

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

September 1, 2015

Present:

Denise Rhoads
Jim Condon
Steven Tucker
David Palen
Scott Molnar, Attorney
Karen Barkdull, Zoning Clerk
Michele Norstad, ZBA Secretary

The meeting commenced at 7:00 p.m. at Town Hall. The next Zoning Board of Appeals meeting will be held on Tuesday, October 13, 2015. Member hours were turned in for August. Previous distribution to the Board of the regular meeting minutes of August 4, 2015 were executed and all members present acknowledged receipt of those minutes.

WHEREFORE a motion was made by Member Palen and seconded by Vice Chair Condon to accept the August 4, 2015 minutes as corrected. The Board having been polled resulted in favor of said motion.

Record of Vote

Chair	Denise Rhoads	Present	[Yes]
Vice Chair	Jim Condon	Present	[Yes]
Member	Sherill Ketchum	Absent	
Member	Steven Tucker	Present	[Yes]
Member	David Palen	Present	[Yes]

Other Board Business:

The initial review for Kerrin Hopkins has been postponed and withdrawn from tonight's agenda until the meeting of November 10, 2015, per the request of the applicant. Applications may be carried over indefinitely.

Member Steven Tucker has been accepted as an Officer Candidate in the United States Army and has taken his oath of enlistment. Member Tucker departs on November 9, 2015; therefore his last meeting with the Zoning Board of Appeals will be October 13, 2015.

As the October meeting is scheduled to meet one week later than usual, the board will move its deadline for any new applications to October 2, 2015.

The Comprehensive Plan has been adopted by The Town of Skaneateles and is still pending with The Village of Skaneateles. The Town Board will be interviewing candidates to analyze both the Town Code and the Comprehensive Plan as they relate to each other on Thursday, September 3, 2015. Vice Chair Condon and Member Palen plan to attend the interviews.

Garrett Rescission Request

Applicant: Paul and Jane Garrett
8155 W. Ivy Trail
Baldwinsville, NY

Property:
2160 West Lake Rd
Skaneateles, NY 13152
Tax Map #057.-04-18.0

Present: Robert Eggleston, Architect

An August 4th, 2015 amendment to the approved plan of March 3rd, 2015 was granted on August 13th, 2015. Tonight, the request has come before the board to rescind said amendment. The applicant has decided to withdraw the amendment request as the proposed changes have been determined not to be feasible.

WHEREFORE, a motion was made by Member Tucker and seconded by Vice Chair Condon to rescind the August 13, 2015 approved amended application. The Board having been polled resulted in the unanimous affirmation of said motion.

Public Hearing Continuance

Applicant: Theodore P. Norman
8665 Duarte Road
San Gabriel, CA 91775

Property:
1992 West Lake Road
Skaneateles, NY 13152
Tax Map #058.-01-17.2

Present: Ted and Nancy Norman, Robert Eggleston & Alan Coffin, Construction Manager

Chair Rhoads explained the applicant’s proposal to demolish an existing single family dwelling and garage, construct a new house, garage, detached patio, septic and relocate driveway. The variances requested are for side yard setback and setback to a water course. The public hearing was opened at last month’s meeting, was held open and is now re-opened and continued at tonight’s meeting.

The Zoning Board of Appeals declared this application to be a Type II action not subject to SEQR review. A residential rehabilitation seeking an area or area variances is automatically classified as such under SEQR.

The board visited the site on July 11th and August 8th, 2015.

Mr. Eggleston reviewed the once revised July 28th plan changing the driveway from 10FT off the property line to 15FT off the property line, reducing the variance request from 10FT to 5FT. The plan shows garage modification space in front for parking and passing by down to the parking area for lot #2 and this is a shared driveway between lot #1 and lot #2. Watercourse setback request of 64FT from the driveway to the watercourse is unchanged to allow for the new septic system and the expansion area as well as to allow for a graceful entrance turn. Mr. Eggleston reminded the board that Hamilton Fish, neighbor to the north, stated quite well that the total picture of the project is part of an open space subdivision (3.5 acres across the road and bisected by the same stream which can never be developed on) is the beginning of putting more

open space into conservation, partly used for ag and as a buffer by the stream which helps to protect the stream. The Normans have invested a sizeable amount of money towards erosion control along the watercourse with more work pending and is expected to start mid-September. Jim Clark will be working on that area. The Normans are also maintaining quite a bit of lawn which offers a good buffer to the watercourse. Mr. Eggleston asked the board if they had any further questions to the application as it stands today.

