

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

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

Chairman Southern opened the meeting at 6:30 p.m. The meeting minutes February 16, 2021 was previously distributed to the Board and all members present acknowledged receipt of those minutes.

WHEREFORE, a motion was made by Member Hamlin and seconded by Member Kasper 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- 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

Revised plans dated February 26, 2021 has been submitted to the board with a March 25, 2021 narrative. At the last meeting, the spoils from the shed would be placed over the cement stairs before constructing the new stairs. Drawing 5 of 6 has a cross section of the shed indicating that 7.6 cubic yards of material will be removed. 4x4 posts will be placed to support the wooden stairs that would span the area between the posts to create a retaining wall to support the area. 6x6 timbers would become the stairs that would hold the fill placed over the concrete steps. The banks will be supported with ground cover. The trolleys will have 2-inch pipes set into the ground to support the trolley.

There is some erosion on the left side of the temporary shed and Mr. Camp suggested a layer of rocks to fortify the base to protect from erosion, which they will implement in addition to stabilizing the bank with jute mesh and plantings. Member Winkelman inquired if ivy will be able to grow under the new stairs and Mr. Eggleston said that they will use appropriate plantings that should grow on the soil over the concrete. Member Kasper inquired if the tread will be two pieces of timber with spacing to allow water to run through. Mr. Eggleston said that the steps will be structured to be permeable as they wanted to have an 11-inch tread with two 5.5-inch beams with spacing between. He continued saying that he likes to do a semi open riser that would allow a space between the riser and the bottom of the tread above. Member Winkelman asked

if taller trees will be planted on the slopes and Mr. Eggleston said the applicant is considering putting in taller bushes and trees to restore the bank. They are not cutting any trees and they will leave any existing stumps in the area to provide additional stability.

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)(11) and not subject to further review under SEQR. The board having been polled resulted in the affirmance of said motion.

At this time, Chairman Southern opened the Public Hearing and asked if there was anyone in opposition of the proposal. No one spoke in opposition of the proposal. Chairman Southern asked if there was anyone who wished to speak in favor or had any other comments on the project. There was no one who spoke in opposition or had any other comments.

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

Counsel Molnar stated that Mr. Eggleston presented an argument that based on the existing code section concerning redevelopment, 148-8-9 that does not prohibit the granting of credit previously paid redevelopment fees and therefore is permissible. Counsel Molnar said that his contention is that if the code is silent on the permissibility of it then it does not authorize the action. In 2007, code section 148-12G(6) specifically provided that where a conservation easement has been established or a monetary contribution has been made pursuant to 148-12G(6) (a) or (b) above, the applicant or its successors in interest seeks subsequent redevelopment of a lot, no additional conservation easement or monetary contribution shall be required. This was the state of the code between 2007 and 2016. As Mr. Eggleston has pointed out, the Eldredges redeveloped the property in 2012 and paid into the Development Rights Acquisition (DRA) fund based upon the previously reviewed and approved application before the Planning Board. The law changed in 2016 with an amendment which deleted the section mentioned above. This deletion carried forward into the new zoning code that was adopted in December 2020 and applicable January 1, 2021 where there is no credit for previous payments made. It is up to the board to consider how they would like to view the application. There is potential latitude if the board is sympathetic to the applicant applicable to section 148-10-8-C.6.b., "In granting a special permit or site plan approval, the Planning Board may impose reasonable conditions it considers necessary to satisfy the specific criteria for special permits and site plans." Quite liberally, it would give the board the authority to approve in a special situation a special condition which would grant credit towards the applicant. There would need to be a finding that granting a credit in achieving a project that is reducing impervious surface and improvement of the overall property based upon the site plan and the material presented. Furthermore, this is a very special consideration that perhaps the project would not be complete without it, and therefore the board finds that it is in the best interest of the application to grant credit as a special condition. This is a policy decision that the Planning Board needs to consider and choose wisely and carefully with this application.

Mr. Eggleston said that his understanding is that if the zoning law is mute on a question, that it goes in favor of the applicant. The zoning law could say that there shall be no credit for prior payments towards any future development, but it does not say that. The town has taken money from the prior owner into the DRA fund and used the monies to acquire land in conservation. This application does not take away the conservation easement that was obtained. If a hard line was taken, then they already have paid into the DRA fund and should not make any additional contribution; however, they are suggesting a compromise to pay the difference between the new calculation and credit for the amount previously paid. He continued pointing out that the old rate was based on \$10,000 an acre and the new rate is based on \$47,000 an acre. The Karlik conservation easement that was obtained in 2017 was paid out at \$10,000 an acre.

