

**TOWN OF SKANEATELES PLANNING BOARD
MEETING MINUTES
February 16, 2021**

Joseph Southern
Donald Kasper
Scott Winkelman
Douglas Hamlin
Jill Marshall
Scott Molnar, Legal Counsel
John Camp, P.E. (C&S Engineers)(absent)
Howard Brodsky, Town Planner
Karen Barkdull, Clerk

Chairman Southern opened the meeting at 6:30 p.m. The meeting minutes January 19, 2021 was previously distributed to the Board and all members present acknowledged receipt of those minutes.

WHEREFORE, a motion was made by Member Kasper and seconded by Member Hamlin to approve the minutes as submitted. The Board having been polled resulted in the affirmance of said motion.

RECORD OF VOTE

Chair	Joseph Southern	Present	[Yes]
Vice Chair	Scott Winkelman	Present	[Yes]
Member	Donald Kasper	Present	[Yes]
Member	Douglas Hamlin	Present	[Yes]
Member	Jill Marshall	Present	[Yes]

Public Hearing DEIS / 9 Lot Subdivision

Applicant: Emerald Estates Properties, LP
3689 Yosemite Ct
Naples, FL 34116

Property:
2894 East Lake Rd
Skaneateles, New York
Tax Map #036.-01-37.1

Present: Don Spear, Applicant; Robert Eggleston, Eggleston & Krenzer Architects; John Langey, Costello Cooney & Fearon, PLLC; John Delaney, Costello Cooney & Fearon, PLLC; Rudy Zona, RZ Engineering;

Mr. Eggleston: We have gone through the positive dec process, we have provided an environmental impact statement that has been viewed, and I believe we are at the point to receive any public comments. There is a public hearing relative to the DEIS and the subdivision.

Chairman Southern: Does the board have any questions prior to the opening of the public hearing. (none). At this point in time, we can open the public hearing, correct Scott.

Counsel Molnar: Yes, this is the SEQR public hearing. The purpose of the public hearing is twofold, to assess the environmental impact statement for its completeness and subsequently turn it into a final environmental impact statement (FEIS), and it it a public hearing on the preliminary plat plan. According to New York State law, we must hold one hearing to address both issues This public hearing this evening is to collect comments from interested parties who have who have reviewed the draft environmental impact statement and the subdivision preliminary plat, and hopefully build a record so that we can either adjust those documents or not and move the application forward.

Chairman Southern: Thank you Scott. Just a reminder to everyone that this is a public hearing for the board to listen to the public comments. This is not a time for questions and answers discussion, The board is prepared to take comment on the Hidden Estate subdivision.

Member Hamlin: Before we start for the benefit of the folks that have gathered, the board have received a few written copies of comments both for and against the project. Just to let folks know we did get those.

Chairman Southern: Yes we did get those, and they have been reviewed. We will open the public hearing and if there is anyone to make comments in favor of the subdivision. I do not see anyone who is wishing to make comments on the positive side. We will be open for comments from those in oppositions or who may have other statements for the board. Anyone wishing to speak.

Holly Gregg: Good evening everyone. I looked through the packet that was posted on the town's website, it is quite long. There are a lot of comments in there from CPCS and from a lot of residents. Those comments all still stand. I do have a couple of points that I would like to make. I know this is not a question and answer, but I am not exactly sure what the status is or if there is a homeowner's association type arrangement that is going to be involved with this development. I was not seeing that and am not sure if there is one or not. So, it is hard for me to comment on that. Not sure where to go from there if someone could say yes or no there will be a homeowner's association or not.

Chairman Southern: Scott, what is the situation with that.

Counsel Molnar: I believe it is being contemplated by the applicant to create a homeowner's association to take control of the common areas of the subdivision.

Holly Gregg: Okay, I would like to express concern about looking forward looking 5 years once development starts there on how things like environmental controls are going to be managed, who is going to manage that. For instance, I live near the Butters Farm and I know there is sort of a quasi-homeowner's association that Mr. Spear's company runs that. There seems to be at least one person in charge keeping an eye on things. I am just not sure on how they are going to manage it going forward at Hidden Estates. That is a question/comment. The other question I have and the other concern I have is this sort of unclear proposal for the shared lake rights access concept. From what I am able to understand, no one will be able to or allowed, any of the 9 homeowners will have access to the water but they will not be able to stop on the shore, set up a blanket or umbrella or chair on the shore. They will have to continue to walk to the water. That begs another question that is a) who is going to enforce that, b) will there be a dock and will there be boats. Could there conceivably be 9 homeowners with their pontoon boats moored out in front of the water and would that be deemed okay under this plan for shared lakefront lake access . Could there be a dock and who will manage that. All of those kinds of questions seem very blurry and not clear. I hate to comment on it because it is not clear. On how that will actually look. I know there is an argument about access versus lake rights and that sort of thing, but I am very concerned about what is going to happen there. Those are my two comments for now.