Member Tucker asked if the south end property utility easement is something that is able to be driven across. Mr. Eggleston responded that because lot #2 was separated from lot #1 and to avoid a variance in creating a non-conforming road frontage, lot #1 has the entire road frontage. When lot #2 was re-developed by the Mahers approximately 10-15 years ago, they used that for access to get heavy equipment up and down and then it was restored. It has been used from time to time for maintenance purposes and only for maintenance purposes. Mr. Eggleston stated that it has never been used for dwelling purposes. Most recently a new dock was built in the water and the contractor used that access to get his heavy equipment up and down for building the dock that is down there. Apparently, it was not restored the way it should have been after this work. This may have been due to the up and coming work on the watercourse and a wet spring. Once the watercourse work is done, it will be restored back and may be further revegetated and reforested by planting trees, thus naturalizing it, per Mr. Norman whose plan is to also make it impassable. However, there may be some lighter dock work also to be done, although the bulk of it is finished.

Vice Chair Condon asked if the Town Engineer, John Camp had been questioned regarding the building footprint. Chair Rhoads said that there was discussion with the Planning Board at the site visit regarding building footprint. Planning Board draft minutes were received at the end of the day today by the Zoning Board, but not all members may have seen them. Discussion over whether or not the existing footprint and the building envelope were both buildable space had been an issue of concern by Members of the Planning Board. Counsel Molnar stated that prior to the application coming in, when the applicant was meeting with Clerk Barkdull concerning the mechanics of and specifics of the application, it was discussed whether or not the footprint is something which is or is required compliance, making the footprint something which is binding into the future. Clerk Barkdull looked back at the minutes from the Planning Board approving session when the open space subdivision and site plan were approved for the prior structure which had been an existing structure at the time. There was a discussion regarding the footprint at that time as to whether or not it should be made part of the plan and remain part of the plan. There were comments on the record minutes that the building envelope should be removed from the survey. However, removal of the building envelope did not make it into the approved resolution. There was a disconnect between the meeting minutes and the final resolution. As Counsel Molnar and Clerk Barkdull reviewed prior to the application submission, the pre-existing house had no variance granted for distance to the watercourse because it was a pre-existing structure. At the Planning Board meeting last week, the code as it relates to compliance for this structure as presented looking at 148-12C(5) was reviewed:

“A non-conforming structure may be demolished and a new structure built to the same or lesser height and floor space and on the same or lesser footprint without a variance or special permit, provided that the structure and the lot on which it is situated comply with applicable maximum impermeable surface requirements. Increases in height, footprint, floor space, or interior volume are permitted in compliance with all of the limits in Subsection C(2), (3), and (4) above. Any change in location of the footprint shall require

a special permit unless the structure in the new location complies with all of the dimensional requirements of this Zoning Law, including impermeable surface coverage requirements. If the structure and/or the lot on which it is situated do not comply with applicable maximum impermeable surface coverage requirements, the Planning Board shall require the applicant to reduce impermeable surface coverage on the property to the maximum extent feasible as a condition of the special permit. The Planning Board may also require mitigation as provided in § 148-12G(6). In no event may the special permit allow an applicant to increase the nonconforming impermeable surface coverage.”

