

**MEETING MINUTES  
MAY 21, 2013  
TOWN OF SKANEATELES PLANNING BOARD**

Mark J. Tucker, Chairman  
Elizabeth Estes  
Donald Kasper  
Joseph Southern  
Scott Winkelman (arrived 7:34 pm)  
Scott Molnar, Legal Counsel  
Doug Wickman, P.C. (C&S Engineers)  
Howard Brodsky, Town Planner  
Karen Barkdull, Secretary

Chairman Tucker opened the meeting at 7:30 p.m. The Planning Board will be conducting site visits on June 1, 2013. The meeting minutes of April 16, 2013 were previously distributed to the Board and all Members present acknowledged receipt of those minutes.

**WHEREFORE**, a motion was made by Member Southern and seconded by Chairman Tucker to approve the minutes as submitted. The Board having been polled resulted in the unanimous affirmance of said motion.

**RECORD OF VOTE**

Chair	Mark J. Tucker	[Yes]
Member	Joseph Southern	[Yes]
Member	Donald Kasper	[Yes]
Member	Scott Winkelman	[Absent]
Member	Beth Estes	[Yes]

**Public Hearing Special Permit/ Site Plan Review**

Applicant: Adam Quku  
4391 Whedon Road  
Camillus, NY

Property:  
4431 Vinegar Hill Road  
Skaneateles, New York 13152  
**Tax Map # 023.-02-01.3**

Present: Adam Quku, Applicant; Robert Eggleston, Architect

No one requested the notice to be read. The recently established 14-acre lot is located in the IRO and RR district. The proposal is for development of a single-family dwelling located in the IRO and partially in the RR district, and accessory pole barn located in the RR district. The flag lot has public water available in the RR section of the lot. The 12' wide driveway will be located along the natural hedgerow following the rural siting principles.

The pole barn would be construction this year with the single family dwelling proposed construction to commence in 2014. The barn will be used for a preparation area for the construction of the dwelling and for household storage.

**WHEREFORE**, a motion was made by Member Southern and seconded by Member Kasper 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 Tucker opened the Public Hearing. No one spoke in favor of the project, wished to speak in opposition, or had any other comments.

**WHEREFORE**, a motion was made by Member Southern and seconded by Member Winkelman to close the public hearing. The Board having been polled resulted in the unanimous affirmance of said motion.

**NOW, THEREFORE, BE IT RESOLVED**, that the Skaneateles Planning Board **APPROVES** special permit and minor site plan **Application** with the following conditions:

**A. Before** issuance of a building permit the following conditions shall apply:

1. That the Applicant shall obtain all necessary permits and approvals from the Onondaga County Department of Health for installation of the septic system prior to issuance of the building permit for the single family dwelling; and
2. The Applicant obtain a Department of Transportation permit to install the driveway access off Vinegar Hill Road; and
3. That Special Permit shall expire if the applicant fails to comply with the conditions stated within 18 months of its issuance or if its time limit expires without renewal

**After issuance of a building permit, the following conditions shall apply:**

1. That the Site Plan 1 of 3 through 3 of 3 dated March 28, 2013, and Narrative with Construction Sequence dated April 1, 2013 prepared by Robert Eggleston, be followed in all respects; and
2. That an as-built survey be submitted to the Codes Enforcement Officer with verification of conformance of completed project within (60) days of completion of the project.

**Upon** a motion made by Chairman Tucker and seconded by Member Southern the Town of Skaneateles Planning Board hereby approves the application for a minor site plan with the above conditions.

**RECORD OF VOTE**

Chair	Mark J. Tucker	Present	[Yes]
Member	Joe Southern	Present	[Yes]

Member	Donald Kasper	Present	[Yes]
Member	Beth Estes	Present	[Yes]
Member	Scott Winkelman	Present	[Yes]

### **Amendment- Special Permit/ Site Plan Review**

Applicant: Jason Seiler  
175 East Genesee St  
Skaneateles, NY

Property:  
790 Sheldon Road  
Skaneateles, New York 13152  
**Tax Map # 024.-01-04.2**

Present: Jason Seiler, Applicant; Robert Eggleston, Architect

Mr. Seiler closed on the property last week, although the filing of the Town easement agreement is pending on Town Counsel's return from out of town. A revised site plan and narrative was submitted on May 8, 2013. The revised site plan reflects 6' Norway spruce staggered to screen the parking area from the road. There will be a pea stone drip edge under the eaves of the addition with the storm water directed to a new dry well in the northwest corner.