Justin Marchuska: Along with Holly, I am concerned about the shared lakefront. Of course, it is my property that there is the easement on. This kind of opens up the door to future shared lake frontage around the lake. What does this kind of mean if this is allowed. I do have a concern with that and how it is defined.

Holly Gregg: I just want it for the record I would like to express with his frustration on how the Finger Lakes Land Trust was characterized in the negotiations with Don Spear earlier, maybe 10 years ago or so. Most of that is shade on the Land Trust and me, I just want it to be put on the record that the Land Trust

was very, very interested in preserving that land. I met with Don two to three times myself, encouraging him to talk to the Land Trust. There were arrangements that Don was trying to make, and I love Don and I do not want to say anything that is going to sound disparaging, there were certain arrangements about this that just did not fit with the Land Trust's way of doing business with regards to conservation easements. It was a very objective review; we do have a land committee at the Land Trust that looks over every application for a conservation easement. I am not on that committee. I recommended it. There were a lot of, I do not want this to sound derogatory, but there were strings attached to that easement that the Finger Lakes Land Trust was not simply ready to take on. So, they turned it down, not to kill the deal, but there were too many unknowns there for the Land Trust to go forward with it. I wanted to be sure that this was on the record and I know Andy Zepp sent a letter to the town Planning Board following up on this. I want everybody to be clear what the Land Trust's intentions were and what my intentions were to try and save that land and put it in to conservation easement. There were some other extracurricular activities that were going to be involved with selling the land. It just did not feel quite right so we did not take it on.

John Delaney: I am appearing here on behalf of the applicant. Mr. Gregg's characterizations with the negotiations with Finger Lakes Land Trust is completely off base. His comments are speculative, he does not know why they could not reach a deal with Zepp and Don Spear. The point was that the Land Trust wanted Emerald Estates to give them the property for free. In most peoples' equation of evaluation of property, that does not work. It was not anything to do with Don's demands, except to get some fair market value for his property, rather than a 100% gratis charitable gift to the Land Trust for the 80 acres. Also, Holly is also cavalier when he says that Don Spear is running a homeowner's association at Butters Farm. That is not the case, Don Spear has not been in Skaneateles for several years now. He is no longer involved in any operation of the HOA of Butters Farm. Holly should keep his comments to the actual development that we are talking here, which is the DEIS.

Chairman Southern: Thank you John. We are taking everyone's comments with regard to this project into consideration. Problems outside of this application right now are not our concern. I appreciate the statements but less try to stay with the discussion of the Hidden Estates subdivision itself.

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

Chairman Southern: Scott, what is the timeline for the board.

Counsel Molnar: Will the board be accepting additional written comment if any.

Chairman Southern: I see no reason why we should not. We will be accepting written comment for ten days after the close of the public hearing.

Counsel Molnar: Now as a result of the closing of the public hearing and having an opportunity for additional written comment for ten days, it is my recommendation for the Planning Board that we connect with the applicant at the closing of the ten-day period to identify whether or not we have received additional written materials, review the materials received now, and then determine whether or not any adjustments need to be made to the DEIS and/or the preliminary plat. As you may know, from the closing of a DEIS and preliminary plat public hearing, we have 45 days to consider the DEIS as a Final Environmental Impact Statement (FEIS) and subsequently file that notice of the complete FEIS with the Department of Environmental Conservation and make it available on the town's website. We have within 30 days thereafter to render findings on the FEIS as well as make a determination concerning the preliminary plat.

Right now, we are on a 45-day clock for the FEIS and 30 days thereafter for findings. That is essentially our proposed timing and future action on this application.

Chairman Southern: I would move that we advance this application to the next meeting.

Member Kasper: I have a couple of questions and I am not looking for comment tonight, but maybe the applicant can get back to us on some of the questions raised tonight. You mentioned that Don Spear is not part of the HOA, who is the HOA? The HOA is going to play a big part if we move ahead with this project as far as maintenance down the road. I would really like to know more about the HOA. Who is going to manage it right now.

Mr. Eggleston: For clarification, are you talking about Butters Farm HOA or Hidden Estates?

Member Kasper: Hidden Estates. Is there a HOA up there now or is there just a maintenance agreement on the road? Same with the shared lakefront access, because we did receive a letter from Mr. Nangle, and he said that Don Spear sold his house and gave away a parking spot down there. Clarification on the parking spots, who owns them, who is going to have the rights to park there. Maybe they can explain to us next month those issues.

