

**TOWN OF SKANEATELES  
ZONING BOARD OF APPEALS  
MEETING MINUTES OF  
July 6, 2021**

**Present:**

Denise Rhoads  
David Palen  
Dave Lee  
Sherill Ketchum  
Scott Molnar, Attorney  
Kim Benda, ZBA Clerk

**Absent:**

Kris Kiefer  
Karen Barkdull, P&Z Clerk

The meeting commenced at 7:00 p.m. at Town Hall and via Zoom. The next Zoning Board of Appeals meeting will be held on August 3, 2021 at 7:00 p.m.

**Minutes**

Previous distribution to the Board of the regular meeting minutes of June 1, 2021 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 June 1, 2021 minutes as presented. The Board having been polled resulted in unanimous affirmation of said motion.

**Record of Vote**

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

Member hours for all Board members were requested and submitted for those who attended in the month of June 2021 via email.

**Initial Review**

Applicant: Peter White & Mary Socci  
1737 Russell's Landing  
Skaneateles, NY 13152  
**Tax Map #063.-03-02.1**

Present: Bob Eggleston, Architect  
Peter White & Mary Socci, Owners

Chair Rhoads described the Applicant is proposing the demolition of the existing structures to construct a 2-bedroom dwelling and accessory dwelling with an attached garage. Bob Eggleston, Architect, pre-existing on the property is a 2-bedroom dwelling which is totally conforming to the pre-2000 setbacks. The existing garage with carport is non-conforming, located almost on the side property line. And the additional accessory dwelling is non-conforming as it is located within the front yard setback. In 2020 the owners had what was originally 2 parcels merged to create 1 lot. Mr. White and Ms. Socci would like to re-build a new 2-bedroom dwelling, with close to the same footprint, on the property as the existing structures are in need of significant repair. The lake yard setback will improve from 60 feet to 64.4 feet. The garage and accessory dwelling are proposed to be combined and conforming, where the existing

structures are non-conforming and would require 4 variances. ISC is currently 11.3% and will be reduced to 8.4%. Proposed total lot coverage remains conforming at 14% where it was 16.2%. Living space is currently 8.2% and will increase to a conforming 10%. The existing building footprint is non-conforming at 8.2% and will improve to 6.4% which is still non-conforming by 0.4%.

Mr. Eggleston stated the only variance being requested is for lake yard setback as it is proposed to be less than 100 feet. He explained there are a number of difficulties with the property. There is a power line running through the best buildable area of the property, currently all of the structures are within 10 feet of the power line and do not meet today's standards for utility setbacks. The Owners have an agreement with National Grid to remove the existing utility pole and relocate the power lines by adding new poles along the front property line, so they do not impede on the proposed structures. If the Applicants were able to maintain a portion of the existing cottage, they would not require a variance since they are making the structure less non-conforming. Mr. Eggleston explained the proposed location is the most ideal placement on the lot, he is currently preparing a grading plan for the Planning Board (the PB) which will provide support for this statement when it is presented. The PB will be reviewing the Special Permit for the accessory dwelling, and Site Plan Review for working in the LWOD within 200 feet of the lake. The new septic system is a raised system built up by approximately 1 foot.

Mr. Eggleston stated he had learned from several other applications in the area to greatly review the stormwater management and the proposed plan has been located up on the flat area of the property away from the bank. This proposal will be presented to the PB to be reviewed by Engineer John Camp. The bioswale has been sized to accept runoff from the accessory dwelling/garage and driveway after treatment the underdrain will be piped to the bottom of the cliff in effort to prevent erosion on the steep course. The stormwater coming from the roof of the main dwelling is considered clean stormwater, so it will be piped directly to the drainpipe that is depositing the water to the bottom of the bank. The non-buildable area with a 60% grade is reflected on the site plan in yellow. The existing path with steps and landings leading from the dwelling to the lakeshore dock will remain in place.

The Board asked if the survey presented reflected the original 2 parcels or the single lot after they were merged. Mr. Eggleston stated the survey represents the lot after the 2 parcels were merged.

Member Ketchum asked what stormwater management exists on the property. Mr. Eggleston stated there is none.