Member Estes inquired on the lighting proposed. Mr. Eggleston stated that the style of lighting chosen complimented the design of the original train engine garage and would be intrinsically night sky compliant, and motion sensitive for the security of the building. The narrative and site plan will be revised to reflect the night sky compliant requirement.

Dimensional Table II footnote six allows the maximum impermeable surface coverage limitation to be waived by the Planning Board with mitigating circumstances for commercial buildings built prior to 1996. The Board was in agreement that the proposal will improve the site with the reductions in impermeable surface coverage and the Town easement representing 15.8% of the total impermeable surface coverage of the lot, were mitigating circumstances to waive the limitation.

Mr. Eggleston stated that although the Norway spruce pines have been proposed they may be problematic as the black walnut trees in the area will restrict the growth and health of the trees, alternatively evergreen shrubs or other shrubs that could thrive such as honeysuckle or forsythia may be a better option.

**WHEREFORE**, a motion was made by Chairman Tucker and seconded by Member Winkelman to adopt the SEQR negative declaration by means of the impact assessment review for this Unlisted Action completed by the Zoning Board of Appeals. The Board having been polled resulted in the unanimous affirmance of said motion.

**NOW, THEREFORE, BE IT RESOLVED**, on motion duly made and seconded, that the Skaneateles Planning Board **APPROVES** the special permit and minor site plan review, with the following conditions:

1. That a revised site plan and narrative be submitted reflecting night sky compliant lighting fixtures and suggested modifications to the landscape plan prepared by Robert O. Eggleston, be followed; and

2. The impermeable surface coverage of 31.1%, inclusive of the 15.8% impermeable surface coverage for the Town easement, be allowed as an exception as defined in Robert Eggleston's site plan and narrative; and
3. The Special Permit shall expire if the applicant fails to obtain the necessary building permits or fails to comply with the conditions stated within 18 months of its issuance or if its time limit expires without renewal.

**Upon** a motion made by Member Kasper and seconded by Member Southern the Town of Skaneateles Planning Board hereby approves the application for a minor site plan with the above conditions.

#### **RECORD OF VOTE**

Chair	Mark J. Tucker	Present	[Yes]
Member	Joseph Southern	Present	[Yes]
Member	Donald Kasper	Present	[Yes]
Member	Beth Estes	Present	[Yes]
Member	Scott Winkelman	Present	[Yes]

#### **Public Hearing Continuance- Special Permit Amendment/Lot Line Adjustment**

Applicant:	J&B Installations/Robert Parker	Property:
	PO Box 1881	732 Visions Drive
	Skaneateles Falls, NY 13152	Skaneateles, New York 13152
		<b>Tax Map #023.-01-08.5 &amp; 023.-01-20.0</b>

Present: Robert Parker, Applicant; Bob Eggleston, Architect

No one requested the notice to be read. The proposal is for a lot line adjustment as well as a special permit amendment. Mr. Eggleston stated documents have been submitted to the Town including an 11 page document regarding the Xero-Flor green roof system, and night compliant lighting specifications, an updated narrative dated April 18, 2013, Site plan 1 of 3 and 3 of 3 dated May 2, 2013, elevation plan 2 of 2 dated February 28, 2013; grading plan 1 of 2 dated February 28, 2013 and the roof plan 3 of 3 dated May 2, 2013.

The existing drainage swale will be relocated to drain on the property at 732 Visions Drive only rather than on both parcels. The new roof drains will tie into the existing roof drains, through the swale and sent to the retaining area to re-infiltrate. A letter from Clayton Rou, PhD. from University of Michigan and North Carolina provided a clearer explanation of the Xero-Floor product being proposed. Xero-Flor does; not need a thick medium to grow sedum; if a thick medium is used it would promote weed growth. The Xero-Flor mats are used as a base to grow sedum similar to sod where it is cut and rolled to be placed on a roof and un-rolled. The model proposed is X301+1"XT system for the addition roof. The annual rainfall retention for the proposed roof in this area is 75%. The system can absorb 1.28" rain event and 90% of most rainstorms that occur in Syracuse.