Member Marshall: I had questions too based on the letters about the water quality. We have heard that the water quality from experts drilling wells and things that it is fine, that it is ample, that the water quality is good. But the homeowners that are there now say that it is not true. How do we get some resolution on that disparity.

Chairman Southern: We have some findings from the applicant from the drillers up in that area. If everybody could review those materials and see if you have further questions beyond that.

Member Winkelman: I had a question too, about the plat plan. Is Weaver on lot number one? How is he with the change of the driveway roadway. We have not heard from them.

Chairman Southern: We have heard concerns about driveways and moving the materials for the driveway.

Member Marshall: I am also curious about the driveway if it has been any better. It was fairly impassible in the winter with a lot of issues with plowing. It was just a very narrow in the winter and difficult. An increase in traffic could be a difficulty. I am wondering if with the things that have been done if it is any better or if it is still a tenuous situation, especially in heavy snows in winter.

Chairman Southern: I think we have to assume that the condition of the driveway is what it was last year from the complaints that we had. There have been no changes in the actual physical construction, so there would be no changes in the conditions at this point in time. The applicant is basing their conclusions on it being better once it is re-constructed.

Member Kasper: That is why we are making them improve the road because of those conditions.

Member Marshall: I thought there had been some minor improvements and I was wondering if they had any impact or if we have not seen any impacts so far.

Chairman Southern: I have not heard anything. Next month we will be prepared to move ahead on discussion to hopefully get all questions answered with regard to Hidden Estates.

Mr. Zona: Would you like me to speak briefly on the water quality or hold until the next meeting to make a statement.

Chairman Southern: If it is a question next month then we will do that.

Mr. Zona: After the review of the current materials. Yeah, that is a good idea.

Chairman Southern: Yes, so that hopefully every question gets stated and hopefully answered not necessarily to our satisfaction, but questions answered on the total project.

Mr. Zona: I have one other question; will the board and Scott be transmitting all of these questions in a complete list to us so that we can make sure we can answer them.

Chairman Southern: Scott, can we see that that happens.

Counsel Molnar: Yes we can do that.

Chairman Southern: I am sure Karen can put something together from the record. Any other comments or questions from the board before we move on? (none)

Continued Review- Site Plan Review

Applicant: Chris Calabro
124 Port Washington St
Cortland, NY 13045

Property: 2508 West Lake Rd
Skaneateles, NY 13152
Tax parcel #054.-02-09.0

Present: Chris Calabro Applicant; Fred Shelley, BME Associates; Troy Beckwith, Representative; Gary Ledgerwood, Architect

Updated plans have been submitted that reflect the suggestion from the board from last month's meeting regarding the driveway setback. Also shown are the neighbor's driveway location for the property to the north, and the drainage concerns to prevent any stormwater flows going down to neighbors to the east of the property. Mr. Shelley said that they have proposed a dry pond at the southeast corner of the site to capture the stormwater and discharge at an attenuated rate to the existing culvert that goes underneath the existing driveway. He continued saying that a few comments have been received from the town engineer that were generally minor in form, and they can address the recent few comments. Comments have been received from NYSDOT, and they have no concerns with the placement of the driveway in relation to the driveway to the north.

A notice of intent for a general permit for the stormwater has been submitted to NYSDEC. They typically respond in five days although they have not received any correspondence. A revised footprint of the dwelling is reflected as well as revisions to the patio area, which have revised the lot coverage calculations. Architectural elevation drawings have also been included. Mr. Calabro commented that Gary Ledgerwood, is available to answer any architectural questions the board may have.

Member Kasper inquired about Mr. Camp's letter and whether the applicant had reviewed the letter. Mr. Calabro said that they had received the comments and they will add the recommendations to the plan with the swale continuing across the north of the property by 100 feet, adjusting the location of the dry pond, and by the garage adding some grading to pick up water from the drive. The outflow of the dry pond drains to an existing 12-inch culvert to the south of the driveway. The whole site will drain down to the south

corner of the dry pond. On the east side of the property line is a one-foot swale along a one-foot berm that will also assist in any stormwater flowing further east.

Mr. Brodsky inquired if the applicant has obtained a NYSDOT permit and what the revised impermeable surface coverage is now. Mr. Shelley said that they had received an email from NYSDOT in support of the driveway location although they have not received the driveway permit yet. The revised impervious coverage is 9.9% including a future patio that may not be impermeable surface coverage as they may add a pool. There will be some impervious surface around the patio area, and it is shown on the current plans submitted that have been reviewed by the town engineer. The rear patio would be located outside of the rear entrance at the first-floor elevation.

