stating Planning Board is holding the application pending ZBA review.

Counsel Molnar also recommended the Board close the public hearing and the record as all interested parties including the applicant have had a chance to speak. He also suggested the Fire Department be contacted and given the opportunity to submit input if they felt it necessary. Further consider all of the information that has been made part of the record including all of the Board's experience and information, everything that's in the file in anticipation of rendering a determination at the next meeting.

**WHEREFORE**, a motion was made by Member Ciaccio and seconded by Vice Chair Condon to close the public hearing. The Board having been polled resulted in the unanimous affirmance of said motion.

Counsel Molnar stated the ZBA has a statutory requirement to make a determination within 62 days of closing the public hearing, unless voluntarily extended by the applicant. The next ZBA meeting will be August 15, 2019, hopefully there will be an agreement on mitigation measures, the Board will reflect on the depth of the record, and be in a position to deliberate at the meeting. Chair Rhoads concluded the Skaneateles Aerodrome review, stating a decision will be rendered at the August 15, 2019 meeting.

There being no further business, a motion was made by Member Palen and seconded by Vice Chair Condon to adjourn the meeting. The Zoning Board of Appeals meeting adjourned at 9:42 p.m.

Respectfully Submitted,  
Kim Benda