Mr. Wickman had a discussion with Clayton Rau regarding the proposed green roof system. A 1" growing medium is the best approach for the proposed system for this area of the country. In

the south, you do need a 3" growing medium to deal with long periods of heat. The Ford plant does provide regular irrigation because it is visible to the visitors' area. Irrigation is needed to establish the plants in the first season to provide the highest chance of establishment. Maintenance would require walking through the sedum to removed weeds as needed. Pea gravel should be used only if needed or as recommended by the supplier. Mr. Rau recommended that the proposal has the highest chance of success for this area. Mr. Wickman stated that he believed that the proposed green roof will accommodate 90% of the rain events.

Mr. Wickman stated that there have been two green roofs that were considered 100% permeable that were approved by the Planning Board; Christou's green roof on their boathouse on East Lake Road and another green roof lawn on a boathouse on West :Lake Road. In his opinion, the green roof is green in the sense that it performs as other green material, absorbing and filtrating the water. Chairman Tucker stated that the details, performance features, and maintenance information can be included in the resolution. Counsel Molnar stated that the resolution can also include the 1.28" retained rainfall in its performance features.

**WHEREAS**, Robert J. Parker, for himself as record owner of the premises with improvements listed below, and on behalf of J&B Installations, Inc., operator thereof (hereafter collectively the "Applicant"), made application to the Planning Board on February 28, 2013 for the premises and improvements located at 732 Visions Drive, in the Town of Skaneateles bearing tax map no. 023-01-08.5 ("Lot 1"), and unimproved property immediately adjacent to 732 Visions Drive bearing tax map no. 023-01-20.0 ("Lot 5C") (collectively the "Project") to modify a Major Special Permit granted to the Applicant and Project by the Town Board of the Town of Skaneateles in 1991, which approved use of Lot 1 in the IRO Zone for operation by J&B Installations, Inc., a commercial roofing contractor; and

**WHEREAS**, Applicant has proposed a lot line adjustment between Lot 1 and Lot 5C, to transfer approximately 24,000 sq. ft. of property into Lot 1, pursuant to a Lot Line Relocation Plan prepared by DW Hannig, dated March 28, 2013 ("Lot Line Relocation Plan") to maintain compliance to zoning standards for the second part of Applicants' proposal, which seeks an amendment to the Major Special Permit in order to enlarge the existing 7,200 sq. ft. warehouse and 2,400 sq. ft. office space located on Lot 1, by constructing 6,096 sq. ft. of additions, with additional parking and other design features as set forth in the Narrative (with Construction Sequence) dated April 18, 2013 ("Narrative"), the Site Plan, 1 of 3, last dated May 2, 2013, the Plans and Elevations, 2 of 2, dated February 28, 2013, the Grading Plan, dwg 1 of 2, dated February 28, 2013, and the Roof Plan, 3 of 3, last dated May 2, 2013 (collectively the "Site Plan"), all prepared and submitted by Robert O. Eggleston, AIA (collectively the "Application"); and

**WHEREAS**, the Applicant further proposes to install a Xero Flor XF301+1"XT System roof upon the addition, per manufacturers plans and specification submitted to the Planning Board by the Applicant and Mr. Eggleston, by e-mail correspondence of April 18, 2013, and attachments, and May 21, 2013, defining the roof to be capable of water retention of .80 gallons per square foot, with retained rainfall equivalent of 1.28 inches (the "Specifications"), in consideration of which the Applicant has requested that the Planning Board approve and consider 5,799 sq. ft. of the proposed additions as permeable surface (the "Green Roof"); and

**WHEREAS**, the Planning Board reviewed the Application on March 19, 2013, April 16, 2013, and again on May 21, 2013, and published notice of a Public Hearing pursuant Code,

which Public Hearing was held April 16, 2013 and continued to May 21, 2013 to consider the Application; and

**WHEREAS**, the Skaneateles Planning Board has made site visits to the Project, has reviewed and considered submissions made on behalf of the Applicant, has heard and considered public comment, has read and considered the Resolutions of the Onondaga County Planning Board, and has obtained engineering consultation; and

**WHEREAS**, on April 16, 2013, the Planning Board reviewed the Application under SEQR, examining the Application as an unlisted action without need for coordinated review, and declared a negative declaration for the Application as a result of the review of the Short Form SEQR submitted by the Applicant; and

**WHEREAS**, the Planning Board reviewed Town Code §148-17 regarding amendments to Major Special Permits, as well as Major Special Permit criteria of §148-16B of the Code as it relates to the Application, and rendered the following findings:

(a) That the Application will comply with all provisions and requirements of this chapter and of all other local laws and regulations and will be consistent with the purposes of the land use district in which it is located, with the Comprehensive Plan and with the purposes of this chapter;

(b) That the Application will not result in the release of harmful substances or any other nuisances, nor cause excessive noise, dust, odors, solid waste or glare;

(c) That the Application will not adversely affect the general availability of affordable housing in the Town;

(d) That the Application will not cause undue traffic congestion, unduly impair pedestrian safety or overload existing road, considering their current width, surfacing and condition.

