

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

December 4, 2012

Present:

Dave Graham
Denise Rhoads
Jim Condon
James Lanning
Debbie Williams, Codes Enforcement Officer
Scott Molnar, Attorney
Karen Barkdull, Secretary

Also Present: See attached list.

The meeting commenced at 7:00 p.m. at the Skaneateles fire house. The next regularly scheduled Zoning Board of Appeals meeting will be held on January 8, 2013. Site visits will be conducted on December 15, 2012 by the Zoning Board of Appeals beginning at 9 a.m. Previous distribution to the Board of the regular meeting minutes of November 13, 2012 were executed and all members present acknowledged receipt of those minutes.

WHEREFORE a motion was made by Member Condon and seconded by Vice Chair Rhoads to accept the November 13, 2012 minutes with minor corrections. The Board having been polled resulted in favor of said motion.

Initial Review

Applicant: Banjo's Home Farm LLC
 2696 West Lake Road
 Skaneateles, New York 13152
 Tax Map # 053.-01-05.1

Present: Tom Greenfield, Applicant

The applicant is seeking a variance for a 2 lot subdivision with the proposed lot bordering Greenfield Lane. The 15.62 acre property borders West Lake Road and Greenfield Lane. Greenfield Lane is a private road owned by the Hulbert Greenfield with easement rights for all properties that adjoin Greenfield Lane. There are seventeen existing lots that use Greenfield Lane for access to West Lake Road. The applicant is proposing the creation of a two acre lot on Greenfield Lane with an existing access easement to the Green property. This lot would be the last lot possible on this private road. The applicant is seeking relief from section 148-11K(5) for the requirement to upgrade the road to Town standards, citing that the upgrade and acquisition of additional property from the existing property owners to widen the road is cost prohibitive.

In 2005 the Greenfields had subdivided a lot from this parcel that was granted access onto Greenfield Lane although only a maximum four lot are allowed to have access with upgrading

the road to Town standards. The subdivision was completed prior to the code revision in 2005; therefore approval was issued prior to this code change. Bringing the driveway to this lot from fire lane 20 would divide the existing productive farm land into two parcels, and could encourage additional subdivision and reduction in agricultural activities. A site visit will be conducted on December 15, 2012.

WHEREFORE a motion was made by Vice Chair Rhoads and seconded by Member Lanning to schedule a Public Hearing on ***January 8, 2013 at 7:10 pm***. The Board having been polled resulted in the unanimous affirmance of said motion.

Discussion

Applicant: John Cherundolo
4443 Dolomite Drive
Syracuse, New York 13215

Property:
West Lake Road, Route 41A
Skaneateles, New York
Tax Map # 061.-01-12.1

The applicant's representative, Tom Trytek, informed the Board that the applicant will have updated plans to present in February 2013.

WHEREFORE a motion was made by Member Lanning and seconded by Vice Chair Rhoads to continue the Public Hearing subject to receipt of new plans on ***February 5, 2013 at 7:10 pm***. The Board having been polled resulted in the unanimous affirmance of said motion.

Public Hearing

Applicant: Bruce Parker
Parker Family Limited Partnership
5891 Bennett's Corner
Camillus, New York

Property:
1427 Thornton Heights Rd
Skaneateles, New York
Tax Map # 057.-01-10.2

Present: Bruce Parker, Applicant; Brian Manthey, Architect

No one requested the public hearing notice to be read. This notice was published in the *Skaneateles Press* on November 28, 2012. All members of the Zoning Board of Appeals attended the site visit. The Onondaga County Planning Board is reviewing the project on December 5, 2012. No response has been received from the City of Syracuse Water Department. A Zoning Board of Appeals site visit was conducted on December 1, 2012.

The applicant is proposing a two story detached garage on Thornton Heights Road. The property is located on two parcels with separate tax map numbers and with Thornton Heights Road, a private right-of-way, running through it. For purposes of zoning, the two lots will be treated as one lot totaling 26,878SF, meeting the minimum lot area for a non-conforming lot. The proposed 25'x28' garage will be located on the west side of the road aligning with the dwelling to reduce

shade fall on the neighboring property. The proposed side yard setback is 10' from the property line whereas 20' (20% of the lot width of 100') is required.

Based on the site visit conducted by the Zoning Board of Appeals, the site plan will be revised to reflect the proposed garage with a front yard setback of 30', complying with the dimensional front yard setback. There will be a proposed entrance to the north at 7.5' width to accommodate a lawn mower.

