

**TOWN OF SKANEATELES  
ZONING BOARD OF APPEALS  
MEETING MINUTES OF  
June 3, 2025**

**Present:**

Denise Rhoads, Chair  
David Palen  
Kris Kiefer  
Sherill Ketchum  
Scott Molnar, Attorney  
Karen Barkdull, P&Z Clerk  
Aimie Case, ZBA Clerk

Chair Rhoads opened the Zoning Board of Appeals meeting at 7:01 pm.

Chair Rhoads announced that the Zoning Board of Appeals had a vacancy as Member David Lee had moved to the Planning Board on June 1<sup>st</sup>.

**Minutes**

Previous distribution to the Board of the regular meeting minutes of April 1, 2025, and May 6, 2025, was executed, and all Members present acknowledged receipt of those minutes.

**WHEREFORE**, a motion was made by Member Ketchum and seconded by Member Kiefer to accept the April 1, 2025, minutes as submitted. The Board having been polled resulted in unanimous affirmation of said motion.

	<b><u>Record of Vote</u></b>	
Chair	Denise Rhoads	Present [Yes]
Vice Chair	David Palen	Present [Yes]
Member	Kris Kiefer	Present [Yes]
Member	Sherill Ketchum	Present [Yes]

**WHEREFORE**, a motion was made by Vice Chair Palen and seconded by Member Kiefer to accept the May 6, 2025, minutes as submitted. The Board having been polled resulted in unanimous affirmation of said motion.

	<b><u>Record of Vote</u></b>	
Chair	Denise Rhoads	Present [Yes]
Vice Chair	David Palen	Present [Yes]
Member	Kris Kiefer	Present [Yes]
Member	Sherill Ketchum	Present [Yes]

Vice Chair Palen and Member Ketchum were not present for the May 6, 2025, meeting. The Board wondered whether absent Members could motion or vote on the approval of the minutes.

With there being only two Members present for the May meeting, with at least three Members' votes needed for approval, Counsel Molnar recommended that the Board follow on Vice Chair Palen's motion.

### **Continued Review**

Applicant: James & Emily Johnson  
1781 Russell's Landing  
Skaneateles, NY 13152

Property: 1781 Russell's Landing  
Skaneateles, NY 13152  
**Tax Map #063.-03-06.0**

Present: Guy Donahoe, Donahoe Architectural Design, PC  
Angela Donahoe, Donahoe Architectural Design, PC  
Jim Johnson, Applicant

Chair Rhoads stated that this application was for the continued review of a request for the variances necessary to make an existing shoreline structure compliant. The Applicant is requesting three variances: Total Lot Coverage, Dimensional Limits, and Side Yard Setback on a nonconforming lot.

Applicant, Jim Johnson was present with Design Professionals Guy Donahoe and Angela Donahoe of Donahoe Architectural Design, PC. Ms. Donahoe addressed the Board, asking if there were any questions on the submitted packet.

Vice Chair Palen stated that he understood that the state of the cliff and its effect on the safety of the lake access needed to be addressed. His issue lies with the process by which this was done. The appropriate process would have been going to the Codes Officer, making sure the plan met Town Code rather than building first, then asking for the proper approval. The lack of following the appropriate process has created a dilemma- especially to approve outright.

Ms. Donahoe gave the Board some background insight as to how the applicant got to this point with their shoreline project. She noted that Donahoe Architectural Design was brought onto the project retroactively to try and reroute onto a more appropriate path.

Ms. Donahoe stated that the Johnson's original intention was to repair what was already existing by stabilizing what had become destabilized due to nature. With the rockslides severely damaging the existing access stairs, making them unsafe to use, they reached out to Lake Country Construction for assistance. The Johnson's asked Lake Country Construction in numerous emails if a permit would be required. This email correspondence was provided to the Board by the Applicant during initial review of the proposal in December of 2024 and entered into the record.

Lake Country Construction spoke with Codes Enforcement Officer, Robert Herrmann Jr. on the phone prior to the start of construction. They described the project to Mr. Herrmann as a repair. Since a permit is not required to repair an existing structure, Mr. Herrmann told Lake Country Construction that they did not need a permit.

With the lack of a written record of this correspondence, given it was done by phone, Mr. Donahoe stated that it would be fair for the ZBA to reach out to Mr. Herrmann regarding the aforementioned conversation about simply making repairs. Once Lake Country Construction began their work, the degradation of the site greatly shifted the scope of the originally intended work. The project ended up being far beyond repairing what existed.