Member Winkelman inquired about the landscaping plan and Mr. Calabro said that he as a landscaper with the design of trees along the roads. They are hoping to have an open area in the north section for his children to play La Crosse. He continued saying that there is a screening buffer existing that they will maintain for privacy for the neighbors. There are existing trees like poplars and Member Winkelman suggested that some hardwoods could be added as well.

Member Marshall inquired on the planting beds that are located on the north property line and Mr. Shelley commented that the neighbor's planning beds do encroach on this property and that is something the applicant will need to work out with the neighbor.

WHEREAS, a motion was made by Member Hamlin and seconded by Member Winkelman, the Planning Board classified this application a Type II action pursuant to 6 NYCRR617.5(c)(11) and not subject to further review under SEQR. The board having been polled resulted in the affirmance of said motion.

Member Kasper commented that a letter was received from a neighbor and inquired if the engineer has addressed the issues. The applicant's professionals have addressed any issues from the letter. Mr. Heyer, a neighbor to the east, said that he had written letters concerning the northeast corner of the lot and that he was dismayed about the clear cutting that occurred earlier this year. His concern is the runoff from the lot that he has lived next to for 40 years, specifically drainage coming off the "L" portion of the lot that may remain cleared. He recommended that a 40-foot swath of land on the east side be filled with vegetation and trees. Chairman Southern commented that the town engineer did not indicate that there would be an issue in this location and Mr. Heyer stated that Member Winkelman was on the site today. Member Winkelman said that he could not see much with the snow but that the water quality facility A will handle stormwater and keep it away from the Schooner property, and that the smaller L is the smaller portion of the watershed coming that way. Building up the buffer right by the road would be a nice addition. Mr. Shelley commented that Mr. Camp's note about extending the swale would be an addition to what is shown on the plan today. Chairman Southern suggested that an approval could include the requirement for the recommendations of the town engineer. Member Winkelman suggested that a vegetated buffer in the north would help the drainage that goes to the north. Mr. Shelley said that Mr. Camp's suggestion of the swale extended north an additional 100 feet would extend into the area in question. He also suggested that a native meadow mix would provide a dense vegetation in the area under the existing trees on the hedgerow.

Member Winkelman said that it is unusual for a plan to have a patio area without a finalized plan and reminded the applicant that a building permit would still be required once a design has been completed and before construction could begin on the patio area.

NOW, THEREFORE, BE IT RESOLVED, upon a motion made by Member Douglas Hamlin and duly seconded by Member Jill Marshall, and after an affirmative vote of all Members present, as

recorded below, the Town of Skaneateles Planning Board **APPROVES** the minor site plan, with standard conditions and the following additional conditions:

1. That the Site Plan Approval 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; and
2. The Site Plan 1 of 3 through 3 of 3 dated February 4, 2021, prepared by Fred Shelly, Licensed Engineer be modified to include the additional special conditions that are reflected in John Camp's email of February 15, 2021, with the revised plan reviewed and approved by the Planning Board Chair and Town Engineer, then strictly followed; and
3. That the Applicant shall obtain all necessary permits and approvals from OCDOH, NYSDOT, and any agency or authority having jurisdiction over the Property or the Application.

RECORD OF VOTE

Chair	Joseph Southern	Present	[Yes]
Vice Chair	Scott Winkelman	Present	[Yes]
Member	Donald Kasper	Present	[Yes]
Member	Douglas Hamlin	Present	[Yes]
Member	Jill Marshall	Present	[Yes]

Sketch Plan- Subdivision

Applicant: Justin Boisey
 720 Crow Hill Rd
 Skaneateles, NY 13152
Tax parcel #025.-01-06.0

Present: Justin Boisey, Applicant

The applicant is requesting a two-lot subdivision of the existing 10-acre parcel with existing dwelling. Proposed lot 1 would be 2.05 acres with the exiting dwelling and associated accessory buildings, and lot 2 would be a “U” shaped lot wrapping on three sides of lot 1 and would be 7.99 acres. Lot 2 would be developed as a residential lot at a future date. There is a mature pine forest located on the west side of the lot that the applicant would prefer to leave undisturbed. A driveway permit has not been obtained yet as septic will need to be determined so that a location for the dwelling could be made, and the applicant would prefer to locate the dwelling in the rear of the property. The right side of proposed lot 2 is wet by the road after storms but then dries out. Member Kasper inquired if a driveway cut approval has been received from the town and Mr. Boisey stated no. Member Kasper said that there needs to be a letter on file from the town highway department for the driveway cut. He continued asking if the lot has public water, and Mr. Boisey said that this lot is not on public water so a well will need to be drilled. Member Kasper inquired if there is a stream on the property and Mr. Boisey said that there is a drainage ditch on the west side of the property, and there is another one that runs across west to east, with the ditches dry after May each year. Member Kasper commented that watercourses should be shown on the survey as there are setbacks from streams for structures. Chairman Southern requested topography on the lot.