The proposed 751SF garage will increase the total cumulative footprint from 3.7% to 6.5% and over the 6% cumulative footprint allowed for this nonconforming lot located within 1000' of the lake line. The second floor is classified as potentially habitable and included in the footprint calculations.

WHEREFORE a motion was made by Vice Chair Rhoads and seconded by Member Lanning to declare this application to be a Type II action not subject to SEQR review. The Board having been polled resulted in the unanimous affirmance of said motion.

At this time Chairman Graham opened the public hearing and asked if there was anyone wishing to speak in favor of the application. There was no one who wished to speak in favor of the proposal. Chairman Graham asked if there was anyone wishing to speak in opposition, or had any other comments. There was no one who wished to speak in opposition or had any other comments. Letters of support for the proposal from the neighbor to the north was submitted and a request was made to have a letter of support from the neighbor to the south submitted to the Board.

Chairman Graham stated that the Board could not render a decision until the resolution from the Onondaga County Planning Board had been completed.

WHEREFORE a motion was made by Vice Chair Rhoads and seconded by Member Condon to continue the Public Hearing on ***January 8, 2013 at 7:20 pm***. The Board having been polled resulted in the unanimous affirmance of said motion.

Public Hearing Continuance

Applicant: Victory Sports Medicine
791 East Genesee St
Skaneateles, New York

Property:
Cherry Valley Turnpike
Skaneateles, New York
Tax Map # 042.-01-13.1

Present: John Langey, Legal Counsel

Chairman Graham stated that the applicant had requested an adjournment while they are responding to recent requests from the Planning Board meeting of November 27, 2012, and obtaining updated information to present to the Board and the Planning Board. The hearing is being continued in the spirit of the public hearing process, full transparency, the November 13, 2012 adjourned by the applicant, and it is the intent of the Zoning Board of Appeals to accept any new information regarding the light standard height variance. The public hearing at the

October 23, 2012 Zoning Board meeting discussed the September lighting site visit and applicant's informational meeting and will not need to be part of tonight's discussion. Any Planning Board or SEQR comments and questions should be reserved for the Planning Board review. The Zoning Board of Appeals will continue to accept written comments.

Mr. Langey stated that there are no project modifications at this time and that the applicant is formulating responses to the various requests.

Tom Fucillo, 308 Malbie Street, Syracuse, is legal counsel to some of the neighbors and CPCS, summarized his submitted written response to the public hearing project dated December 4, 2012 regarding the SEQR process and five criteria the Zoning Board of Appeals reviews on all applications.

Jeff Meyer, 53 East Lake Road, expressed his concern with the brightness of the lights and the amount of lumens that will be used. He referenced household lighting and stated that incandescent lighting would produce 21,000 lumens for the project.

Edward McGraw, 106 Orchard Road, stated his concern that the lighting would negatively impact the neighborhood.

Donna Himelfarb 8 Sachem Drive; Kathy Sullivan 1387 Foxfield Drive, submitted lighting pictures from other areas and demonstrated a comparison of 6', 20', 63' (in use at the high school) and 90' poles.

Fran Rotunno-Fish, 1998 West Lake Road, stated that she had received variances for her dwelling and she is against the granting of this variance.

Thomas Sullivan & Kathy O'Sullivan. 1387 Foxfield Drive stated that they believe that the lighting cannot be shielded. They shared they belief that lighting may cause breast cancer and other health concerns. Mr. Sullivan continued that the VSC lighting plan indicates light spillage that is not in compliance with Town code.

Mary Blum, 1884 West Lake Road, stated that she can see the light glare from the high school and the Town of Camillus, and continued stating that light reflecting on the snow is a concern.

Patricia Lindgren, 3542 Lost Hollow, stated that the fields are proposed for spring through fall sports and lights won't be on during the snow season, with the longer days in the summer being light outside until 9 pm. She continued that everyone uses lights all day and night and was dismayed that breast cancer was mentioned as a concern from the lights.

John McCarthy, 9 Jordan Street, stated that his book on Skaneateles was one the best-selling books for Oxford University Press and voiced his concern on the lights impacting sunsets.

Dessa Bergen, 1448 Old Seneca Turnpike, stated that prior Planning Board review of large project such as GEIT, Welch Allyn, and Handheld, the applicants were held to be night sky compliant and would hope that VSC would be held to that requirement.