Member Kasper commented that there was a clear statement in the 2007 zoning code but was overlooked with the 2016 revision and the 2021 zoning code that carried forward the 2016 revision. He recommended that the board should go with the homeowner on this. Member Hamlin stated that it was removed in 2016 for a reason and the intent of that removal was for it to not remain the same. Mr. Brodsky said that that clause was intentionally removed in 2016 in response to applicant's taking advantage of the clause with earlier actions to lock in a higher impermeable surface coverage, and then redeveloping the lot again at a higher impervious coverage rate. In 2016 it was explicitly removed to prevent an abuse of the clause, and the valuation was adjusted for inflation. This is a policy decision on this project that will have ramifications down the road. Member Winkelman said that this application has different owners between the 2012 DRA payment and today, and that is different from the situation that Mr. Brodsky has described. He continued saying that there is not a great improvement on the impervious coverage from 12% to 11.8%. The prior owner may have squeezed everything they could in 2012. He said that he is in support of what the applicant is proposing. Member Marshall said that she agreed with Members Hamlin and Winkelman as the code does not state what the board is supposed to do. Chairman Southern commented that if you had a new applicant that came in with a property at 12%, what would the board do in that case. We would require them to try to reduce it, and if we felt it were appropriate the board would approve the coverage with a payment into the DRA fund. The property would be legitimized with a specific site plan. Member Hamlin said that the code is silent on what has been proposed, and the board needs to consider the impact of this decision on other properties in a similar positions. Member Marshall commented that there could be 46 other property owners in this category. Member Hamlin added unless there is a code change that is implemented. Mr. Eggleston said that the 46 property owners made a payment knowing that it would be guaranteed for the life of the property as the payment into the DRA fund has conserved property. If the property owners had acquired a conservation easement on land, would they subsequently be required to more property into conservation with future projects. Mr. Eggleston said that the code change in 2016 caught him by surprise. He recommended that the town re-review this section of the code. Mr. Camp stated that when the program was put in place the intent was to drive the watershed towards a maximum of 10% impermeable surface coverage. If a homeowner as part of a project buys that land in conservation, that stays there in perpetuity and does not change with the property owner.

Chairman Southern stated that any increases would not be permitted. Mr. Brodsky commented that is was a matter of people leveraging prior payment. Applicants were locking in a certain percentage of impervious coverage and then coming back and tearing down the existing dwelling and driveway and building a larger dwelling at the locked in coverage. Member Marshall said that this owner is doing less so the biggest difference is there is a new owner and Mr. Brodsky said that a change in ownership is irrelevant. There was frustration with how the code was being used by some applicants and the code had that section of code removed. Member Marshall said that she has some concern that there are new rules now but when the payment was granted the applicants assumed that they would keep the impervious coverage percentage with payment into the DRA fund.

Mr. Eggleston commented that the overall coverage in the town remained the same because land was placed into conservation to offset the coverage in impermeable surface coverage. This may be a question for the Town Board to review and perhaps there could be a moratorium although this application should be considered tonight. The applicant is making safe improvements and fixing nonconformities on the property. This is not like the project that had unintended consequences that the town had not anticipated. Member Hamlin said that the application does fix some of the sins of the past.

Chairman Southern recommended that the board permit the applicant to pay the difference as he has offered, and that the town board consider a moratorium of any project in the lake watershed that would cause an increase in payment into the DRA fund Mr. Eggleston said that that should be considered separate

of this application. Chairman Southern queried the board if they agreed that the client could pay the difference in this case and the board agreed. Counsel Molars said that the Planning Board has that authority under section 10-8-C.6.b for reasonable conditions if feels it need to satisfy criteria for special permits and site plans. This would be a permissive special condition to accept the difference offered by the applicant to achieve the benefits that application is proposing as a unique circumstance that the board feels worthy and necessary to achieve the benefits of the projects. Member Winkelman said that it has been nine years since the payment, it is a different owner who is not proposing a tear down, that weights in on the board's decision. Member Marshall said that consideration should also be given when the original payment was made and the code in place at that time.

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 special permit/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 6 through 6 of 6 dated February 26, 2021, and Revised Narrative with Construction Sequence dated February 26, 2021, prepared by Robert O. Eggleston, Licensed Architect, be strictly followed; and
3. That prior payments made by the Applicant or its predecessor in title be accepted as a credit toward payment required by §10-8-C.6.b, based on the factors referred to by the Planning Board herein, and the Applicant pay the balance due for new redevelopment improvements of \$3,718.69 to the Town of Skaneateles Land and Development Rights Acquisition Fund; and
4. That the Applicant establish an escrow account with the Town of Skaneateles in the amount of \$250 for engineering review; and
5. 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]

Public Hearing- Subdivision

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

Present: Justin Boisey, Applicant

The applicant would like to subdivide the property into two lots. The survey has been updated to reflect the topography and the drainage ditches, and the driveway permit has been applied for to the east side of the

lot. The drainage ditch on the west side of the lot is larger and he would prefer to not locate the driveway on the west side. Member Kasper asked how deep the ditch are. Mr. Boisey said that that the one on the west side is about three feet deep in some spots and the one on the east side is shallow. Both ditches are intermittently wet with seasonal changes. Member Kasper inquired if there were farm fields near the lot and Mr. Boisey said that there is one lot that is farmed as a hay field.

