

**TOWN OF SKANEATELES
PLANNING BOARD
MEETING MINUTES
August 15, 2023**

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

Chair Kasper opened the meeting at 6:30 p.m. The meeting minutes of July 18, 2023 were previously distributed to the Board and all members present acknowledged receipt of those minutes.

WHEREFORE, a motion was made by Chair Kasper and seconded by Member Holbein to approve the minutes as submitted. The Board having been polled resulted in the affirmance of said motion. Members Hamlin and Marshall abstained from the vote due to their absence last month.

RECORD OF VOTE

Chair	Donald Kasper	Present	[Yes]
Cochair	Douglas Hamlin	Present	[Abstain]
Member	Scott Winkelman	Present	[Yes]
Member	Jill Marshall	Present	[Abstain]
Member	Jonathan Holbein	Present	[Yes]

Continuance-3 Lot Subdivision

Applicant: Travis Bradley
Alexander Liu
3743 Fisher Rd
Skaneateles, NY 13152
Tax Map #033.-04-12.1

Present: Travis Bradley, Alexander Liu, Applicants; Robert Eggleston, Eggleston & Krenzer Architects

The applicant is proposing a three lot subdivision. A drainage plan for lot 2 has been developed that is similar to the drainage plan that was approved as part of the proposed subdivision in 2020. There will be a ditch on the north side of the shared driveway that will capture the storm water and direct it to the west end of the lot avoiding the north neighbors.

As residential lots located in the IRO district require site plan review, they have also submitted a site plan application for lot 2, which also addresses the drainage. Chair Kasper said that all of the water is going to run down to the road. Mr. Eggleston explained that there will be a certain amount of water down to the road, stormwater from the road itself, and there is a ditch that has been created along the road, a berm that directs the water to the west that feeds into the Birds Nest pond. Chair Kasper said that on the north side of the property, there are no elevations of the properties along Old Seneca Turnpike. The elevation

may drop off towards those lots. Mr. Eggleston said that it is yes and no and can be better explained with the grading plan for lot 2. Member Winkelman said that he is not convinced that the drainage on the west side goes to the Birds Nest pond. Mr. Camp commented that what the road project will do is that there will be a cut off drain on the north side of the road with the grading moving the water to the west and then south. With the current conditions the water drains toward the pond on lot 2 and that is one of the primary cut offs with the road project. Then, the house project is tied to that and then the development of lot 2 will include directing the water towards the road ditch, with any incremental difference to the surface drainage pushing the drainage away from the pond on lot 2. Chair Kasper said that the ditch along the driveway will continue to the west where there is an existing depression. Mr. Eggleston commented that they will not be making the drainage worse; in fact, they will be making it a little bit better. Mr. Camp said that with both the subdivision and the site plan application, the drainage will be redirected away from the north and improve the drainage.

Mr. Eggleston said the drainage plan for lot 2 utilizes roof gutters from a new dwelling directing stormwater to the south ditch. A bioswale will be created before the point to the north where the water naturally flows. The pond will be filled in to make it a gradual slope like it was previously. The underdrain for the bioswale will go to the point where the water naturally goes. The bioswale is designed to take over three quarters of the impermeable surface coverage of the lot with most of the impermeable surface coverage drainage going south and west. Chair Kasper inquired why the outlet is not directed to the road ditch and Mr. Eggleston explained that the topography is higher, and it would not drain to that location without a pump.

The road ditch would be one foot deep, and the ditch should be designed with a flat bottom. Chair Kasper said that there should be an easement to maintain the drainage system. Member Marshall asked about the bioswale, and Mr. Eggleston explained that all of the water runs off the property as it is the highest point in the area. He continued saying that the bioswale will slow down the runoff. Member Winkelman asked the size of the bioswale, and Mr. Eggleston said it was designed for a two year storm, and Mr. Camp added that a 2-2.5 year storm of short duration is how the bioswales are usually designed. Chair Kasper commented that there is a proposed walk out basement and Mr. Eggleston said that the elevation of the walk out basement is at 988 Ft and that the top of the bioswale is 997 ft.