Counsel Molnar’s recommendation to the Planning Board, which has not yet reviewed this to the special final permit stage, is that the application is compliant with the above referenced section. An increase in height, footprint, floor space, or interior volume is permitted by way of the special permit in the application that the applicant has pending before the Planning Board. Compliance with C(2), (3), and (4) is met because C(2) deals with a non-conforming structure that is non-conforming only as to lot line setbacks which may be expanded without a variance or special permit, (3) is not withstanding the provisions of § 148-12G(1)(a)[7], a nonconforming structure or use may be expanded by up to a total of 500 square feet of floor space and 5,000 cubic feet of interior volume without a variance or special permit, etc., but (4) goes on to state that the Planning Board may issue a special permit allowing the expansion of a nonconforming use or structure by more than 500 square feet of floor space and/or 5,000 cubic feet of interior volume [including garage, deck, or patio as in Subsection C(3) above], etc. going on to deliberate how and why. Counsel Molnar believes that all of those sections are met; therefore his recommendation to the board is that the Planning Board is going to review this and also pass on whether or not the construction of the replacement structure on the existing footprint where the home currently exists is permissible. That will take place hopefully in terms of a discussion on 148-12C(5). The ZBA has before it the request for the two variances which is meaningful to the Planning Board and will be considered. Chair Rhoads said that looking back at the previous Planning Board minutes, there may have been another intention of the board, but because of errors one way or the other, the current proposal is what is now being considered. Counsel Molnar stated that the building envelope was never removed. At this point, Chair Rhoads asked Mr. Eggleston to refrain from speaking as he was about to interrupt counsel Molnar. Counsel Molnar went on to say the building envelope was never removed from the final approved survey.

Vice Chair Condon stated that this is a big piece of property with two lots, many prior approvals and activity including the open space subdivision and easement at the south end of the property for a driveway. Therefore, moving the driveway over to the center of the lot or repositioning the dwelling is pretty reasonable, making it safer and better for the applicant by way of driveway entrance and exit. Given the above mentioned, the watercourse, and the open space development, all factors impact the board’s decision especially compared to most variance requests on the lake where a 5FT setback is usually too much. At the site visit, discussions were had regarding alternatives to the current proposal. Drifting some of the building to a 45 degree angle was one idea to maintain all square footages, decks and porches without any variances.

Mr. Eggleston went on to say that there are two variance requests before the board and that no additional required variance requests exist by the Codes Enforcement Officer for the existing footprint, so that is not an additional concern of the Zoning Board. The Planning Board will have their discussions on this proposal and that is for them to discuss. Being that this is an open public hearing, Mr. Eggleston asked the board to consider any comments from the public

including the prior public hearing meeting given that this is not a typical subdivision or lot. The zoning law encourages open space subdivisions. Mr. Eggleston asked if each variance could be looked at separately as each has its own set of criteria and circumstances. Mr. Eggleston would like the board to look at the watercourse setback first and then to look at the side yard setback second.

Vice Chair Condon agreed with Mr. Eggleston that the property should be looked at as a whole with the owners being good stewards, but, as The Zoning Board for the Town of Skaneateles, we are supposed to look at the town as a whole. With all of this property, and considering all other options, there was a way to avoid the 5FT side yard variance which was talked about at the site visits. Water runoff was also mentioned to Mr. Eggleston with regards to the long driveway which has not been addressed with any new proposals or revised drawings. Mr. Eggleston had planned to provide drawings once the driveway was approved by the ZBA to present at the Planning Board meeting. If the driveway is not approved, there will be a shift of the driveway and the drainage will be taken into consideration by the Planning Board. Vice Chair Condon stated that approving a variance this close to the property line and dwelling should indicate a water retention plan. Mr. Eggleston felt that this would be the Planning Board's purview. Vice Chair Condon stated that the failure to present a water retention plan may influence the Zoning Board's decision whether or not to grant the side yard setback variance.

Mr. Eggleston pointed out that the driveway had been adjusted to increase beyond the 20FT side yard setback as it travels towards where the original entrance to the parking area exists. An answer is being sought regarding the 15FT variance request and then Mr. Eggleston would plan to design the final driveway configuration and drainage solution. An underdrain with rain garden would be very easy to design, per Mr. Eggleston. Currently the rain drainage comes down the Fish's driveway and flows onto the Norman's property where day lilies exist as Mr. Eggleston pointed out on the site plan. The day lilies help absorb the water as it flows now. Pulling back the driveway as the current proposal shows, would help channel and treat the water before it hits the watercourse per Mr. Eggleston. A catch basin by the garage currently shoots into the watercourse untreated. This catch basin would be removed.