Member Kasper asked if percolation tests have been performed and Mr. Boisey said that he is not ready to build but will do tests when they are ready to build. Member Kasper commented that his concern is with the ditches when the applicant will be ready to build. Chairman Southern said that with the properties on this road there is a concern with drainage to the east. Mr. Boisey said that both ditches are dry most years by May although the western ditch runs a little longer. Member Kasper commented that he is familiar with the area and there is no outlet with the pond on the property at the end of the street. The outlet floods behind the house and floods behind in the fields before it comes back onto Crow Hill Road. Member Kasper continued saying that he would be worried if the house was built, and the ditches were dammed or diverted to someone else’s property. Mr. Boisey said there is a ditch along Crow Hill Road, but it is dry that goes underneath the road and on to the other side. The eastern ditch goes across two properties and into the drainage ditch on the roadside. Mr. Camp said that the normal rules around streams would prevent the concerns mentioned. The Planning Board could require site plan approval for the created lot.

Member Winkelman inquired why proposed lot 2 is U shaped. Mr. Boisey said that he was giving himself flexibility with the location of a future septic system and he wanted to reserve the wooded area to the west.

At this time Counsel Molnar recommended to the Board that the application be an Unlisted Action and reviewed the short form SEQR with the Board. In evaluating, each of the criteria set forth in Part II:

Part II	No or small. impact	Moderate to Large impact
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulation?	X	
2. Will the proposed action result in a change in the use or intensity of use of land?	X	
3. Will the proposed action impair the character or quality of the existing community?	X	
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a CEA?	X	
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking, or walkway?	X	
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	X	
7. Will the proposed action impact existing public/private water supplies and/or public/ private wastewater treatment utilities?	X	
8. Will the proposed action impair the character or quality of important historic, archeological, architectural, or aesthetic resources?	X	
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, water bodies, groundwater, air quality, flora, and fauna)?	X	

10. Will the proposed action result in an increase in the potential for erosion, flooding, or drainage problems?	X	
11. Will the proposed action create a hazard to environmental or human health?	X	

WHEREFORE, a motion was made by Chairman Southern, and seconded by Member Kasper, the Board declared this application to be an Unlisted Action, and after review of the SEQR short environmental assessment form and determined that the proposed action will not result in any significant adverse environmental impacts. The Board having been polled resulted in the unanimous affirmation of said motion.

At this time, Chairman Southern opened the Public Hearing and asked if there was anyone in opposition of the proposal. No one spoke in opposition of the proposal. Chairman Southern asked if there was anyone who wished to speak in favor or had any other comments on the project. There was no one who spoke in opposition or had any other comments.

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.

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

1. The Final Plan subdivision of the Boisey Subdivision, dated March 4, 2021 prepared by Paul Olszewski, Land Surveying, PC be submitted for the Planning Board Chairman’s review and signature within 180 days from the signing of this resolution; and
2. That the Subdivision Map note that the lot has not been approved for a subsurface septic system and that site plan review is required for lot 2 prior to obtaining a building permit; and
3. That Planning Board Site Plan Approval is required for proposed lot 2 for review of conformance to §148-5-4-E; and
4. That the Applicant shall obtain all necessary permits and approvals from any agency or authority having jurisdiction over the Property or Application; and
5. The Subdivision Map and Deed transferring the property(ies) must be filed in the Onondaga County Clerk’s Office within sixty-two (62) days of the signing of said Map, or the Subdivision approval shall be null and void. Proof of said filing shall be immediately forwarded to the Secretary of the Planning Board upon receipt by the Applicant and/or Applicant’s representative.

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]

Continued Review- Site Plan Review

Applicant:

3406 W Lake Rd LLC
256 West 4th St
New York, NY 10014

Property:

3406 West Lake Rd
Skaneateles, NY 13152
Tax Map #049.-02-04.0

Present: JoAnne Gagliano, Joe Falco, Kyle Volz; EDR Leif Kalquist, Holmes, Kalquist and King

Ms. Gagliano began discussing the proposed modifications saying that although the driveway cut has not changed, the southern driveway has been re-oriented to protect some of the trees that were discovered when overgrown vines were removed from the property. It will also be extended to run along the north portion of the garage. The original driveway is remaining that had a loop near the northern end of the main dwelling. Proposed is a modification of the loop to allow additional parking for the dwelling. The walkway from the dwelling to the accessory apartment/garage is in a sloped area, and a retaining wall will be added along the walkway to bridge the change in elevations. At the northeast corner of the main dwelling, a portion of the porch will be removed.

The greenhouse that was located to the west side of the lot will be moved to be located closer to the existing boathouse and have a garden sink and rest room located with it. The roof of the boathouse will be replaced with a pitched roof and there will be additional renovation of the building. This will allow a boat to be kept in the boathouse and the pitched roof top point will be 16 feet from the lake line. OGS is reviewing the request to cap the existing concrete dock in the lake to provide a wider walking surface while reducing disturbance in the lake. As the boathouse is in disrepair, they would like to work on the boathouse first while awaiting OGS approval for the dock.