Member Marshall said that lot 2 could be further subdivided and Mr. Boisey said that his intention is to place a single-family dwelling on the lot and not subdivide. The location of a future dwelling has not been determined as its location will be based on the location of the septic system. The driveway location will also be determined once the septic location is determined. Mr. Brodsky commented that lot 2 could be

subdivided into two conforming lots. Mr. Boisey said that the west side of the lot has mature Norway spruce that act as a wind break, and his intention is to leave them. He is hoping that he will not need to place his driveway on that side. An updated survey reflecting topography and drainage ditches should be submitted. Mr. Boisey said that he will get driveway cut permission from the town highway department.

WHEREFORE, a motion was made by Member Marshall and seconded by Chairman Southern to schedule a public hearing provided all requested information has been submitted to the board, on **Tuesday, March 16, 2021 at 6:40 p.m.** The Board having been polled resulted in the unanimous affirmation of said motion.

Continued Review- Site Plan Review

Applicant: Terrace Lane Association
5102 Reis Circle
Fayetteville, NY 13066

Property: 2130 Terrace Lane
Skaneateles, NY 13152
Tax parcel #057.-04-15.0

Present: Amanda Geihe, Terrace Lane Association President; Brian Madigan, Landscape Architect
CPESE, ID Group;

Mr. Madigan said that an updated survey with topography has been submitted to the town that reflects the earthen ramp detail with the walkway overlaid. They will be following the ramp up the hill to reduce any soil erosion. Member Winkelman inquired about the wash area up at the north end of the shoreline. Mr. Madigan said that it is all-natural growth and Ms. Geihe said that they had put up a berm with a French drain there a couple of years ago to address the erosion. Member Winkelman stated that it looks like a better plan with the stairs following the contours and with little disturbance. It was determined that the application only requires site plan review approval based on the requirements of the 2020 zoning code.

WHEREAS, a motion was made by Member Winkelman and seconded by Member Marshall, the Planning Board classified this application a Type II action pursuant to 6 NYCRR617.5(c)(9) and not subject to further review under SEQR. The board having been polled resulted in the affirmance of said motion.

NOW, THEREFORE, BE IT RESOLVED, upon a motion made by Member Donald Kasper and duly seconded by Member Douglas Hamlin, and after an affirmative vote of all Members present, as recorded below, the Town of Skaneateles Planning Board **APPROVES** the minor site plan, with standard conditions and the following additional conditions:

1. That the Site Plan Approval 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; and
2. The Site Plan SK-1 and Stairway Plan L-2 dated February 4, 2021 and Narrative dated October 20, 2020, prepared by Brian K. Madigan, Licensed Architect, be strictly followed; and
3. That the Applicant shall obtain all necessary permits and approvals from any agency or authority having jurisdiction over the Property or the Application; and
4. No certificate of occupancy shall be granted until the Applicant has filed a set of as-built plans with the Codes Enforcement Officer, indicating any deviations from the approved site plan. The Codes Enforcement Officer shall be responsible for the inspection of site improvements, including coordination with the Town's consultants and other local officials and agencies, as may be appropriate; and

5. 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.

RECORD OF VOTE

Chair	Joseph Southern	Present	[Yes]
Vice Chair	Scott Winkelman	Present	[Yes]
Member	Donald Kasper	Present	[Yes]
Member	Douglas Hamlin	Present	[Yes]
Member	Jill Marshall	Present	[Yes]

Sketch Plan- Site Plan Review

Applicant: John Cico
 2873 West Lake Rd
 Skaneateles, NY 13152
Tax parcel #051.-02-16.0

Present: John Cico, Applicant; Robert Eggleston, Eggleston & Krenzer Architects

The 154,093 square foot lot has an existing creek that runs along the west and south of the property. An existing dwelling is located 129.4 feet from the top of bank of the watercourse and there is also a shed and detached barn. Proposed is to construct a 672 square foot attached garage with bonus space above. The addition will be connected to the house with a 32 square foot porch; the front porch of the dwelling will be enclosed for a mudroom. The driveway will be relocated around an existing large tree to access the garage. The garage addition will be located 151.5 feet from the watercourse. Impermeable surface coverage will increase from 5.1% to 7%. The septic system is currently under review by OCDOH. Mr. Camp's email recommended a site visit due to the proximity to the watercourse, and a site visit will be conducted on February 27, 2021.