Chair Kasper commented that there is no existing outlet to the existing pond, so that it may be spring fed. Once it is filled in and it is spring fed, he asked where will the water go. Mr. Eggleston explained that all of the water goes to the low point that is at the northwest. Member Holbein asked if the outlet of the bioswale will drain there, and Mr. Eggleston affirmed that location. Mr. Eggleston said that the existing pond is shallow, and the neighbors complain about it being a breeding area for mosquitos. Mr. Camp said that if the existing pond is being filled by the groundwater then filling in the pond does not stop the gradient filling of the area. There would not be any more pressure on the water created unless the water is contained with a specific liner in that pond. Filling the pond in does not change the elevation of the groundwater.

Chair Kasper said that water is going to be wherever it is and asked if there is any way the situation on Old Seneca Turnpike could be improved by diverting the water. Mr. Eggleston said that that is exactly what they are proposing with the impermeable surface coverage being directed south to the road ditch and with the inclusion of the bioswale. Chair Kasper asked what the natural flow of stormwater from the end of the lot corner is, and Mr. Eggleston explained that the stormwater goes around the last lot then goes into the culvert under the road and then north. Member Hamlin commented that the drainage plan is

intending to reduce the water and slow it down as it heads in that direction and Mr. Eggleston agreed. Mr. Camp said that this area is a small part of the watershed and what is proposed should make it better. Chair Kasper said that the lot is the high point and wants to make sure the water stays on this property and heads to the southeast.

Counsel Molnar suggested that a drainage easement for the benefit of the town may be helpful to assure that the town would have access if necessary to maintain the drainage system. Chair Kasper said that there should be an easement for the three lot owners so that they can maintain the drainage system. Mr. Eggleston said that there will be a driveway easement that will also take care of the drainage in that area. Once you area past the driveway easement it would get shifted over to the berm on lot 2. At the end of lot 2 is the gas easement and drainage is less of a concern. Chair Kasper suggested that the easement should be between lots 2 and 3. Counsel Molnar recommended that an access easement in favor of the town to come in to repair and replace the stormwater system in the event it is not properly maintained. There would also be a driveway, utility, access, and drainage easement between the three lots.

WHEREAS, pursuant to and in accordance with Section 276 of the Town Law of the State of New York, and Chapter 148 of the Town of Skaneateles Code, the Applicant has submitted the following items to the Planning Board for consideration when approving the Subdivision Map, including:

1. Final Plan Teasel Meadow Subdivision dated July 14, 2023, prepared by Paul James Olszewski, P.L.S. ("Final Plat" or "Subdivision Map"); and
2. Sketch Plan prepared by Robert O. Eggleston, Licensed Architect, 1 of 1 dated July 6, 2023; and Narrative, revised dated July 6, 2023 by Robert O. Eggleston, Architect; and
3. Conceptual Septic Plan prepared by Eric Buck, P.E. dated November 2, 2016 ("Conceptual Septic Plan"); and
4. Declaration of Private Driveway and Utility Easement and Maintenance Agreement; and

WHEREAS, upon review of the Subdivision Map, the Board concurs that it fulfills code requirements, reflecting three residential subdivided lots under consideration, with Lot 1 consisting of 2.5 +/-acres with existing dwelling, hangar building with accessory apartment, pond, and a portion of the driveway located in both the RR and IRO districts; Lot 2 consisting of 3.6 +/-acres of vacant land with an existing pond in the IRO district; and Lot 3 consisting of 6.1+/- acres with an existing garage, pond, and a portion of the access drive located in the IRO district.

NOW, THEREFORE, upon a motion made by Member Scott Winkelman, seconded by Member Douglas Hamlin, and upon the affirmative vote of all Members present, as set forth in the Record of Vote referenced below, the Skaneateles Planning Board approves the Subdivision Map for the Teasel Meadow Subdivision, subject to the following conditions:

1. The foregoing recitals are incorporated herein as if set forth at length;
2. That the Applicant and its professionals shall submit revised drafts of the Private Driveway and Utility Easement and Maintenance Agreement, and an access easement for the Town of Skaneateles, at its discretion, to maintain the drainage system in the event of non-

conformance (the “Recordable Documents”), for review and approval by the Planning Board Chair and the Planning Board Attorney, and as approved shall be executed and recorded by the Applicant in the Onondaga County Clerk’s Office contemporaneously with the filing of the Subdivision Map.