Member Kasper inquired about the steel posts that will be utilized for the dock, and Mr. Kalquist stated that they will be bored into the lakebed to support the dock cap. Ms. Gagliano said that the cap will not touch the existing dock as it will have its own post system for support.

Mr. Camp inquired what distance a new bathroom needs from the lake based on the zoning code. Mr. Brodsky said that you cannot have a bathroom in the boathouse and that the code does not specifically state a setback for bathrooms. It does allow accessory structures under 600 square feet within 100 feet of a water body. The proposed greenhouse is under that threshold and it is beyond 50 feet of the lake line to be considered a shoreline structure. By inference it means that a bathroom cannot be within 50 feet of the lake line although it is not specifically stated. The OCDOH requires sewer lines no closer than 25 feet from open water. Mr. Camp stated that he does not remember that last time there was a bathroom proposed this close to the lake. He continued saying that this lot is one of only a few in the town that is on public sewer and presumably there is a pump that would pump up to the sewer. Ms. Gagliano said that there would have to be a pump. Mr. Camp said that the board will need some detail with how it would be constructed.

Ms. Gagliano said that although the proposed building is under 600 square feet it is proposed to be setback near the 100-foot line. Mr. Brodsky commented that the section of code for shared lakefront recreation, a bathroom facility may be required and must be 100 feet from the lake line. Consideration was given to a sewer hook up for a cabana beyond 50 feet from the lake line when the sewer lines were redone a few years ago. Mr. Camp said that the hook up may or may not be appropriate for what is being proposed. The Town Board needs to look at this in the future for consideration of sewer connections and proximity to the lake. Ms. Gagliano said that there was communication with the Parkers a few years ago that the Village was approving a connection to their line. Mr. Camp asked Mr. Brodsky if in other parts of the code that the closest a toilet can be is 100 feet to the lake line. Mr. Brodsky clarified that it is specific to shared lakefront recreation. Member Hamlin said that it would indicate that there would be more intensive use. Member Marshall inquired if the shared lakefront recreation use would be like a residential use. Mr. Camp said that

it would be a higher use of that toilet; however, he felt that the intent is the same and there is a reason that it is 100 feet from the lake. Ms. Gagliano said that they are right on the 100-foot line and could slide the building back so that the bathroom is beyond the 100-foot line. Mr. Camp said that this needs to be examined more in the code as we do not have a definitive answer. Ms. Gagliano stated that the use would not be as intensive as the use of a shared lakefront and that it was her understanding that this was an allowed use. Mr. Brodsky said that he could not find any specific linkage that explicitly says that this type of toilet facility must be 100 feet back. He continued saying that shared lakefront is a more intensive use. Mr. Camp said that the further away from the lake the better for this type of use that would be like the use of a house. He continued saying in his 20 years of working with the town he does not remember a toilet placed so close to the lake. Mr. Brodsky inquired if the greenhouse could be moved beyond the 100 feet. Ms. Gagliano said yes, although they placed it there based on compliance with the code, visibility of the lake and the desire to keep trees in place on the lot. The previous owner had the ability to make that connection within the 50-foot setback. The application will continue next month after a discussion is held between the applicant, Mr. Camp, and Mr. Brodsky.

Amendment Request- Subdivision

Applicant: David & Lynn Brown
1620 New Seneca Tpke
Skaneateles, NY 13152

Properties: 1620/1630 New Seneca Tpke
Skaneateles, NY 13152
**Tax parcel #033.-05-01.2 &
033.-05-03.1**

Present: David Brown, Applicant; Tom Blair, Blair Law Firm PLLC

The applicant is requesting modification to the four-lot open space subdivision that was approved by the Planning Board in January 2021. During finalization of the paperwork before submitting the final plat plan to the County, they determined that there would need to be a modification made to the plat plan. Lot 2 will require a septic easement of approximately .31 acres that would be on the conservation land, and lot 4 would require a septic easement of .43 acres to also be located on the conservation land. Lot 2 would have a standard septic system and lot 4 would likely have a raised mound septic system. The planting for the area would be grass or other material that would not impinge on the septic systems. A revised subdivision map dated March 5, 2021 reflects the septic fields located in the conservation land. The language of the conservation easement will be amended to reflect the modification.

Counsel Molnar explained that the intent is to have the conservation easement across the entire area but permit encroachment via the two septic areas under tight control and the language could be crafted to achieve the desired result. Mr. Camp said that the OCDOH usually recommends that the septic systems only have grass as they do not want any woody vegetation on them. Member Winkelman commented that it seemed like there was a lot of land for a leach field and inquired if it included the expansion areas. Mr. Blair said that the septic design professional suggested the sizes that would include expansion areas for both fields.