Sketch Plan- Special Permit/Site Plan Review

Applicant: Jude Burke
 2162 West Lake Rd
 Skaneateles, NY 13152
Tax parcel #057.-04-19.0

Present: Jude Burke, Applicant; Robert Eggleston, Eggleston & Krenzer Architects

The 24,068 square foot lot has an existing dwelling with patio and a shed. The prior owner had obtained special permit approval for modifications to the hardscapes as part of redevelopment of the property. The applicant would like to add a 524 square foot second story addition to the dwelling, replace the stairs to the dock over the existing cement stairs, remove the existing pump house and propose a shed by the lake dock to house the pump house, install two trolley lifts, one from the parking area to the dwelling and one from the dwelling to the dock. A shed was previously added to the property without a permit and they would like to maintain the shed. The prior special permit for redevelopment was obtained with a 12% impermeable surface coverage. With a reduction in the driveway, the proposed impermeable surface coverage will decrease from 12.4% impervious coverage to 11.8% coverage. The applicant is proposing to pay the difference in impermeable surface coverage payment into the DRA fund of \$3,718.69 (total payment needed of \$4841,78 minus the prior payment of \$1,123.09). Mr. Eggleston contended that the prior payment has already been used to acquire land that is in conservation.

Mr. Brodsky commented that the site plan does not reflect the topography of the property between the parking area and the dwelling and it seems to be quite steep. Additionally, the zoning code has changed from when the prior special permit was obtained in 2012. He encouraged the board to look for areas where the impervious coverage could be reduced further. Mr. Eggleston said that in 2012 when the Ethridges made their payment into the DRA fund, it was guaranteed for the life of the property. The guarantee has been removed but the zoning is mute on how existing payments are treated. He continued saying that he does not think the town is ready to make a refund of the payment as they have taken on the payment and has conserved land on behalf of this property. They are just making up the difference. Counsel Molnar stated that the code may not match the interpretation presented by Mr. Eggleston. §148-8-9-F.1.2.&3 does not say that there is credit involved with respect to redevelopment. Mr. Eggleston said that it also does not say that credit can not be granted. Counsel Molnar said that he disagreed with his interpretation. Mr. Eggleston said that the zoning goes with the property so technically the payment has been made and under the previous code it was protected so that they do not need to make any payment. Counsel Molnar commented that the statement is not true; the prior code was adjusted to specifically remove the pass for credit previously paid. It was eliminated in a prior legislative event. Nonetheless, the newly adopted code does not provide for credit.

Member Marshall inquired if it is true that the payment into the DRA fund goes with the property. Counsel Molnar said that what is most important is what the code says right now, looking at pages 115-116 of the newly adopted code for guidance, there is no credit in those sections. Member Marshall asked if we would use what legislation was in place at the time. Mr. Brodsky said that they received that benefit in 2012 and if they did nothing, they would retain that benefit. That exemption was removed because when people come in with new projects, they must pay all over again. He continued saying that from his recollection, people were paying into the DRA fund for a small project and then coming back in doing a larger project with the protected higher coverage. Mr. Eggleston said that if it were a variance it would make the project conforming and they can maintain it.

The coverage of the property in 2012 was reduced from 14% to 12% and was mitigated with a payment into the DRA fund. Chairman Southern inquired what the new coverage amount is, and Mr. Eggleston said that it would be 11.8%, less than the 12% set in 2012. He continued saying that they found that the coverage had crept up due to the gravel driveway that they will be reducing back. Mr. Eggleston contended that the applicant should pay only the difference due to the increase in valuation of land now used when calculating the DRA fund rate, and they are being generous offering that. Member Winkelman recommended that the board take some time to think about it before their next discussion. A site visit will be conducted on February 27, 2021.

Member Hamlin inquired how the concrete steps will be vegetated. Mr. Eggleston said that the concrete steps were installed years ago, and the thought is to put soil and ground cover on top. It would be no different than a septic tank that is concrete with soil and grass on top. They are trying not to disturb more soil near the shoreline. The applicant has been working on the property to stabilize the bank with ivy and would prefer to add vegetation rather than creating disturbance on the bank. Ivy can grow on a side of a building and will cover the steps. Chairman Southern commented that it does not make it a permeable surface and Member Winkelman said that a building with ivy on it is not permeable.

Member Kasper inquired if the shed by the dock will be constructed into the bank. Mr. Eggleston said that it was a temporary shed there now and what they would like to do is put a retaining wall in. The foundation of the lakefront shed will be hand dug with material placed on the bank over the pump house foundation. There will be a retaining wall for the shed going 203 feet back. Member Kasper commented that the plan needs to show more detail as you would be cutting back 2-3 feet and has no retaining wall shown. Member Kasper continued as asked to have additional drawings and engineering for the proposed trollies. He also

inquired about stormwater management plans for the project and Mr. Eggleston said that he believed that the gutters and downspouts from the cottage are piped over to the ravine. Member Kasper requested that the board have information on that as well. Member Kasper also asked about the bedroom count of the dwelling and Mr. Eggleston said that the applicant has converted one bedroom to an exercise room with no closet and moving one bedroom to the second floor. There will only be three bedrooms. The existing septic system is being evaluated and the status will be shared with the town and City of Syracuse Department of Water.