Chair Rhoads stated for the record that these are two separate parcels (lot #1 & lot #2) even though they happen to be owned by the same person. Counsel Molnar concurred. Chair Rhoads went on to say that even though there is work being done on one parcel, with the stream, that it is a separate parcel from the parcel that the variances are being requested for. Counsel Molnar concurred. Mr. Eggleston stated that the work extends onto both parcels. In the future, one parcel could potentially be acquired by another person. One should not assume that this is one property sharing all of the benefits. Mr. Eggleston concurred.

Chair Rhoads asked if there had been any further discussion about reducing the square footage of the dwelling. Several questions regarding the size (which appears to be roughly 4,380SF) have come up as this proposal is more than double in size as compared to the current dwelling. Mr. Eggleston agreed. Mr. Eggleston stated that "no, there hasn't been a strong interest in changing the size of the dwelling" and "depending on the driveway variance, then we'll react accordingly with what the house will turn into".

Chair Rhoads asked if there were any questions from the board. Chair Rhoads then said "at this time I'll ask if there's any comments from the audience either for or against or any other

comments that the audience would like to address, state?” Looking at a member of the audience, Chair Rhoads inquired with the word “Nothing?” The audience member, Ann Killian spoke saying “No, I, I, I...as I said last time I do approve of the plans as they are and I am a south neighbor, so.” There was no other dialogue, comments or questions. Chair Rhoads said “having no further comments from or questions from the board or our audience, the public, may I have a motion to close the public hearing?”

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

Counsel Molnar then took the board through the five criteria set forth for area variances. Chair Rhoads preferred to address the variance requests together as a whole within each question and discussion, having the board member address either variance specifically within each question if it applies to one and not the other. This is typically the way the board approaches the five criteria.

In considering the benefit to the applicant if the variances are granted being 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.

FACTORS CONSIDERED:

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variances:

Yes No

Reasons: While the proposed dwelling has been professionally designed, it is much larger than the existing dwelling with the proposed square footage of 4,380SF more or less, more than twice the size of the existing dwelling. A dwelling of this size is somewhat out of character with the neighborhood properties which are generally older, smaller sized dwellings. It is due to the size of this structure that part one of the variance is being requested. The driveway to route 41 may not be as large of a concern as the 15FT side yard setback on such a large piece of property with other reasonable alternatives. Both neighbors have expressed approval of the proposal on either side and the homeowners have made some positive changes. Counsel Molnar recommended that each board member be polled – yes or no. * A vote of all ZBA Members present concerning each variance requested for this question was as follows:

*Mr. Eggleston interrupted asking “and are you answering it for independently for each variance, I know you were going through at the same time but it sounded like there would be two answers – one for the watercourse and one for the side yard setback.” Counsel Molnar answered saying that yes, “A.” should reflect side yard setback and “B.” watercourse.

A. 148-11C (4)(b) Supplementary dimensional regulation – Driveway and Parking areas-side yard setback of 15FT:

	MEMBER NAME	AYE	NAY	ABSENT
Chair	DENISE RHOADS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vice Chair	JAMES CONDON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Member	STEVEN TUCKER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Member	SHERILL KETCHUM	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Member	DAVID PALEN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

B. 148-29D Wetlands and Watercourse protection-Watercourse setback of 64FT:

	MEMBER NAME	AYE	NAY	ABSENT
Chair	DENISE RHOADS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vice Chair	JAMES CONDON	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Member	STEVEN TUCKER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Member	SHERILL KETCHUM	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Member	DAVID PALEN	<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 No