WHEREAS, a motion was made by Member Hamlin and seconded by Member Marshall, the Planning Board the prior SEQR determination that was 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 Member Donald Kasper, duly seconded by Member Douglas Hamlin, and after an affirmative vote of all Members present, as recorded below, the Town of Skaneateles Planning Board hereby **APPROVES** Modification of the Subdivision, with the following conditions:

1. The Final Plan subdivision of the Brown Subdivision, dated March 5, 2021 prepared by Paul Olszewski, Land Surveying, PC be submitted for the Planning Board Chairman's review and signature within 180 days from the signing of this resolution; and
2. That the Applicant shall obtain all necessary permits and approvals from any agency or authority having jurisdiction over the Property or Application; and
3. Except as amended hereby, the conditions of the Approving Resolution remain in full force and effect; and
4. That fence posts shall be placed to delineate the metes and bounds of the conservation easement; and
5. That Planning Board Chair and the Planning Board Attorney shall approve all language set forth in a Conservation Easement to be modified and submitted by the Applicant, and that once approved, same be recorded by the Applicant in the Onondaga County Clerk's Office contemporaneously with the filing of the Subdivision Map; and
6. That consistent with the Conservation Analysis, the Conservation Easement may be modified to allow the septic fields for Lot 2 and Lot 4 to encroach in the Conservation Easement (as depicted in the plat plan dated March 5, 2021), and the Applicant shall preserve open space, and natural resources on the balance of the Conservation Easement Area, which shall remain open space as required by Section 148-10-13 of the Skaneateles Town Code, and/or the Town Law of the State of New York and applicable sections thereof, without further adjustment, modification or change, except upon the express written consent of the Town of Skaneateles Planning Board; and
7. The Subdivision Map and Deed transferring the property(ies) must be filed in the Onondaga County Clerk's Office within sixty-two (62) days of the signing of said Map, or the Subdivision approval shall be null and void. Proof of said filing shall be immediately forwarded to the Secretary of the Planning Board upon receipt by the Applicant and/or Applicant's representative.

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-Major Special Permit as Site Plan Review

Applicant	Jim Nocek	Property:	
	2318 Skillet Rd		2433 West Lake Rd
	Auburn, NY		Skaneateles, NY 13152
			Tax Map #055.-03-13.2

Present: Jim Nocek, Applicant; Guy Donahoe, Donahoe Group

Mr. Nocek stated that they have about 100 seat capacity for outdoor seating that is uncovered and occurs mostly in the summer months. With inclement weather, they have a challenge with meeting the needs of

the customer, especially with Covid-19. They have also discovered that they have a need for additional bathroom space. They would like to redesign the eastern side of the tasting room with the addition of a three-season pergola. The second proposed improvement would be for the expansion of the bathrooms at the south east of the tasting room building; and finally, they would like to construct a deck around the north two-story tower building to allow for a covered area on the upper deck and an uncovered area for approximately 2500 feet. In addition, the existing stairway that would be replaced to the existing wine cellar.

Mr. Donahoe said that the women's bathroom will be approximately 300 feet in a flat area that is in the area near a patio. The bathroom would fit under the eaves of the existing building with the septic system pump and tank is on that side of the building. The three-season pergola is an expansion to the existing pergola with access from the tasting room. The proposed addition follows a relatively mild sloping grade with a two-step down to the lower level at grade. It will have a series of fixed glass and some operating garage like doors. The deck attached to the tower building wraps to the east and south of the building with access of a stair tower that will be built over the existing stairs that go down to the basement. This is around the existing membrane roof. Access will be from the outside to the first upper-level deck with a second stair mainly for code reasons for egress from that space. Going up the stairwell will leave you out on that deck that has two levels. The small upper deck is floating over the existing monoslope roof that is around the building. The deck would be built over the existing slab area. Materials to be used will be like in kind to the existing structures.

Member Winkelman inquired on the location of the existing leach fields. Mr. Donahoe said that the existing leach fields are located to the south of the south parking area. Mr. Camp inquired if the board was acting tonight on the proposal and Mr. Brodsky said that the board will need to determine if this is a substantial change, consistent with approved uses, or a minor change for determination on the process of review. Mr. Donahoe stated that the application should be considered minor as the board has had previous review of actions that were more impactful such as the event center, etc. Mr. Brodsky said although he probably agrees with Mr. Donahoe, the documentation needs to be enhanced with detail that provides a better record of changes. As an example, there is no detail on the grade change and erosion control for the area around the proposed bathrooms. Mr. Camp agreed that there is not enough information on how the construction will occur and detail is not provided on topography and septic location. Member Kasper recommended that the board do a site visit to the property to have a better understanding of the proposal. He continued saying that the site visit would provide the applicant what additional information the board may need. A site visit was scheduled for March 20, 2021.