WHEREFORE, a motion was made by Chairman Southern and seconded by Member Hamlin to schedule a public hearing on *Tuesday, February 16, 2021 at 6:30 p.m.* The Board having been polled resulted in the unanimous affirmation of said motion.

Chairman Southern inquired if the trolley system would be like the Greens and Mr. Eggleston said that he is not familiar with the Green trolley.

Continued Review- Site Plan Review

Applicant: Ed & Christine Szemis
310 Franklin Ave
Princeton NJ 08540

Property: 1682 Amerman Rd
Skaneateles, NY 13152
Tax parcel #063.-04-05.0

Present: Chris Szemis, Applicant; Robert Eggleston, Eggleston & Krenzer Architects

The applicant is looking to demolish the existing cottage and rebuilt it at the south side of the property with conforming setbacks to the side and front yards. Impermeable surface coverage would be reduced from 24.4% to 9.9% , with total lot coverage decreasing from 35.3% to 19.9%. Variances were granted by the Zoning Board of Appeals (ZBA) on February 2, 2021 for the nonconforming lot size and for the lake yard setback.

Driveway and parking areas will be reduced on the property to aid the reduction in impervious coverage.

A bioswale located in the southeast corner of the property is on the site plan that the ZBA had approved. The bioswale is located at the top of the bank with a 30-foot cliff. Mr. Camp had emailed comments that after careful consideration of the topographic conditions of the site, he recommended that the bio swale be eliminated and that the roof leaders of the new camp be directed to the same location as that of the existing roof leaders to release into the ditch at the north side of the property. Another factor in consideration of this change in recommendation is the fact there is a substantial reduction in impervious area on the lot. Member Winkelman commented that Mr. Camp had also recommended that the silt fence become more of a barrier to keep the construction vehicles out of the area to preserve the permeability of the lakeside by that fence.

Member Kasper inquired if the site plan could be modified to include the recommendations from Mr. Camp. Mr. Eggleston stated that they will modify the plan. Member Kasper said that he would like to see the site plan with the changes to have a better understanding of the final proposal before the board makes it decision. Counsel Molnar stated that the variance was approved by the ZBA based on the site plan that included the bioswale. The approval was prior to Mr. Camp's recommendation to remove the bioswale from the site plan. As their decision was based on the bioswale controlling the stormwater of the lot, the revised site plan should be reviewed by the ZBA as an amendment due to the substantial change in the site plan. The ZBA set additional special conditions for compliance with the site plan at that time. Mr. Eggleston commented that it also had a condition of the applicant obtaining Planning Board approval and this is a Planning Board issue.

Chairman Southern inquired if there is a problem with the soil in the area. Mr. Eggleston said that he understands that Mr. Camp may have a concern with locating the bioswale so close to the bank that may not be the best way to control stormwater. Mr. Eggleston said that he will review the site plan modifications with Mr. Camp, then go back to the ZBA for an amendment before finalizing the application with the Planning Board.

Continued Review- Site Plan Review

Applicant: David Graham
1212 Greenfield Ln
Skaneateles, NY 13152
Tax parcel #053.-01-17.0

Present: David Graham, Applicant; Robert Eggleston, Eggleston & Krenzer Architects

The applicant would like to add a first-floor bedroom to continue to live in his residence. Proposed is a 16x20 addition and small extension to the deck. 171 square feet of driveway will be removed and a bioswale will be added to the northeast corner of the lot. The bedroom count will remain the same as a second-floor bedroom will be converted to an office. Impermeable surface coverage will be at 10%. The underdrain of the bioswale will daylight to the road ditch. Member Kasper inquired if the outflow pipe will be buried, and Mr. Eggleston replied that it would be buried. Member Kasper recommended that the note stating that should be included on the plan.

WHEREAS, a motion was made by Member Kasper and seconded by Member Hamlin, the Planning Board classified this application a Type II action pursuant to 6 NYCRR617.5(c)(11) and not subject to further review under SEQR. The board having been polled resulted in the affirmance of said motion.