(e) That the Application will have appropriate parking and be accessible to fire, police and other emergency vehicles;

(f) That the Application will not overload any public water, drainage or sewer system or any other municipal facility or service, including schools;

(g) That the Application will not degrade any natural resources, ecosystem or historic resource, including Skaneateles Lake or Owasco Lake;

(h) That the Application will be suitable for the property on which it is proposed, considering the property's size, location, topography, vegetation, soils, natural habitat and hydrology, including the Green Roof, and its ability to act as permeable surface, and, if appropriate, its ability to be buffered or screened from neighboring properties and public roads;

(i) That the Application will be subject to such conditions on operation, design and layout of structures and provision of screening, buffer areas and off-site improvements as may be necessary to ensure compatibility with surrounding uses and to protect the natural, historic and scenic resources of the Town;

(j) That the Application will be consistent with the community's goal of concentrating retail uses in the village and hamlets, avoiding strip commercial development and locating nonresidential uses that are incompatible with residential use on well-buffered properties;

(k) That the Application will be able to comply with the rural siting principles in § 148-25, if applicable, and with the site planning standards of § 148-18D;

(l) That the Application will have no greater overall impact on the site and its surroundings than would full development of uses of the property permitted by right; and

WHEREAS, the Planning Board discussed at length the Applicant's request for consideration to use a Green Roof at the Project, and for that Green Roof to be recognized by the Planning Board as permeable surface in all relevant calculations of the Application, as set forth in the Narrative, Site Plan, and Specifications. The Planning Board concluded, in the absence of Town Code limitations and guidance on point, that the Green Roof suggested and designed by the Applicant is satisfactory for recognition of the Green Roof as permeable surface, provided the Applicant adhere strictly to conditions and restrictions recited herein.

NOW, THEREFORE BE IT RESOLVED, that the Skaneateles Planning Board APPROVES the Application, by amending the original Major Special Permit ("Amended Major Special Permit") with the following conditions:

1. The Applicant's request for approval of the Lot Line Adjustment ("LLA") between Lot 1 and Lot 5C is hereby approved, as set forth on the Lot Line Relocation Plan, a final copy of which shall be submitted to the Planning Board Chairman for signature, and filed not later than 60 days after the date the Lot Line Relocation Plan is signed. The Applicant shall also record the deeds which transfer ownership of Lot 1 square footage to Lot5C, and vice versa, and provide verification of recording to the Planning Board promptly thereafter; and
2. The Applicant's request for amendment of the Major Special Permit to construct the additions and other improvements is approved, provided the Applicant strictly adheres to the Application, Narrative and Site Plan; and
3. That the Applicant shall obtain all necessary permits and approvals from the Onondaga County Department of Health, Skaneateles Code Enforcement Office, and any other agency having jurisdiction, as may be required for construction of the approved improvements set forth in the Application; and
4. This Amended Major Special Permit shall be transferable as set forth under state law; and
5. Outdoor lighting installed at the Project shall be as set forth and attached to the Narrative, all of which shall be "night sky" compliant; and
6. The Applicant shall deposit the sum of \$1,500.00 in escrow with the Town of Skaneateles to absorb the Planning Board's engineering and legal expenses related to the Application.

BE IT FURTHER RESOLVED, that the Planning Board hereby specifically approves recognition of the Green Roof as permeable surface for all relevant calculations of impermeable surface coverage in the Application, provided these Special Conditions are met ("Special Conditions"):

1. **Construction.** The Green Roof portion of the Project shall be the **Xero Flor XF301+1"XT System,** installed to cover no less than 5,799 Sq. ft. of the rooftop of the additions, constructed in compliance with all manufacturer's requirements, as set forth in the Specifications; and