Continued Review-Site Plan Review

Applicant: Dawn Altmeyer
161 Avriel Drive
Fayetteville, NY 13066

Property:
2530 Wave Way
Skaneateles, New York
Tax Map #054.-04-07.0

Present: Robert Eggleston, Eggleston & Krenzer Architects

Mr. Eggleston began stating that the applicant has received approvals for the variances from this project that was granted on March 2, 2021. The site plan is very similar to what was approved in 2018, for the construction of a two story two-car garage for the year-round house that does not have a garage. The second floor will be utilized for an office/ exercise area. A new septic system will be located further away from the lake to replace the existing septic system located between the existing dwelling and lake.

In the prior approval there was a rain garden that would be located at the end of the driveway to receive and treat the water, and this has been replaced with two bioswales. The bioswales have been split to maintain

the walking access down from the deck to the lakefront. Roof gutters will drain into the southern bioswale, and a portion of the roof gutters and driveway will drain into the northern bioswale. Both bioswales have been designed to meet the town engineer guidelines. The impermeable surface coverage will be reduced to 18.1% from 27%. The application does not trigger redevelopment as the proposed ramp for access to the dwelling has been removed and replaced with permeable walking paths. The proposed garage will be located over existing driveway. The areas in green on the site plan are areas that will be converted to grass from impermeable surface coverage.

Member Kasper inquired why it is not considered redevelopment. Mr. Eggleston stated that as the garage will be located on existing driveway and the ramp was removed that would have triggered redevelopment. The proposed walkway will be located on a portion of the former driveway. Member Winkelman inquired if the bioswales larger due to the slopes in the area. Mr. Eggleston stated that as you can see on the second page, the bioswales will be in a relatively flat areas and not a deep slope area. Below the bioswales locations it does get steeper. Counsel Molnar commented that the board is free to continue the application as the Zoning Board of Appeals has approved the variance as was court ordered.

WHEREAS, a motion was made by Member Marshall and seconded by Chairman Southern , 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 Chairman Joseph Southern, 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 2 of 3 dated February 25, 2021, Site Plan 3 of 3 dated September 25, 2020, and Revised Narrative with Construction Sequence dated March 25, 2021, prepared by Robert O. Eggleston, Licensed Architect, be strictly followed; and
3. That the Applicant establish an escrow account with the Town of Skaneateles in the amount of \$250 for engineering review; and
4. That all conditions imposed by the Skaneateles Zoning Board of Appeals, in connection with its approved variance, be fulfilled; and
5. 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]

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

Proposed is an addition to the dwelling with a two-story garage with bonus room above. An entry porch will be added and the existing porch from will be converted to a mud room. The revised site plan reflects a modification to the site plan with the garage doors on the east side to be more efficient and reduce the amount of driveway required, reducing the proposed immemorable surface coverage to 6.1%. The existing dwelling and proposed addition is within 200 feet of the watercourse. The topography indicates that the area around the house and barn is relatively flat with the slopes occurring near the creek. A silt fence will be installed to the south of the proposed work. Member Winkelman said that he likes that the ravine and trees are being preserved.

WHEREAS, a motion was made by Chairman Southern 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 Donald Kasper, 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 4 through 4 of 4 dated February 24, 2021, and Revised Narrative with Construction Sequence dated March 24, 2021, prepared by Robert O. Eggleston, 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.

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]

Continued Review- Site Plan Review

Applicant: Ed & Christine Szemis	Property: 1682 Amerman Rd
310 Franklin Ave	Skaneateles, NY 13152
Princeton NJ 08540	Tax parcel #063.-04-05.0

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

The preexisting non-conforming lot under 20,000 square feet has an existing dwelling and extensive landscaping. Proposed is the demolition of the existing dwelling and construction of a new dwelling located towards the south west corner of the lot. The proposed dwelling will be conforming to the side and front yard setbacks. Impermeable surface coverage will reduce from 24.2% to 10%. The variances requested for the project were approved on February 2, 2021 and the revised site plan was approved by the ZBA on March 2, 2021. The revised site plan removed the proposed bioswale located in the southeast corner of the lot with the new dwelling drainage tying into the exiting drainage system that leads to the watercourse to the north. This revision will reduce any potential erosion of the lakeside. Mr. Camp stated that this application is a relatively unusual situation with a combination of the size of the lot and the presence of a substantial shale type of cliff that is only somewhat stable. There will not be too many applications like this where he would recommend that a small-scale stormwater management facility is not installed. Given the circumstances, especially with the substantial reduction in impervious surface coverage and the lack of a sound place to put the bio-swale impacted the eventual decision to recommend against a bioswale for this project.

The property is on an existing holding tank for septic management. Proposed is a new septic holding tank until a traditional septic system is approved by OCDOH located in the former dwelling location. If the OCDOH does not approve the septic system then the 2000-gallon septic holding tank will be utilized. Member Winkelman inquired of the property to the north, Mr. Eggleston said that the dwelling is located on the lake for the property to the north with woods running along the property line with this property.