3. That development of the Project, according to the Subdivision Map and the Recordable Documents shall be fully complied with by the Applicant, at no cost to the Town.
4. That one mylar and five copies of the Subdivision Map shall be submitted for signature within six months of the filing of this decision, and that Chairperson is authorized to sign said Subdivision Map, subject to fulfillment of applicable conditions herein.
5. That the Subdivision Map shall be filed with the office of the Onondaga County Clerk within sixty days of the signing of the Subdivision Map and proof of said filing shall be submitted to the Planning Board;
6. That the Applicant shall obtain all necessary septic approvals from the Onondaga County Department of Health;
7. The Applicant shall obtain all necessary approvals from any other agency or authority having jurisdiction over the Property or Project, including the Town Highway Superintendent, and the Town Water Department, and build all required infrastructure including, but not limited to, drainage basins, stormwater drainage facilities, and the private shared driveway, where depicted and as set forth on the Subdivision Map;
8. That the Applicant post escrow of \$250 for engineering and legal review of the Plans and Submissions and for inspection by the Town for the Project under construction.

RECORD OF VOTE

Chair	Donald Kasper	Present	[Yes]
Cochair	Douglas Hamlin	Present	[Yes]
Member	Scott Winkelman	Present	[Yes]
Member	Jill Marshall	Present	[Yes]
Member	Jonathan Holbein	Present	[Yes]

Member Winkelman commented that the prior approved plan was for four lots and this proposal reduced it to three lots.

Sketch Plan-Site Plan Review

Applicant: Travis Bradley
Alexander Liu
3743 Fisher Rd
Skaneateles, NY 13152
Tax Map #033.-04-12.1 Lot 2

Present: Travis Bradley, Alexander Liu , Applicants; Robert Eggleston, Eggleston & Krenzer Architects

The proposed site plan for the proposed lot 2 was just discussed under the subdivision application. The septic plan for lot 2 was conceptually approved by OCDOH in 2016.

WHEREAS, a motion was made by Chair Kasper and seconded by Member Holbein, the Planning Board declared this application a Type II action pursuant to 6 NYCRR617.5(c)(11) and not subject by SEQR for further review. The Board having been polled resulted in the unanimous affirmation of said motion.

NOW, THEREFORE, BE IT RESOLVED, upon a motion made Chair Donald Kasper and seconded by Member Jonathan Holbein, and after an affirmative vote of a majority of Members present, as recorded below, the Town of Skaneateles Planning Board hereby **APPROVES** the Application for minor site plan approval, with the following conditions:

1. That 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. That the Site Plan Approval granted herein is subject to the completion of conditions set forth in the “Teasel Meadow Subdivision” including the filing of the subdivision map and associated easement agreements; and
3. That the Grading Site Plan 1 of 2 through 2 of 2 dated July 31, 2023, and Narrative dated August 1, 2023 prepared by Robert Eggleston, Licensed Architect, be followed in all respects; and
4. That the Applicant shall obtain all necessary permits and approvals from any agency or authority having jurisdiction over the Property or the Application; and
5. That an as-built survey be submitted to the Codes Enforcement Officer with verification of conformance of all phases of the completed project within (60) days of completion of the project.

RECORD OF VOTE

Chair	Donald Kasper	Present	[Yes]
Cochair	Douglas Hamlin	Present	[Yes]
Member	Scott Winkelman	Present	[Yes]
Member	Jill Marshall	Present	[Yes]
Member	Jonathan Holbein	Present	[Yes]

Member Hamlin said that Mr. Camp will be inspecting the road and drainage system and asked if he should also view the grading. Mr. Eggleston commented that all of the sitework will be completed at the same time.

Public Hearing Continuance-2-lot Subdivision & Lot Line Adjustment

Applicant: Dan Goetzmann

Eric Goetzmann

1677 Lancelot Place

Skaneateles, NY 13152

Property:

Gully Rd

Skaneateles, NY 13152

Tax Map #032.-01-01.0 & 033.-01-18.0

Present: Eric Goetzmann, Applicant; Robert Eggleston, Eggleston & Krenzer Architects

The plat plan that was submitted reflecting a modification the last month's plan that returns the request for a lot line adjustment between lots 032.-01-010 and 033.-01-18.0. There will be a portion of the driveway access that would be part of proposed Lot 2 and the same square footage of the proposed lot 2 would be for 1677 Lancelot Place so that there is a net zero change in the size of 1677 Lancelot Place lot. Mr. Eggleston continued stating that he had prepared a letter to the board in response to Mr. Camardo's letter dated July 18, 2023. Chair Kasper requested that he read the letter to the board as the public hearing was continued from last month; Mr. Eggleston reviewed the letter for the board.