Reasons: The benefit can be achieved by the applicant by modifying the footprint of the new structure to stay within the zoning laws. Alternatives were discussed with the board including renovation of the existing dwelling, placing the proposed dwelling further from the watercourse setback as well as further from the side yard setback. With the one exception of the septic system, which has been removed further from the watercourse setback, reducing the size of the proposed dwelling and complying within the setbacks is a possible and feasible alternative since the existing dwelling is being demolished. A vote of all ZBA Members present concerning each variance requested for this question was as follows:

A. 148-11C (4)(b) Supplementary dimensional regulation – Driveway and Parking areas-side yard setback of 15FT:

	MEMBER NAME	AYE	NAY	ABSENT
Chair	DENISE RHOADS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vice Chair	JAMES CONDON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Member	STEVEN TUCKER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Member	SHERILL KETCHUM	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Member	DAVID PALEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

B. 148-29D Wetlands and Watercourse protection-Watercourse setback of 64FT:

	MEMBER NAME	AYE	NAY	ABSENT
Chair	DENISE RHOADS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vice Chair	JAMES CONDON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Member	STEVEN TUCKER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Member	SHERILL KETCHUM	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Member	DAVID PALEN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

3. Whether the requested area variance is substantial; within 200 feet of Skaneateles Lake, any area variance that enlarges a building or enables it to encroach into a required lake yard shall be presumed to be substantial because of the cumulative risk of degradation of the lake posed by granting individual variance. This presumption is rebuttable:

Yes No

Reasons: This variance is substantial with regards to what the property has already benefited from in the past. The open space subdivision was granted for this property with the desired footprint of structure to be within the green area on the drawings dated 6.22.15. It has a 3.6 acre permitted open space across the street so that the lake property can increase permeability with easement from the road to the guest home. Increasing the proposed dwelling size to over twice the existing size or approximately 53% increase in potential living area within 54.5FT of a watercourse is substantial. Additionally, the proposed basement area will be partially above grade with potential to be finished living area in the future which would further increase the dwelling size. Being within 200FT of the lake, the potential extra run-off caused by the driveways and the larger structure make this to be substantial. With 100FT setback for the septic, the setback for the driveway is not as substantial. Moving the septic system away from the watercourse helps the lake and makes safer access to and from Route 41. A vote of all ZBA Members present concerning each variance requested for this question was as follows:

A. 148-11C (4)(b) Supplementary dimensional regulation – Driveway and Parking areas-side yard setback of 15FT:

	MEMBER NAME	AYE	NAY	ABSENT
Chair	DENISE RHOADS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vice Chair	JAMES CONDON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Member	STEVEN TUCKER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Member	SHERILL KETCHUM	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Member	DAVID PALEN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

B. 148-29D Wetlands and Watercourse protection-Watercourse setback of 64FT:

	MEMBER NAME	AYE	NAY	ABSENT
Chair	DENISE RHOADS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vice Chair	JAMES CONDON	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Member	STEVEN TUCKER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Member	SHERILL KETCHUM	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Member	DAVID PALEN	<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; within 200 feet of Skaneateles Lake, any area variance that enlarges a building or enables it to encroach into a required lake yard shall be presumed to have an adverse environmental impact because of the cumulative risk of degradation of the lake posed by granting individual variances. This presumption is rebuttable:

Yes No

Reasons: The 100FT setback to the septic from the watercourse is a positive change. Placing the driveway at 15FT from the side yard setback will have an adverse effect and impact on the physical and environmental conditions of the property. While the applicant plans on enhancing the current watercourse to the south to protect the run-off of other properties onto its own property and to protect the lake from run-off, there is no current plan on the drawings dated 6.22.15 for any type of run-off from a long steep sloped driveway running toward the lake. Having a 3.6 acre protected land across the street, which was a farm field, does not qualify this property for added variances that can harm the environment. As this is within 200FT of the lake, despite numerous improvements to the property such as moving back the septic system, being part of an open space subdivision and stream improvement is not enough to rebut the fact that the dwelling is increasing over double in size and encroaching both on the side yard and the

stream setback for additional run-off. Additional plantings along the north property line will enhance the property and improve the visual impact of the side lawns. A vote of all ZBA Members present concerning each variance requested for this question was as follows:

A. 148-11C (4)(b) Supplementary dimensional regulation – Driveway and Parking areas-side yard setback of 15FT:

	MEMBER NAME	AYE	NAY	ABSENT
Chair	DENISE RHOADS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vice Chair	JAMES CONDON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Member	STEVEN TUCKER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Member	SHERILL KETCHUM	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Member	DAVID PALEN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

B. 148-29D Wetlands and Watercourse protection-Watercourse setback of 64FT:

	MEMBER NAME	AYE	NAY	ABSENT
Chair	DENISE RHOADS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vice Chair	JAMES CONDON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Member	STEVEN TUCKER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Member	SHERILL KETCHUM	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Member	DAVID PALEN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5. Whether the alleged difficulty was self-created, which shall be relevant to the decision of the Board but which shall not necessarily preclude the granting of the area variance:

Yes No

Reasons: By not building on the current footprint or within the specified open space, this is self-imposed. A vote of all ZBA Members present concerning each variance requested for this question was as follows:

A. 148-11C (4)(b) Supplementary dimensional regulation – Driveway and Parking areas-side yard setback of 15FT:

	MEMBER NAME	AYE	NAY	ABSENT
Chair	DENISE RHOADS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vice Chair	JAMES CONDON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Member	STEVEN TUCKER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Member	SHERILL KETCHUM	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Member	DAVID PALEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

B. 148-29D Wetlands and Watercourse protection-Watercourse setback of 64FT:

	MEMBER NAME	AYE	NAY	ABSENT
Chair	DENISE RHOADS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vice Chair	JAMES CONDON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Member	STEVEN TUCKER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Member	SHERILL KETCHUM	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Member	DAVID PALEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Mr. Eggleston interrupted saying “I do want to point out that we are not encroaching on any required lake yard just for the record.”

DETERMINATION OF ZBA BASED ON THE ABOVE FACTORS:

The ZBA, after taking into consideration the above five factors, finds that:

- the Benefit to the Applicant DOES NOT outweigh the Detriment to the Neighborhood or Community and therefore the variance requests are denied.
- the Benefit to the Applicant DOES outweigh the Detriment to the Neighborhood or Community.

Reasons: This decision is based upon all the evidence represented in the record, as well as the Board members’ site visits to the property, review of all documentation in the Board’s file, and discussions before the Board at the public hearing, the benefit to the applicant does not outweigh the detriment to the community and will have significant adverse impacts on the character of the neighborhood or the physical and/or environmental conditions of the property, and the Board denies the variances requested.

***Mr. Eggleston interrupted saying “and I guess for clarification, are you talking both or individually?”

NOW, THEREFORE, BE IT RESOLVED, upon a motion made by Chair Denise Rhoads and seconded by Member Tucker, and after an affirmative vote of all Members present, as recorded below, the Town of Skaneateles Zoning Board of Appeals **DENIES** the variances requested.

RECORD OF VOTE

	MEMBER NAME	AYE	NAY	ABSENT
Chair	DENISE RHOADS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vice Chair	JAMES CONDON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Member	STEVEN TUCKER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Member	SHERILL KETCHUM	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Member	DAVID PALEN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

****Mr. Eggleston interrupted saying “I’m sorry, I didn’t hear the first vote.”

Attorney Advice Session

WHEREFORE a motion was made by Member Tucker and seconded by Member Palen to enter an attorney advice session. The Board having been polled resulted in favor of said motion.

*****Mr. Eggleston asked if there was going to be further discussion about the shoreline structures. No open discussion will take place in regards to the shoreline structures.

WHEREFORE a motion was made by Member Tucker and seconded by Vice Chair Condon to return from attorney advice session. The Board having been polled resulted in favor of said motion.

The Board returned at 8:39 p.m. .

There being no further business, a motion was made by Member Palen and seconded by Member Tucker to adjourn the meeting. The Zoning Board of Appeals meeting adjourned at 8:40p.m. .

Respectfully Submitted,

Michele Norstad