WHEREAS, a motion was made by Member Hamlin and seconded by Member Kasper, 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 Donald Kasper 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 4 through 2 of 4 dated February 17, 2021, Site Plan 3 of 4 and 4 of 4 dated November 20, 2020, and Revised Narrative with Construction Sequence dated February 17, 2021, prepared by Robert O. Eggleston, Licensed Architect, be strictly followed; and
3. That the Applicant establish an escrow account with the Town of Skaneateles in the amount of \$250; and
4. That all conditions imposed by the Skaneateles Zoning Board of Appeals, in connection with its approved variance, be fulfilled; and
5. 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]
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Vice Chair	Scott Winkelman	Present	[Yes]
Member	Donald Kasper	Present	[Yes]
Member	Douglas Hamlin	Present	[Yes]
Member	Jill Marshall	Present	[Yes]

Discussion-DEIS / 9 Lot Subdivision

Applicant:	Emerald Estates Properties, LP	Property:
	3689 Yosemite Ct	2894 East Lake Rd
	Naples, FL 34116	Skaneateles, New York
		Tax Map #036.-01-37.1

Present: Don Spear, Applicant; Robert Eggleston, Eggleston & Krenzer Architects; John Langey, Costello Cooney & Fearon, PLLC

At the close of the public hearing the Planning Board has 45 days in which to act to determine that the DEIS is the FEIS for filing with the NYSDEC and interested parties. 30 days from the filing of the FEIS the board needs to render its decision on the FEIS and the preliminary plat plan. The results of the public hearing and the open written comments period, there was no material challenge to any of the substantive portions of the DEIS worthy of requiring edits or re-writes of that document. In his observation the document could be fairly considered an FEIS for which the Planning Board would task Counsel Molnar with the obligation to file the notice of the FEIS and circulate the document to the interested parties, and ten move towards a determination within 30 days after that filing.

WHEREFORE a motion was made by Chairman Southern and seconded by Member Kasper that the DEIS should be considered the FEIS and that the board conditions that Counsel Molnar file the notice of completion prior to April 1, 2021 to be following requirements. The Board having been polled resulted in the unanimous 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]

There is pending billing for legal and engineering services, that will require additional funds from the applicant to process.

WHEREFORE a motion was made by Chairman Southern and seconded by Member Hamlin that the applicant increases the escrow account in the amount of \$5,000. The Board having been polled resulted in the unanimous affirmance of said motion.

Member Kasper inquired about the proposed road maintenance agreement and parking by the road. Mr. Langey said that the document was submitted, and it was being reviewed by Mr. Delaney and Mr. Molnar. Counsel Molnar stated that although it had been received, it had not been reviewed as there were other matters that were more urgent that were being reviewed regarding this application. The documents should be re-submitted to the board as they follow the questions that Member Kasper has regarding an HOA

requirement being achieved by statute or other method equivalent to the statute. Mr. Langey said that he would send the last version reviewed.

Escrow Request

Applicant	Jordan Road Town Homes LLC	Property:
	4302 Jordan Rd	County Line Rd
	Skaneateles, NY 13152	Skaneateles, NY 13152
		Tax Parcel #018.-02-29.1

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

There are outstanding invoices for engineering services rendered and pending billing for engineering and legal service that will require additional funds from the applicant to process.

WHEREFORE a motion was made by Member Kasper and seconded by Member Hamlin that the applicant increases the escrow account in the amount of \$5,500. The Board having been polled resulted in the unanimous affirmance of said motion.

Discussion

Member Kasper requested that an attorney advice session be scheduled, and the board set an attorney advice session for March 25, 2021 at 6:30 pm.

Discussion

The Planning Board reviewed the proposed Local Law B of 2021, a Local Law Amending the Town Code of the Town of Skaneateles to modify the area variance standards of §10-10-E. The Planning Board recommended the proposed Local Law B of 2021, be adopted by the Town Board. Accordingly, the Planning Board adopted the following:

WHEREFORE a motion was made by Member Jill Marshall and seconded by Member Donald Kasper, that the Town of Skaneateles Planning Board, it was **RESOLVED** to recommend adoption of Local Law B of 2021, a Local Law Amending the Town Code of the Town of Skaneateles to modify the area variance standards. The Board having been polled resulted in the unanimous affirmance of said motion.

Discussion

The Planning Board review the proposed Local Law A of 2021, a Local Law Amending the Town Zoning Code of the Town of Skaneateles to provide for Planned Unit Development (PUD). The intention of a PUD is to create a district, provide land use and design flexibility to facility development of projects that would not otherwise be possible in the underlying zoning district or under the standing zoning regulations. The PUD district intends to balance the needs for land use planning with the need for appropriate land use variety and design, efficient use of public improvement, and protection of the community’s interest. The Town Board is requesting response from the board within 90 days of their introduction of the law in February. Member Kasper said that he has done a couple of PUDs and they are a good way to allow development in special zones. He continued saying it will change what approvals would be required from the Planning Board. He said that he could see someone wanting apartments and office buildings on the western side of the town. His concern is with a PUD located close to the lake.