. NOW, THEREFORE, BE IT RESOLVED, upon a motion made by Member Jill Marshall and duly seconded by Member Douglas Hamlin, and after an affirmative vote of all Members present, as recorded below, the Town of Skaneateles Planning Board **APPROVES** the minor site plan, with standard conditions and the following additional conditions:

1. That the Site Plan Approval 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; and
2. The Site Plan 1 of 3 through 3 of 3 dated December 15, 2020, and Narrative with Construction Sequence dated December 31, 2020, prepared by Robert O. Eggleston, Licensed Architect, be modified to include a note for the outflow pipe to be buried and drain to the road ditch, with the reviewed plan reviewed and approved by the Planning Board Chair and Town Engineer, then strictly followed; and
3. That the Applicant shall obtain all necessary permits and approvals from any agency or authority having jurisdiction over the Property or the Application.

RECORD OF VOTE

Chair	Joseph Southern	Present	[Yes]
Vice Chair	Scott Winkelman	Present	[Yes]
Member	Donald Kasper	Present	[Yes]
Member	Douglas Hamlin	Present	[Yes]
Member	Jill Marshall	Present	[Yes]

Amendment Request Special Permit

Applicant Jonathan Cohan
Louisa Cohan
241 Kenlyn Rd
Palm Beach, FL 33480
Property:
3007 East Lake Rd
Skaneateles, NY 13152
Tax Parcel #039.-01-15.0

Present: Robert Eggleston, Design Professional;

A revised site plan has been submitted to the board that reflects the lot at a proposed 10% impervious coverage with the inclusion of the existing guest house close to the road. The guest house will have the kitchen removed and it will be converted to a schoolhouse for their son. The driveway will be reduced in width to offset the impervious coverage of the guesthouse/schoolhouse. A small permeable sidewalk will be added to connect the schoolhouse to the driveway. The stormwater plan has been modified to reflect the modifications. Member Kasper inquired about the septic system for the schoolhouse and Mr. Eggleston stated that it is currently connected to the existing septic system.

WHEREAS, a motion was made by Member Hamlin and seconded by Member Marshall, the Planning Board adopted and ratified its prior SEQRA determination for the Application, which was a determination that the Application constitutes a TYPE II single family residential project action, not subject to further SEQRA review. The board having been polled resulted in the affirmance of said motion.

NOW, THEREFORE, BE IT RESOLVED, upon a motion made by Member Donald Kasper, seconded by Member Douglas Hamlin, and upon an affirmative vote thereon as recorded below, the Town of Skaneateles Planning Board hereby **APPROVES** the Application, and amends the Approving Resolutions, with the Approving Resolutions remaining in full force and effect except as amended hereby, with the following additional conditions:

- 1. That the Site Plan 1 of 2, with the revised date of February 4, 2021, and narrative dated February 4, 2021, prepared by Robert O. Eggleston, licensed architect; Landscape Design dated February 4, 2021 prepared by Robert A.M. Stern Architects; and Site Esc and SWPPP plan C-1, dated February 5, 2021, prepared by RZ Engineering, be followed in all respects; and
- 2. Except as amended hereby, the conditions of the Approving Resolution remain in full force and effect.

RECORD OF VOTE

Chair	Joseph Southern	Present	[Yes]
Vice Chair	Scott Winkelman	Present	[Abstain]
Member	Donald Kasper	Present	[Yes]
Member	Douglas Hamlin	Present	[Yes]
Member	Jill Marshall	Present	[Yes]

Discussion

Member Kasper requested that an attorney advise session to be placed on the next agenda.

Discussion

Member Winkelman commented that the town needs to consider incentive zoning. The impermeable surface coverage issue with the Cohlans; the board needs to see how it can make that work in the future. The town sets a very high bar for acreage saved to impermeable surface coverage and there was an opportunity for land of high conservation value that could have been protected, and he hoped the board could have been more flexible. It may be a way in the future to save some land in the watershed without spending much money. Member Marshall said that maybe we can look at these things more creatively.

WHEREFORE, a motion was made by Member Kasper and seconded by Member Winkelman to adjourn the meeting. The Board having been polled resulted in the unanimous affirmance of said motion. The Planning Board Meeting adjourned at 8:33 p.m. as there being no further business.

Respectfully Submitted,
Karen Barkdull, Clerk

Additional Meeting Attendees:

Robert Eggleston	Justin Marchuska
John Langey	Janet Aaron
Fred Shelley	Troy Beckwith
Chris Calabro	Mark Tucker
David Graham	Justin Boisey
Chris Szemis	Paul Fuitak
David Ketchum	Holly Gregg
Gary Ledgerwood	Sherrill Ketchum
Read Spear	David Lee
Kristin N	Don Spear
Brian Madigan	Rachel Harms
Gary Heyer	Rudy Zona
John Cico	Marc Spear
Eva Pajak	Chris Buff
John Delaney	G Drumm
Amanda Geihe	Jude Burke
Linda Roche	Dave Palen