2. **Overflow.** Discharge of overflow precipitation which the Green Roof is unable to retain shall be pursuant to a gutter and discharge design submitted to and found acceptable by the Planning Board Chairman, and the Planning Board Engineer (“Discharge Design”), and the Site Plan shall be amended to include the approved Discharge Design; and
3. **Continuity.** The Green Roof portion of the Project, once installed, shall at all times remain a functioning Green Roof system, without interruption, failure, modification, or alteration, in order for the Major Special Permit, as amended hereby, to be valid and effective permission for the Applicant or his successors to utilize the Property according to the approvals delineated in the Major Special Permit; and
4. **Inspection.** The Applicant will make the Green Roof portion of the Project accessible to periodic inspections, not less than once per calendar year, by the Skaneateles Code Enforcement Officer (“CEO”), upon reasonable notice, with the Applicant providing safe and convenient access to the CEO by roof hatch, or any other method acceptable to the CEO, for verification that the Green Roof of the Project continues to function as a permeable surface, conforming to the Site Plan and Specifications; and.
5. **Assurance of Compliance.** Notwithstanding the Planning Board’s right to rescind or revoke this Amended Major Special Permit, or the CEO’s right to bring an action at law or equity to cure a violation and seek a Court’s assessment of a fine or penalties, as provided in the Skaneateles Zoning Code (“Zoning Code”), it is the obligation of the Applicant or any successor seeking the benefits of this Amended Major Special Permit, to assure that the Green Roof of the Project performs and functions as permeable surface under the Zoning Code, conforming to the Narrative, Site Plan and Specifications for the Green Roof. In the event that the Green Roof fails or otherwise does not continue to perform and function as permeable surface, then the Applicant or any successor seeking the benefits of this Amended Major Special Permit, shall, at its own cost and expense, immediately restore the Green Roof to a fully functioning permeable surface, or otherwise reconfigure and/or remove improvements or structures located on the Property so that the impermeable surface coverage ratio of the Property is not in excess of 30%, as defined in the Zoning Code.
6. **Recording.** This Resolution, approving the Amended Major Special Permit, shall be recorded in the Onondaga County Clerk’s Office, indexed against the Property, at the cost and expense of the Applicant. The Applicant must supply an accurate legal description of the Property, which shall be attached hereto and made a part hereof as Exhibit A.

BE IT FURTHER RESOLVED, that this Amended Major Special Permit shall expire if the Special Permit use or uses cease for more than 24 consecutive months for any reason, if the Applicant fails to obtain the necessary building permits or fails to comply with any conditions of the Amended Major Special Permit within 18 months of its issuance, or if the time limit contained herein expires without renewal; and



BE IT FURTHER RESOLVED, that this Amended Major Special Permit may be revoked by the Planning Board if the Applicant violates the conditions herein, or engages in any construction or alteration not authorized by this Amended Major Special Permit; and

BE IT FURTHER RESOLVED, that any violation of the conditions of this Amended Major Special Permit shall be deemed a violation of the Town Code and shall be subject to enforcement action.

**UPON A MOTION**, made by Member Winkelman and seconded by Member Southern, the Town of Skaneateles Planning Board hereby approves the Application and Amended Major Special Permit, with the above conditions.

**RECORD OF VOTE**

Chair	Mark J. Tucker	Present	[Yes]
Member	Beth Estes	Present	[Yes]
Member	Donald Kasper	Present	[Yes]
Member	Joseph Southern	Present	[Yes]
Member	Scott Winkelman	Present	[Yes]

Mr. Wickman suggested that to increase the escrow an additional \$500 for engineering review of the proposed green roof plans.

**WHEREFORE**, a motion was made by Chairman Tucker and seconded by Member Southern to increase the escrow an additional \$500 for engineering review. The Board having been polled resulted in the unanimous affirmation of said motion.

**Special Permit/ Site Plan Review**

Applicant: Gennaro Bruni  
27-20 27<sup>th</sup> Street  
Astoria, NY 11102

Property:  
1255 Longview Shores  
Skaneateles, New York  
**Tax Map #054.-01-06.0**

Present: Robert Eggleston, Architect

The applicant acquired the cottage a year ago and has been doing extensive renovations that caused the applicant to reach a threshold level that required the cottage to be raised three feet to comply with FEMA regulations so that the cottage will be two feet above the 100-year flood demarcation. This resulted in the need for a deck to meet the door to the dwelling that is now at three feet above the ground level. Proposed is a 4FT deck to the east of the cottage to access the French doors and a 281SF deck along the lakeside of the dwelling for access to the house. In addition, a 236SF patio with 16SF fireplace is proposed at the shoreline. The impermeable surface coverage will be reduced to 18.2% from the existing 23%, and the open space will increase from 77% to 78.1%. Variances requested are for the nonconforming lot area and lake frontage; side yard setbacks for the deck located 3.4' from the property line with access steps located 2.7' from the north property line whereas 10.5' is required; and the lake yard setback for the new deck located 50' from the lake line whereas 100' is required. Site plan review is required for the land disturbance within 200 feet of the lake line. The proposed narrative includes the construction sequence where a silt fence for the shoreline work will be provided.