Mr. Camp said that the Town Board would have the right to deny a PUD if this legislation came to pass. He continued saying that he has been involved with PUDs on both sides, and they do require more time for review as the application would require review from both the Town Board and the Planning Board. Mr. Brodsky commented that a PUD or PDD is a customizable zone district. It should be a substantial review

process by both the Town Board and the Planning Board just to create the district. Counsel Molnar said that there are other benefits to the PUD. This is essentially re-zoning so there is an input required, a public hearing, and this proposed legislation has proposed criteria an applicant must meet. Although this legislation would take away jurisdictional control of the project from the Planning Board, there will be a referral back to the Planning Board for review and approval. Mr. Brodsky said that he would like to see the role of the Planning Board in the process strengthened. The board could consider how might the PUD be applied to not just the gateways but the old factories along Skaneateles Creek could be good candidates for it as well as Mandana. This may be a great tool to replace the Hamlet zone in Mandana. Prohibited use in the town could be prohibited in PUDs. The Planning Board should have a stronger advisory role in the creation of the PUD, and the Planning Board would be issuing a site plan approval on any PUD project. The Planning Board would be implementing the customized zone change that the Town Board adopts. The uses of the property would be determined by the Town Board.

Mr. Camp stated that the Planning Board does not determine uses now on a zone change, they just have a referral. Mr. Brodsky agreed and added that the Planning Board should have a longer referral period than just 30 days to critically examine a PUD project. Member Hamlin inquired if the boundaries of a PUD need to follow an existing zone boundary. Mr. Brodsky said that a PUD district would replace the existing zone district(s). Member Marshall inquired why it was brought up and Mr. Camp said that it is used in a lot of municipalities. It is being considered to encourage affordable mixed-use housing and to encourage businesses to stay in Skaneateles. Mr. Brodsky said that sometimes the requirements of a zoning district can be too rigid for a desirable land development that may need more flexibility. A PUD puts the decision in the hands of the Town Board to save a building, save jobs, as a viable tool.

Chairman Southern stated that it takes away regulatory control from the Planning Board as it shifts from a regulatory review to a recommendation. Counsel Molnar said that the referral section of the proposed code could be enhanced, and the criteria expanded. Mr. Camp commented that one way the PUD could be set up is for the Town Board to approve a boundary of a new PUD with the zoning criteria in it with site plan approval required from the Planning Board. Counsel Molnar commented that that is the way this is written. Mr. Camp say that this is another way to do a zone change and not a big change from a zone change today. Mr. Brodsky said that the town would be creating a new zone and creating the rules for it, as they do now. Mr. Brodsky stated that a PUD will be highly dependent on the design ideas and the Planning Board, who is much more skilled and experienced with design, should have a stronger role in the advisory role of creation of the district. Member Marshall said that with the proposal the Town Board gets to decide when and how a PUD is used. Mr. Brodsky said that he does not dispute that, but that the allowance for Planning Board review and comment is too abbreviated. Member Marshall said that she would like for the Planning Board to have some input of where and how a PUD is applied. The proposed language does require comment from the Planning Board on the proposed PUD prior to the Town Board deciding. Chairman Southern commented that when the Town Board reviewed all major projects, they would refer them to the Planning Board and the process would take longer for review and decision than it does today. He continued saying that most of the time the Town Board mimicked what the Planning Board recommended, and it will make the process more politically influenced. Chairman Southern said that the proposed language allows PUDs anywhere in the town. With the Planning Board review, the board could make recommendations in support and rejection of the request, but ultimately it is the Town Board's decision.

Counsel Molnar suggested that the board take time to review the proposed legislation and formulate their opinion so that feedback can be provided to the Town Board. Chairman Southern suggested that Counsel Molnar to put together a list of concerns so that the decision can continue at the next meeting. Member Hamlin suggested that Member Kasper, Mr. Camp, Mr. Brodsky, and Counsel Molnar could bring forward details from their experiences with PUDs.

Discussion

Chairman Southern requested that Vice Chair Winkelman assume the Chair’s responsibilities while he is dealing with health issues.

WHEREFORE, a motion was made by Member Kasper and seconded by Member Hamlin to adjourn the meeting. The Board having been polled resulted in the unanimous affirmance of said motion. The Planning Board Meeting adjourned at 9:38 p.m. as there being no further business.

Respectfully Submitted,
Karen Barkdull, Clerk

Additional Meeting Attendees:

Robert Eggleston	Chris Szemis	Don Spear
John Langey	David Brown	Read Spear
Jo Anne Gagliano	Justin Boisey	Marc Spear
Joe Falco	Holly Gregg	Rudy Zona
Kyle Volz	Dessa Bergen	David Lee
Mark Tucker	Guy Donahoe	Bu
Tom Blair	Jim Nocek	315-562-8339