Member Lee stated the proposed and existing floor elevations look very similar. Mr. Eggleston stated yes, those will be available with the grading plan which is being finalized this week. Vice Chair Palen asked if the red overlay on the site plan reflects what is existing. Mr. Eggleston explained the red overlay Vice Chair Palen described is the existing structures and will be removed.

Chair Rhoads asked if the Applicant would need a variance for total footprint as well. Mr. Eggleston stated no, even though it is still nonconforming because the Applicant is improving the total footprint from 8.2% to 6.4% when 6% is required. Chair Rhoads stated in her experience a variance would be required in this situation. Counsel Molnar supported Chair Rhoads and stated he would confer with Clerk Barkdull upon her return to work. Chair Rhoads added the proposed living area is approximately double what the existing living area was. Mr. Eggleston explained there will be a second floor and a basement with a partially finished area when there was not previously. Chair Rhoads stated it is quite a bit larger development. Mr. Eggleston described there will be a bedroom and rec room with the rest being storage at 6.5 feet high in the basement, the main floor is living space, and the second floor is a loft bedroom/office space and bathroom. Chair Rhoads sought confirmation from Counsel Molnar that the application is redevelopment under the Code. Mr. Eggleston stated it is not because the ISC was reduced from 11.3% to a conforming 8.4%. Counsel Molnar agreed with Mr. Eggleston.

Chair Rhoads requested the documentation for the power lines to be relocated. Mr. Eggleston stated that could be provided for the ZBA.

Member Ketchum inquired about the land to the west of the property. Mr. Eggleston explained that is Lockwood Lavender Farms. He described the lot is located on Russell's Landing just before it curves, and the lots begin to narrow and become deep.

The Applicant's will be including solar power and geothermal heating for the proposed project, Mr. White stated the goal is to be a Net Zero household and fully sustainable. The design of the home and guesthouse are contemporary.

Member Ketchum asked where the underground drainpipe comes out on the cliff. Mr. Eggleston explained the pipe will be exposed on the side of the cliff as it comes down and empty onto rocks at the base of the cliff. Mr. White added the plan is to add rain barrels or above ground cistern system to incorporate a rain garden on the lower level in the future. Member Lee asked if the water entering the bioswale is coming from across the road. Mr. Eggleston stated no, it is only from the roof and rain gutters, as there is very little that crosses the road from the farm field. Chair Rhoads inquired if the bioswale will only be handling the water from the guesthouse. Mr. Eggleston stated yes, the elevation of the house is too low to get the runoff water up to the bioswale without pumping it.

Vice Chair Palen asked if the lot is mostly shale. Mr. Eggleston stated it is a shale cliff, with an adequate 6 feet of soil on top to allow for the septic.

A site visit was scheduled for *Thursday, July 22, 2021 at 6:30 pm.*

**WHEREFORE**, a motion was made by Member Ketchum and seconded by Vice Chair Palen to schedule the public hearing for *Tuesday, August 3, 2021 at 7:02 pm.* The Board having been polled resulted in unanimous affirmation of said motion.

### **Other Board Business**

Chair Rhoads thanked Counsel Molnar for sending a memorandum to the Town Board as a recommendation from the ZBA to reset the Code §148-8-9-G to its previous language so the ZBA would review increases in ISC rather than the PB. Counsel Molnar stated he would follow up on the advancement of the amendment and informed the Board the Town Board may want to package additional amendments in to make the filing of the change cost efficient.

The Board questioned what qualified as redevelopment when an Applicant is proposing a footprint that is slightly modified or not exactly the same as the pre-existing structure, should an additional variance be required for a structure on a pre-existing non-conforming lot.

Chair Rhoads questioned the procedure of going through the Five Criteria and developing a protocol for the Board to make it fair and unbiased for the Applicant.

**WHEREFORE**, a motion was made by Vice Chair Palen and seconded by Member Ketchum to enter Executive Session for Attorney Advice at 7:38 pm. The Board having been polled resulted in unanimous affirmation of said motion.

The Board returned from the Executive Session for Attorney Advice at 7:50 pm.

Chair Rhoads mentioned there continue to be training opportunities from the Cornell Cooperative Extension and other sources.

There being no further Board business, a motion was made by Member Lee and seconded by Member Ketchum to adjourn the meeting. The Zoning Board of Appeals meeting adjourned at 7:51 pm.

Respectfully Submitted,  
Kim Benda