

**TOWN OF SKANEATELES
ZONING BOARD OF APPEALS
MEETING MINUTES OF
February 7, 2023**

Present:

Denise Rhoads, Chair
David Palen (Absent)
Kris Kiefer (Absent)
Dave Lee
Sherill Ketchum
Scott Molnar, Attorney
Karen Barkdull, P&Z Clerk

Chair Rhoads opened the meeting at 7:00 pm.

Minutes

Previous distribution to the Board of the regular meeting minutes of January 3, 2023, was executed, and all members present acknowledged receipt of those minutes.

WHEREFORE, a motion was made by Member Lee and seconded by Member Ketchum to accept the January 3, 2023, 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 | Absent |
| Member | Kris Kiefer | Absent |
| Member | Dave Lee | Present [Yes] |
| Member | Sherill Ketchum | Present [Yes] |

Public Hearing

| | | |
|------------|----------------------|------------------------------|
| Applicant: | Christopher Nulty | Property: |
| | 62 Woodcliff Terrace | 2699 East Lake Rd |
| | Fairport, NY 14450` | Skaneateles, NY 13152 |
| | | Tax Map #037.-01-04.0 |

Present: No One Present for the Application

The two variances requested are for lot coverage and increased total footprint. The applicant is not able to attend tonight's meeting but had submitted updated plans. It was noted that the proposed plan still have Mr. Eggleston's stamp and seal, and reference in the notes, although Mr. Nulty had made changes to the proposed site plan himself. The proposed site plan should be resubmitted to remove these references and Mr. Nulty's name, and a date should be added.

Member Ketchum inquired on the variance for footprint and Mr. Eggleston explained that the original approval for the redevelopment of the lot included a shed. The application came back to the Planning

Board for an amendment to remove the shed and add the bump out for the dwelling to house the mechanicals. The application did not trigger any modifications to the existing Zoning Board approvals.

WHEREFORE, a motion was made by Member Ketchum and seconded by Member Lee 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 affirmation of said motion.

WHEREFORE, a motion was made by Member Ketchum and seconded by Member Lee to open the public hearing The Board having been polled resulted in unanimous affirmation of said motion.

At this time Chair Rhoads asked if there was anyone who would like to speak in favor of, against or had any comments regarding the application.

Chair Rhoads noted that the applicant is out of the area and unable to meet for a site visit. Member Lee stated that he had visited the site and recommended that each member could visit the site individually. Member Ketchum said that the property is used as an Air B&B. Mr. Nulty said that in his email that he was fine with the board visiting the site without himself in attendance. Member Lee inquired about where the right of way begins, and Mr. Eggleston said that the right of way is 22 feet in the area with the retaining wall set back from the right of way.

WHEREFORE, a motion was made by Member Lee and seconded by Member Ketchum to continue the public hearing on March 7, 2023 at 7:02 p.m. The Board having been polled resulted in unanimous affirmation of said motion.

Initial Review

| | | |
|------------|--------------------------|------------------------------|
| Applicant: | Janet & Robert Goodchild | Property: |
| | 14 Prentiss Drive | 1419 Thornton Hts |
| | Skaneateles, NY 13152 | Skaneateles, NY 13152 |
| | | Tax Map #057.-01-30.0 |

Present: Robert Eggleston, Eggleston & Krenzer Architects.

The applicants live in the village and use the property to access the lake. The existing two bedroom dwelling is in poor shape and is undersized in its construction. The proposal is the replacement of the dwelling on a similar footprint with a one bedroom dwelling that will be smaller than the existing footprint. The deck will also be reduced in size. The nonconforming footprint on the lot is being reduced; however, it will still be over the allowed footprint for the lot. The living space is being reduced and will be conforming. The impermeable surface coverage will be reduced and will be conforming. The shoreline structures, although nonconforming, have no proposed modifications and are currently under construction to repair the existing structures. The Planning Board had approved the replacement of the retaining wall for the parking area a few years ago.

The project will require variances due to the size of the lot, lake frontage under 75 feet, nonconforming footprint, and nonconforming lake yard setback for the proposed dwelling with deck. There will be cellar constructed for storage of kayaks and to house mechanicals that will be constructed into the hill. The

height of the cellar will be six feet, and not count towards building floorspace as it would not be considered habitable living area.

A grading plan has been submitted although there will be minimal grading for the project as there is a natural area that is flat for the cellar level, which will lift the dwelling so that the wood structure is not resting directly on the ground. The dwelling on the existing footprint provides conformance with the side yard setbacks, and with the neighboring dwellings at 6.4 feet and 3.3 feet to the property line, the conforming setbacks help to provide privacy to the neighboring dwellings.

Member Ketchum inquired about the existing septic system and Mr. Eggleston explained that they have an existing tank and possibly a dry well. Eric Buck was able to get a septic system on the property to the north and their hope that there will be the ability to place a traditional septic system to the west of the dwelling. If that it not possible, the it is probable that OCDOH would approve a holding tank similar to what is existing. Letters of support from the adjacent neighbors have been submitted to the town. A site visit will be conducted on Saturday February 11, 2023 at 9 am.

WHEREFORE, a motion was made by Member Ketchum and seconded by Member Lee to schedule a public hearing to March 7, 2023 at 7:05 p.m. The Board having been polled resulted in unanimous affirmation of said motion.

Discussion

Counsel Molnar stated that the Planning Board had three suggestions to the existing code; The first suggestion was for a prohibition of community solar array facilities within 1500 feet of the lake line; the second suggestion was a proximity limitation between community solar facilities of one, two or three miles, unless the Planning Board makes specific findings that it will not have a significant impact on the community character in the area; and the third suggestion was a potential change to limit the visual impact to neighboring residential properties. The Planning Board noted that although the zoning code is an essential and useful tool, and tools that are appropriate such as the Sears Skaneateles Solar facility approval, the two suggested items should have exceptions allowed. Chair Rhoads commented that an applicant should always have the ability to request a variance. Member Ketchum inquired about a bond requirement. Counsel Molnar explained that as part of the required decommissioning plan, there is a bond calculation that is reviewed by the Planning Board and the town engineer. In the Sears application, the salvage value was suggested by the applicant and the board had it removed from the bond value. Member Ketchum inquired if insurance should be considered. Counsel Molnar said that it would be a private matter between the developer and the property owner. If at the point of decommissioning the town may want an insurance policy from the contractor removing the facility. Chair Rhoads commented that the open space plan has pictures of Anyela's Greenfield farm, and it is almost everything. Counsel Molnar said that the viewsheds are listed in the open space plan and the comprehensive plan, and viewshed are from public rights of way. A farm could have a private ground mount solar array for the use of the farm as approved by Ag & Markets that would be exempt from town review. In terms of glare solar arrays are designed to absorb the sunlight and have minimal glare. The solar arrays collect power during sunny and cloudy days and are inhibited by snow. Chair Rhoads suggested that the viewshed consideration should only apply to community and utility solar array facilities. Member Ketchum inquired about clear cutting of trees and Counsel Molnar said that it is addressed in site plan review and would be part of any discussion of clear cutting for solar facilities as the application was reviewed. The Zoning Board endorses the three recommended modifications presented by Counsel Molnar.

There being no further Board business, a motion was made by Member Ketchum and seconded by Member Lee to adjourn the meeting. The Zoning Board of Appeals meeting adjourned at 7:58 pm.

Respectfully Submitted,

Karen Barkdull
P&Z Clerk

Additional Meeting Attendees:

Bob Eggleston