There are no plans to remove trees behind Ms. Huther's property as there will be a 30 foot wide permanent easement to keep and maintain the hedgerow for the active Richards farm behind her dwelling. The construction of the dwelling, driveway and septic area will be less than one acre of clearing. The DEC mapping reflects that there is no known Indiana Bats located on this lot as there are no shaggy bark hickory trees that the Indiana bats reside. Keith Dart walked the site with Eric Goetzmann and found no shaggy bark hickory trees. Few if any milkweed plants, preferred by the Monarch butterfly, are at the site. The protocol will be not to remove any milkweed or shaggy hickory trees during their respective habitat periods. The state environmental resources mapper did not indicate that there are any rare, endangered, or threatened species on the lot.

The New York State environmental resources mapper did not indicate that there are any designated wetlands on the property or within 500 feet of the site. The Onondaga County Planning Resources map also does not indicate that there are any wetlands on or within 500 feet of the property. The Planning Board has walked the site and has found this to be reasonably accurate. The southwest corner of the site is within the state regulated wetlands check zone as half of the residential lots in the Manor Heights subdivision. Ms. Huther's house and pool are within this wetland check zone. This is an indication that a second look should be done before disturbing the land. To be protected, the wetlands have to be 12.4 acres or more in size or smaller if they are considered of unusual local importance, according to the NYSDEC.

The application is simply a two lot subdivision and lot line relocation which will not generate any new stormwater, the eventual construction of a house and driveway will. This site is not regulated under MS4 area or watershed improvement strategy area. The anticipated impermeable surface coverage will be low on this 4.6 acre parcel and the contours indicate that both the driveway and anticipated home site behind Dan Goetzmann's home slope away from Ms. Huther's property. This site is large enough that standard erosion control measures and stormwater management will not cause adverse effects on adjacent properties. At most this would be a no or small impact on the EAF Part 2.

The July 6, 2023 narrative does not state that significant deforestation will occur. This is a false conclusion on the part of the neighbor's attorney that has no merit. The Richards Farm LLC will be granted two agricultural easements to maintain the woods as they have over the past decades. The applicant has stated at the Planning Board meetings and site visit the Mrs. Goetzmänn enjoys the forest and having trees around her home and only selective trees will be removed for the placement of the driveway, home, and septic system. Less than one acre of land will be disturbed for the anticipated home.

While the proposed lot 2 will be developed with a single family home adjacent to a neighborhood of single family homes in a rural area, there is merit to the attorney's statement that this is not consistent with the predominant character of the existing built or natural landscape. Mrs. Goetzmänn's home, while similar in size to the adjacent homes, will be built on a conforming lot with conforming setbacks, conforming density, and a conforming driveway. All the adjacent homes are on nonconforming lots, most with nonconforming setbacks, density and driveways that are too close to the property line.

The application is following the required procedure for approval. The property owners that will be affected by the lot line relocation are Daniel Goetzmänn, who is under contract to purchase lot 2 of the Kanaktiyo subdivision and the owner of 1677 Lancelot Place. The property lines of 1705 Lancelot Place will not be altered. Ms. Hunter's attorney is over-reading Chapter 131-1F(2) and the impacts do not give Ms. Hunter authority to sign a consent to file in that her property is not part of the proposed subdivision or lot line relocation.

The question of water flow and water pressure has been a problem in the past in this town water district. As a result of improvement in the village water system that supplies water to the town water district, the test performed October 19, 2020 by C&S Companies and two DPW staff showed that the residual water pressures were now acceptable and consistent with C&S's computer modeling that had performed subsequent to the 2016 field test. It should be noted that most of the houses built in the neighborhood in the 1960s had galvanized water supply lines that tend to build up deposits within the pipe that restricts water flow and pressure. This is an individual homeowner issue.

As already mentioned, the issues raised by the attorney have little if any merits and do not warrant denial of this application. Comments in regard to the EAF would maintain the Planning Board's current response on Part 2 as no or small impact.

The 30 foot wide strip of land running north/south and east/west was solely for the purpose of coming as close as possible to the five acres originally agreed upon for the purchase of lot 2. The Richards were truly clear that they would only sell land that could not be used for farming and therefore the 30 foot strip was included in lot 2. The strip is further restricted by an agricultural easement that Richards Farm LLC will retain for the purpose related to their farming practice. Placement of a future driveway over this strip is not possible and further development/subdivision of this or the adjacent property were to happen, it would need to come before the Planning Board.