Jim Moore, 95 East Lake Street, stated that he does not feel the poles would be aesthetically pleasing during the daytime.

Joseph Strodel, 73 East Lake Road, conveyed his concern with the lights having a negative aesthetic impact on the eastern gateway.

Bill Cawley, 21 Griffin Street, stated that the lights take time to warm up. He also felt that the artificial turf fields would be plowed and the lights will be used during the snow.

Michael Taylor, 7 Sachem Drive, stated his apprehension that the lights would reflect on the dew and mist on the fields.

Frank Mosey, 63 East Lake Road, articulated his concern of the lights impact on migratory birds.

Susan Moran, 5 Sachem Drive, stated that it was her understanding that the VSC application states that the lights would be on twelve months a year 7 am to 11 pm. She queried on the use of portable lights.

Joseph Strodel, 73 East Lake Road, with extreme weather changes, the fields could be used more often as yesterday it was 60 degrees.

Susan Taylor, 7 Sachem Drive, commented that the lights take time to go completely out.

Holly Gregg, 3872 Jordan Road, inquired when the public hearing will be closed.

Kathy O'Sullivan, 1386 Foxfield Drive, inquired how the real estate would be impact by the project and would like an independent study done.

Holly Gregg, 3872 Jordan Road, stated that if the variance was granted then he thought 3000-4000 people would come each weekend, the demand for hotels and fast food would rise and they would need lighting.

Michael Taylor, 7 Sachem Drive, stated that the applicant has never stated that he is proposing a sports complex but a sports medicine facility with fields. He stated that based on his research, professional teams use televisions and additional lighting and feels the lights proposed are for professional teams.

Member Condon directed questions to Mr. Langey asking for more information on DOT with light poles near the right of way; to address the light glow EDR comment of 6.28.12; and clarification on what is included in phase one. He continued needing clarification on speaker location; an updated traffic study regarding events; and consideration should be given to reduce the fields requested to one.

Susan Taylor, 7 Sachem Drive, shared her concern with noise. Chairman Graham stated that her concern is under the Planning Board purview.

Ken Buttolph, 2316 Bockes Road, Spafford, queried on the ramifications of a tie vote. Chairman Graham stated that a majority of the Board is needed to approve a variance.

Louise Westphal, 5 Ash Wood Lane, asked the names of Dr. Pietropaoli partners. Chairman Graham stated that partner disclosure is not a requirement of the application and that Dr. Pietropaoli is the sole owner of the property.

Ted Williams, 1 Barrow Lane, inquired to the height of the lights at the demonstration. Chairman Graham stated that they were 90 feet in height.

Joseph Strodel, 73 East Lake Road, queried about the number of people at the lighting site visit held for the Boards. Chairman Graham stated that no attendance was taken at the site visit although both Boards were in attendance.

Kathy Sullivan, 1386 Foxfield Drive, inquired on the number of lumens during the lighting site visit. Chairman Graham stated that VSC would supply that information.

Chairman Graham stated that there was an inquiry on the number of 20' light poles for the parking lot and that VSC's representative stated that there are 59 proposed 20' light poles.

Mary Blum, 1884 West Lake Road, asked if the applicant requires a variance for the number of lumens for the parking lot lights. Chairman Graham replied that the 20' poles do not require a variance, and that the Planning Board reviews parking lot lights and night sky compliance.

Chairman Graham stated that the Zoning Board has proceeded as far as possible in anticipation of new materials provided by the applicant at the request of the Planning Board, the SEQR review and verification of all data. The public hearing will be left open and adjourned until all Planning Board issues have been completed. We anticipate that this may occur later in the first quarter of 2013. Written comments will be accepted for new information until such time.

WHEREFORE a motion was made by Member Lanning and seconded by Vice Chair Rhoads to adjourn the Public Hearing subject to submittal of new information and finalization of the SEQR by the lead agency to be rescheduled at a future date to be determined. The Board having been polled resulted in the unanimous affirmance of said motion.

	<u>Record of Vote</u>		
Chair	David Graham	Present	[Yes]
Vice Chair	Denise Rhoads	Present	[Yes]
Member	Jim Condon	Present	[Yes]
Member	James Lanning	Present	[Yes]

There being no further business a motion was made by Vice Chair Rhoads and seconded by Member Lanning to adjourn the meeting. The Zoning Board of Appeals meeting adjourned at 8:35 p.m.

Respectfully Submitted,

Karen Barkdull