The septic system has been installed with an easement on a neighboring property for the septic fields.

The Bruni driveway is shared by the neighbor next door, Mr. Fox, with the configuration allowing for a looped drive for access and egress. Of the six properties on the private road, only two are year round residents. A site visit will be conducted on June 1, 2013.

**WHEREFORE**, a motion was made by Chairman Tucker and seconded by Member Winkelman to put this matter to public hearing on ***Tuesday, June 18, 2013 at 7:45 p.m.*** contingent on Zoning Board of Appeals approval. The Board having been polled resulted in the unanimous affirmation of said motion.

**Sketch Plan -Subdivision**

Applicant: Michael O'Brien  
8 Paul Street 70  
Marcellus, NY

Property:  
4000 State Street Road  
Skaneateles, New York 13152  
**Tax Map # 029.-03-07.0**

Since there was no one in attendance representing the application no discussion transpired.

**Sketch Plan – Subdivision**

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

Present: Tom Greenfield, Applicant

A subdivision plat plan dated May 6, 2013 was submitted reflecting the existing easement located outside of the proposed lot. Proposed is a two lot subdivision with lot 1 consisting of two+/- acres and lot 2 consisting of 13.6+/- acres including the farm and homestead. Proposed lot 2 will have the right to use the easement for access. A letter was received from the Conans, whose lot would be adjacent to the proposed lot. They are concerned with their view being blocked by a potential dwelling. Member Southern stated that there is nothing to discuss regarding the view, as there is no proposed dwelling as part of the subdivision. A site visit will be conducted on June 1, 2013. The plan should have a comment stating that it is not an approved building lot until a septic system design has been approved.

**WHEREFORE**, a motion was made by Chairman Tucker and seconded by Member Winkelman to put this matter to public hearing on ***Tuesday, June 18, 2013 at 8:00 p.m.*** The Board having been polled resulted in the unanimous affirmation of said motion.

**Special Permit/ Site Plan Review**

Applicant: Corey Guerrette  
1003 Mistletoe Drive  
Elbridge, NY 13060  
**Tax Map #019.-01-01.5**

Present: Corey Guerrette, Applicant; Brian Manthey, Architect

Proposed is a structure consisting of a garage and one bedroom dwelling on an existing 5 acre lot. Reflected on the site plan is a subdivision overlay to show that the second dwelling would meet the dimensional requirements if the lot were subdivided at a future date. The applicant is not interested in subdivision the land at this time. A second driveway to access the dwelling off Mistletoe Drive is also proposed. The proposed second dwelling would be the sixth dwelling on Mistletoe Drive. The applicant is either going to connect the new dwelling to the existing septic system or develop a separate septic system. He will be contacted Onondaga County Department of Health after the Planning Board has approved the proposal. Water access will be provided off the existing well that provides water to the existing dwelling. Chairman Tucker advised the applicant that a separate well will be required if the land was subdivided in the future. Mistletoe Drive, a 60' wide private road, runs on the applicant's property with formal easement agreements for the existing five dwellings. The road is an oiled gravel road over bedrock.

Mr. Brodsky commented that the road has not been filed with the County and is not reflected on any County maps. A site visit will be conducted on June 1, 2013. Chairman Tucker stated that a site plan review does not require a public hearing; however, he recommended that a public hearing be held so that the neighbors would be notified regarding the proposal. Mr. Guerrette stated that he has received support from his neighbors and will provide letters of support at the next meeting.

The second driveway access for the second dwelling will provide ease of access for the applicant's mother. Member Kasper stated that the applicant should provide a letter from the Onondaga County DOH regarding the addition of the one bedroom to the existing septic system.

**WHEREFORE**, a motion was made by Chairman Tucker and seconded by Member Southern to put this matter to public hearing on *Tuesday, June 18, 2013 at 8:15 p.m.* The Board having been polled resulted in the unanimous affirmation of said motion.