Ms. Donahoe further explained that when the contractor went onsite to make the repairs, they had trouble finding viable space in order to create access as originally intended. They saw another solution to create a safe access point and decided it was the most appropriate and safest means of accomplishing the goal.

Vice Chair Palen expressed his concern that if the ZBA were to just approve the application, he worried that they would be setting the precedent that following the Code and the procedures aren't important- especially in dealing with an experienced contractor. He questioned what the Board's options were.

Counsel Molnar recommended to the Board that they review the application just as it would any other- Based on the drawings and other documents presented. The decision should be based on the typical dialogue between the ZBA and the Applicant to reduce the number of variances required to accomplish the desired outcome. Following typical procedure, the ZBA will make a determination based on the five criteria in the statute. The ZBA could determine that the existing structure should be approved, that it should be altered to make more compliant, or that it should be restored to its original condition.

Chair Rhoads inquired about the landing area, stating that it appears rather large. She wondered if it was built this way due to a safety requirement for landings or if there was any specific reasoning.

Ms. Donahoe stated that the neighbors had asked about the landing size as well. She was unsure what the contractors thought of this was during construction. Ms. Donahoe added that when they visited the site, and with the geological report in mind, it appeared that some of the structure was put in place in an area of a safe landing place (per the geological report), and pushed out farther than would've been necessary from a dimensional standpoint, but that it was pushed out to provide a safe and stable landing. There was never any intention of having a deck. The goal was to provide a footing that would actually support that space.

Chair Rhoads wondered if she was recalling correctly from the initial review a few months back in regard to the side yard setback being very minimal. She recalled the neighbors mentioning this as well.

Ms. Donahoe confirmed this was correct.

Chair Rhoads then clarified that her understanding was correct regarding the reasoning for the size being more about where the pillars were required to stabilize the area as opposed to being a dimensional requirement of the landing itself.

Ms. Donahoe stated that this was her understanding of the decisions made by the contractor onsite.

Mr. Donahoe stated that when the ZBA makes their site visit, he thinks some of this will be obvious where purpose could be gained and where it could not be gained in order to put the structure.

Chair Rhoads stated that she wouldn't expect the property owner to know the code, but wondered why the contractor did not communicate further with the Town since it became clear this project was going to be far more than just repairing the existing structure.

Vice Chair Palen asked if the deck landing was included in the total onshore structures of 931 SF. He wondered if it needed to be that large.

Mr. Donahoe stated that it was included in the 931 SF measurement and that it was necessary to make this large because of where the supporting beams had to be placed. This was the only reasonable opportunity for the stairs to land when they meet the shore and is one of the reasons the stairs had to be pushed so far northward, hence resulting in the 1.9-foot setback. He added that the Board would notice at their site visit, despite efforts to land posts, not only the existing deck which was failing, but how the new construction was cabled with stainless steel cable back onto the site.

Mr. Donahoe then stated that he was sorry to say this solution would only last so long before the cliff continued to deteriorate, creating the next set of problems.

Member Ketchum asked if building a stair tower was not an option. The existing permanent dock structure could have been utilized with a walkway.

Mr. Donahoe stated that there are only a few feet of lakeshore left and that in order to leave the bank to get to a stair tower, some type of head wall would be needed. The process by which they constructed the deck and stairs really minimized the amount of excavation or grading done on the site. A bridge to a set of stairs could have probably been an option but he wasn't sure it would be the best option for the site.

Vice Chair Palen asked is there was any way to increase the 1.9-foot setback. He added that this was something to strongly consider because of the major increase in total structures and the fact that they have less than a 2-foot setback. He also asked if there was any way at all to structurally or architecturally make more compliant.

Ms. Donahoe stated that she believed it was placed in that location very specifically because it was a spot they felt secure about putting a footing in, noting that Board Members would see the conditions beneath at the site visit. This is based on her observations, but probably not. Ms. Donahoe was uncertain where that was measured to a trim. It may be as simple as modifying but as far as relocating entirely, her guess was no. They could start by digging deeper into how it was constructed.

Member Kiefer wondered if there was a timeline for the construction that occurred.

Ms. Donahoe provided the Board with a timeline, which was added to the record.

Member Kiefer then asked about the GeoLogic analysis of the cliff from April 29, 2025. He noted that it talks about safety hazards and wondered if the purpose of the report addressed why this is the only permissible location, or what the purpose was.