**Continued review: Major Subdivision**

Applicant: Tim Green/owner Loveless Farm Development  
1194 Greenfield Lane  
Skaneateles, New York 13152

Property: 2783 West Lake Rd  
West side 051.-02-18.1  
Vacant land:  
East side 053.-01-39.1

Present: Andy Leja, Legal Counsel; Matt Vredenburg, EDR Project Manager; Tom Dussing, EDR Engineering Consultant

Mr. Leja stated that responses to the series of questions generated by the Board and Town Planner have been submitted in addition to his response to Mr. Van Epps' co-applicant claim. Chairman Tucker inquired whether a drainage district has been created with the Town Board. Mr. Leja stated that the drainage district will need to be formed. Chairman Tucker stated that a site visit was conducted with the two newest members of the Board, Members Winkelman, and Estes.

Mr. Vredenburg reviewed the submission list with the Board beginning with the summary of the archeological survey that indicated shovel tests performed did not find any artifacts of historical significance. Located was debris from the 1850s farmhouse that was situated on the land prior and with the debris having no archeological value.

Chairman Tucker noted that the building envelope for lot 9 has been modified to provide a more workable shape for a dwelling. Mr. Vrendenburgh commented that the right-of-way has been modified to reflect a 66' width in place of the prior proposed 60' width, and continues north 83' wide.

Member Winkelman commented that the applicant's property has high conservation value and is dismayed that a subdivision is proposed. There is a major tributary to the lake and deep ravines on the property that is located in the lake watershed, with the proposal to develop the land into eighteen lots in the net developable area. He continued that the land will not be farmed and the existing barns removed; however, ironically, the name of the development is Loveless Farms.

Member Estes asked for clarification on which properties will have lake access rights. Mr. Leja stated that the private recreational area is for the exclusive use of the lots on the east side of West Lake Road; there are also lake access rights that will be for the east side lots and one west side property.

Chairman Tucker stated that although he is disappointed in what is proposed for the land, the applicant is working within the Town guidelines for development. Member Winkelman expressed his frustration with the applicant not in attendance. He continued stating that if all large landowners developed in the same format, it would change the character of the community. Mr. Leja stated that he is the representative for the applicant and that the proposal is adhering to the Town code without the need for variances. He continued requesting acknowledgement that the application is complete and the SEQR process be scheduled to begin.

Mr. Wickman stated that the drawings were reviewed May 10, 2013 and had a few suggestions on details. He recommended that C&S continued to work with EDR on resolving any details outlined. He submitted a list of comments (attached) based on the recent review C&S Engineers conducted.

Mr. Brodsky stated that site plan review will be required for all lot development that contains steep slopes. The intent of the proposed open space subdivision is an attempt to preserve as much open space as possible while creating the subdivision desired. There is protected open space that is shared on each lot that is in compliance with how the code is written. The Board has to evaluate whether it makes sense in the design. Tom Dussing stated that EDR is willing to work with C&S Engineers to resolve any issues. Chairman Tucker stated that the little strip of land along the driveway shown on site plan page L402 should not be considered community open space as it is not a viable amount of land for community use.

Chairman Tucker inquired regarding steep slopes located in building envelopes. Mr. Vrendenburgh stated that the east side has slopes over 12% and lots 7 through 9 are impacted by steep slopes as shown on site plan page L407.

Counsel Molnar suggested the Board develop a SEQR plan of action on the application. Mr. Leja state that the archeological study has been completed indicating that there is no significant environmental impact and recommended starting with part 1 of the long form EAF. Counsel Molnar suggested that a draft SEQR planning session be scheduled. Mr. Leja recommended that they submit an amended part 1 of the EAF long form with suggested comments to the Board. Chairman Tucker suggested that a letter from the school district, National Grid, etcetera should be included with the draft.

Counsel Molnar asked Mr. Van Epps if he had any comments regarding Mr. Leja's reply with his concern regarding the project and his right of first refusal documents as consideration to be a co-applicant. Member Southern stated that the deed reflects who the owner is and that the Board does not have the authority to determine someone's standing. Chairman Tucker stated that ownership determination is done between the parties in the dispute with court intervention if needed and the Planning Board has not taken a position to determine ownership in the past.

Mr. VanEpps stated that he used the term of co-applicant to get the attention of the Board. His right of first refusal has some impact on the method on the applicant moving forward on the project. He stated that the property is being over-developed and that pieces of the application are predicated on common ownership of recreation areas. Home Owners Associations are used to manage the common areas that are deeded to specific lots. He continued stating that he is not opposed to development on this land; however, he has concerns in the proposed number of lots and common areas proposed. Mr. Leja stated that his letter to Mr. Van Epps that had been submitted to the Board addresses Mr. Van Epps concerns. Mr. Van Epps is not a co-applicant, as he does not have present day interest in the property, as his interest is contingent on the potential future interest. Only in the event that the land on the east side is offered for sale to someone other than a family member does his right of first refusal apply. If the homeowners association were established with Mr. Green's family members then it would not be subject to Mr. Van Epps' right of first refusal. If a lot was sold outside of the Green family, Mr. VanEpps might not want to buy it.

Member Southern inquired why Mr. Green is subdividing on the lakeside for his family when he could keep it one lot and accomplish with what he wants to do. Mr. Leja stated that it is more difficult to develop the one lot within the code and provide dwellings for his children. Mr. Leja state that the applicant has chosen to go another route developing the property that also complies with the Town code.

Member Southern stated that the Board should not conclude the SEQR until after the public hearing in case there are issues that arise at the public hearing that could influence the SEQR determination.

**WHEREFORE**, a motion was made by Chairman Tucker and seconded by Member Winkelman to schedule a SEQR Review Workshop on ***Tuesday, June 11, 2013 at 7:30 p.m.*** The Board having been polled resulted in the unanimous affirmation of said motion

**WHEREFORE**, a motion was made by Chairman Tucker and seconded by Member Winkelman to put this matter to public hearing on ***Tuesday, June 18, 2013 at 8:30 p.m.*** The Board having been polled resulted in the unanimous affirmation of said motion

Chairman Tucker suggested that an increase in the escrow account in the amount of \$5000 for continued engineering and legal review.

**WHEREFORE**, a motion was made by Chairman Tucker and seconded by Member Southern to request an additional \$5000 to the escrow account for engineering and legal review. The Board having been polled resulted in the unanimous affirmation of said motion.

**Escrow**

Applicant: James Pulaski  
2520 Coral Way, Suite 2337  
Miami, Fla. 33145

Property:  
3065 East Lake Road  
Skaneateles, NY 13152  
**Tax map #039.-01-07.1**

The Pulaski property will need additional escrow for continued engineering review for the project.

**WHEREFORE**, a motion was made by Chairman Tucker and seconded by Member Southern to request an additional \$500 to the escrow account for engineering review. The Board having been polled resulted in the unanimous affirmation of said motion.

**Discussion**

Green Roof Moratorium discussion was begun by Chairman Tucker. Mr. Brodsky stated that if a moratorium were considered it would be best done during the finalization of the legislation. It was determined that legislation for green roofs could occur without a moratorium needed for the beginning phase of the discussions.

**Discussion**

**WHEREAS**, at its regularly scheduled meeting of May 21, 2013, the Planning Board discussed and considered retaining, at its own cost and expense, a professional stenographer to create verbatim meeting transcripts for that portion of any Planning Board meeting which concerns the major special permit application VSM has pending before the Planning Board ("Application"), as the Planning Board's official record for the Application, including these suggested considerations:

- a) A Planning Board motion to utilize a professional stenographer to record the verbatim discussion of the VSM Application would be renewed at each Planning Board meeting where the VSM Application is on the Planning Board Agenda for discussion;
- b) The cost of the stenographer(s) would be absorbed by the Planning Board, or shared with the Applicant, if feasible; and
- c) All transcripts prepared by a stenographer(s) for the Planning Board relative to the VSM Application would be subject to review, correction and adoption by the Planning Board, similar in fashion to the adoption of all other Planning Board past and future minutes, prior to publication by the Planning Board of such a transcript as its official record of the proceeding(s).

**WHEREFORE**, a upon motion made by Chairman Tucker and seconded by Member Winkelman, the Planning Board authorized the use of its budgeted funds to contract a stenographer for the purpose of rendering verbatim transcripts for all proceeding relating to the VSM Application pending before the Planning Board, subject to the suggested considerations referenced above. The Board, having been polled, unanimously approved said motion on May 21, 2013. Members Southern and Estes recused themselves from the vote.

There being no further business the Planning Board meeting adjourned at 10:53 p.m.

Respectfully Submitted,

Karen Barkdull, Secretary