Mr. Donahoe explained that the geologist examined the condition of the bank in terms of soils, what the future looked like, and to help identify if indeed this was a reasonable location to make this attachment to the bank. The geologist was concerned about how long it will last before deterioration causes the need for repair again.

Member Kiefer stated that he was hesitant regarding the following statement in GeoLogic's report.

“In summary, it is our professional opinion that there is no ideal location for the placement of the access stairs, but placing the stairs on the north side of the cliff face likely provides the better chance for near term longevity.”

With the safety issues, cabling, and now acknowledgement at the onset that this is going to fail and will need some other repair, Member Kiefer explained his concern that as a Board, the ZBA is being asked to evaluate the five criteria retroactively. They are tasked with granting the minimum variances necessary to achieve the benefit sought. He didn't feel confident about the prospect of approving a variance for the construction of stairs that may be deemed unsafe in the near term, adding that this almost suggests on some level that maybe this location isn't an appropriate place to have stairs to the lake front if they aren't safe. Member Kiefer stated that he realizes the access issues, but the ZBA has a duty and obligation, and safety has to be a part of that consideration. He added that he was trying to understand if they were being asked to approve something that is already known to be unsafe, that GeoLogic had indicated it was unsafe. He asked if there was any additional information

that could be added to the record. He also wondered about the geologist's use of "near term" and what exactly that meant.

Mr. Donahoe asked whether it would be helpful if he asked the geologist to provide a better idea of what the year term is, as far as his professional opinion.

Member Kiefer stated that this would be helpful . It would give the ZBA a better understanding of what the risk is. Member Kiefer added that he wouldn't want to be in a position where the ZBA is approving something that a trained professional already deemed to be inherently unsafe.

Counsel Molnar added that the application will also require site plan approval from the Planning Board, which will consult with the Town Engineer on all aspects of engineering and design. If the ZBA would like to make the most informed decision, it could consult with the Town Engineer as well. If the engineer was unable to attend the site visit, they will often independently assess the site and write up a summary of their observations for the Board.

Mr. Donahoe said that depending on when the site visit was scheduled, the geologist offered to make himself available as well.

Member Kiefer agreed that this would be helpful. He shares Vice Chair Palen's concerns regarding the notion of instead of asking for permission, asking for forgiveness. The Board has to go through the five criteria regardless, and there is an element that characterizes this differently because it is an after-the-fact review.

Member Ketchum stated that the main concern which has given her pause is in terms of the condition of the lake- the shore, cliffside, docks, and access. Seeing the degradation to the cliffside is devastating but it is happening, and so consequently, the ZBA is charged with coming up with some solution, if possible. Theoretically, a lakeshore homeowner is entitled to lake access. If this site is inherently unsafe, she struggles with that aspect of it.

Board Members will conduct a site visit on June 23, 2025.

The Board will reach out to the Town Engineer to join the site visit or provide a summary of his independent assessment to the Board.

At this time, Chair Rhoads asked for a motion to schedule a Public Hearing for July 1, 2025, at 7:02 pm.

**WHEREFORE**, a motion was made by Member Kiefer and seconded by Member Ketchum to schedule a public hearing for July 1, 2025, at 7:02 pm. The Board having been polled resulted in unanimous affirmation of said motion.

	<b><u>Record of Vote</u></b>	
Chair	Denise Rhoads	Present [Yes]
Vice Chair	David Palen	Present [Yes]
Member	Kris Kiefer	Present [Yes]
Member	Sherill Ketchum	Present [Yes]

## **Initial Review**

Applicant:	Greg & Kaitlyn Parker 1021 The Lane Skaneateles, NY 13152	Property:	1021 The Lane Skaneateles, NY 13152 <b>Tax Map #050.-01-21.0</b>
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Present: Bob Eggleston, Eggleston & Krenzer Architects, PC

Chair Rhoads stated that this application is for a proposed garage addition, exceeding footprint and floorspace calculations for this nonconforming lot.

Mr. Eggleston stated that there are other similar projects that have been done on The Lane. This raised ranch (bi-level) house has no garage. He and the Applicant explored several different proposals and settled on adding the garage to the rear of the house as to not elongate it any further.

The house currently has three small bedrooms on the main level. The Applicant would like a larger primary bedroom, which is proposed above the 26' x 24' two-car garage. One of the existing bedrooms would be eliminated to create access to the new primary suite. There is an existing shed on the property which will be removed. To maintain storage space for their golf cart, the applicant is proposing a 14' x 20' storage area off the rear of the garage with a deck above.

The Applicant is requesting variances for potential living space and building footprint. The existing living space is 8.9% and will increase to 12.0% where 10% is allowed. The existing footprint is 4.9% and will increase to 7% where 6% is allowed.

Mr. Eggleston noted that the property is 37,823 SF and if it were 5% larger, there would be no issue. They compared this property to Domke's and Hagen's who are further up The Lane. Neither of these properties needed variances because they are just over 40,000SF, and therefore only needed site plan approval. The proposed addition won't make the Parker's house any larger than others in the neighborhood. Mr. Eggleston added that this lot is 140 feet wide where the others are 150 feet wide.

The current ISC will be maintained at 13.3%. A bioswale will be put in to help control site drainage. Bioswales were also put in at Domke's and Hagen's properties and have worked well to control, slow, and clean water.

Vice Chair Palen asked if the plans include reducing a portion of the existing driveway.

Mr. Eggleston stated that they would be narrowing the driveway, trying to be as efficient as possible. He added that it would be more efficient if the garage addition were on the front of the house, but then a side yard variance would also be required. With the allowable 28-foot side yard setback, and only having 43 feet to work with, they could not get the full two-car garage on that west side. Elongating the house would also be less visually appealing.

Member Kiefer asked about the 2 foot of deck surface forward of the front porch.

Mr. Eggleston stated that the front porch is not functional at its current depth. They would like to extend the decking by 2 feet, so they are able to put chairs on it and be able to get around. This will be done without making the roof bigger. It is just a little additional decking in the front to make functional at 8' deep.

Member Ketchum asked about the existing patio underneath the existing deck, and what material the patio was made of.

Mr. Eggleston stated that the existing patio and deck above it will be removed, and a new deck will be built with a porch below it. The existing patio is impermeable, but its replacement would be permeable.

Chair Rhoads asked about the existing shed. Mr. Eggleston clarified that it will be removed. He stated that this was part of the reason for the proposed extra storage space to sit behind the proposed garage. With the elimination of the shed, the Applicant would like to maintain storage space for their third motorized vehicle which they use to get around The Lane.

Chair Rhoads and Member Ketchum stated that the additional storage area seemed very large and wondered if it could be minimized. Member Ketchum noted that the ISC isn't being reduced, just maintained.

Mr. Eggleston stated that he would take that back to the applicant for their consideration and noted that in regards to the ISC, they would be paying into the Town's LDRA fund.

The Board had no further questions.

Board Members will conduct a site visit on June 23, 2025, immediately following their inspection of the Johnson property.

At this time, Chair Rhoads asked for a motion to schedule a Public Hearing for July 1, 2025, at 7:15 pm.

**WHEREFORE**, a motion was made by Vice Chair Palen and seconded by Member Ketchum to schedule a public hearing for July 1, 2025, at 7:15 pm. The Board having been polled resulted in unanimous affirmation of said motion.

	<b><u>Record of Vote</u></b>	
Chair	Denise Rhoads	Present [Yes]
Vice Chair	David Palen	Present [Yes]
Member	Kris Kiefer	Present [Yes]
Member	Sherill Ketchum	Present [Yes]

## **Discussion**

The next ZBA meeting will be held on July 1, 2025, at 7:00 pm.

Clerk Barkdull stated that the Town Board recommended that the Shoreline Committee review comments from their meeting on Monday, June 12, 2025.

Clerk Barkdull shared that there was a great presentation on the former Victory Sports Medicine property. They are looking to do potentially three trails, one being handicapped accessible. They are also looking to reroute the creek where it runs underneath the former Chase building.

With ZBA Member, David Lee, moving to the Planning Board at the beginning of the month, Clerk Barkdull reminded the Board that the Town is looking to fill the vacancy.

There being no further Board business, a motion was made by Member Kiefer and seconded by Vice Chair Palen to adjourn the meeting. The Zoning Board of Appeals meeting adjourned at 7:56 pm.

Respectfully Submitted,

Aimie Case  
ZBA Clerk

**Meeting Attendees:**

Robert Eggleston, Eggleston & Krenzer Architects, PC  
Angela Donahoe, Donahoe Architectural Design, PC  
Guy Donahoe, Donahoe Architectural Design, PC  
Jim Johnson, Applicant

**Meeting Attendees Via Zoom:**

Councilor Mark Tucker  
Attendee (1-908-310-6399)