Member Winkelman said that he thought there was going to be a well for the water source on the property. Mr. Eggleston said that the site plan has been updated to reflect that proposed lot 2 will have a portion of the driveway as part of the lot with a land swap for 1677 Lancelot Place so that the lot would have access to public water as lot 2 would have a portion of the property in the water district.

Member Marshall asked why a road could not be built on the 30 foot strip and Mr. Eggleston explained that there would be an agricultural easement placed over the strip of land that would prohibit development. Member Marshall asked if the easement could be changed and Mr. Eggleston said that it could potentially be changed and that more land would need to be acquired from the Richards Farm, which is unlikely.

Chair Kasper requested that Mr. Camp recap the water pressure testing that was completed in 2020. Mr. Camp said that this subdivision that was established in the 1960s is located in one of the highest areas in the town in a water district. The water system is pressurized in a standard way which is often with elevated tanks at either end or why the highest areas in the water district tend to have the lowest pressure. That is the way the hydraulics of the piping system works. Over time as the main pipes under the streets become corroded and scale which cause them to loose their volume and cause a reduction in flow which can exacerbate service at higher elevations. The pressure remains the same, but the flow has problems. Health departments require, as NYS standards for water systems in the 10 contiguous states in the northeast, to have minimum operating pressures in the public system. If someone opens a fire hydrant full tilt, that is always the condition that they can drop pressure to the lowest. There has to be at least 20psi pressure in the entire system while the hydrant is open. That is thorough protection to prevent mud and debris from being sucked back into the system into people's homes. The system does meet that with improvements that were made in the village. The town had no control over the fact that the flows did not meet standards as the town system is fed directly from the village system. A flow test was completed after the village improvements with a test done in Manor Heights, that show that the system meets the minimum pressure standard. Chair Kasper said that one of the neighbors had said that when the water is turned on in the first floor the water volume is reduced on the second floor. Mr. Camp said that the systems are tested in the public right of way as that is all the town can do as the town is not responsible for anything outside of the public area. Beyond the public right of way the individual homeowner's responsibility begins. There is a main under the street with a lateral that connects and then there is a line until the valve and there is the demarcation between the public and private system. Bob had indicated in his letter that there could be restriction on the private side of the system, and that does happen with galvanized piping as it tends to scale quicker than copper, which is why copper meets that standard for private service.

Member Winkelman said that the applicant is asking to extend the water district here. Mr. Eggleston said that they are not as the water district boundary is not changing. Chair Kasper said that the applicant is asking the board to extend the lot into the water district. Mr. Camp clarified that as long as it is a legal subdivision they are allowed to have public water if a portion of the lot is in the water district. The water district boundary is staying the same. Mr. Eggleston commented that the original lot line relocation included the entire strip down to Lancelot Place. What that did with the land swap was pushing Mrs. Goetzmann's dwelling further away from Dans, they could go back to the original design if that is the wish of the board.

Chair Kasper said that with the access easement, a new driveway would have to be twenty feet from the property line and Mr. Eggleston added that the travel way would be twelve feet wide. Chair Kasper inquired about the location of the future home and Mr. Eggleston said that the house would be located behind Dan's house with the septic to the west.

Member Marshall asked if there is any scenario that there would not be the east/west strip and Mr. Eggleston said that the 30 foot easement strip of land was part of the negotiation with the Richards to try and attain close to five acres for lot 2.

Chair Kasper continued the public hearing and invited any who would like to speak.

Mr. Camardo Jr., attorney for Ms. Huther, began saying that the negative declaration for SEQR has already been determined and the architect submitted a letter dated August 8, 2023 that was not part of the application for SEQR purposes to vote on. He continued saying that the public needs to be included for SEQR determination. He said that the letter is an amendment to the SEQR application, so the SEQR should be re-voted on and the original declaration rescinded. He continued saying that he received a letter from the counsel to the board that have a number of accusations and misrepresented facts. He said that one of the issues misrepresented is the issue of bats. On the application the applicant listed that Indiana bats are part of the endangered species, certified, and butterflies. He expressed his concern about that as to what is going to be done about that and not after the fact. Has a biologist gone out there. He has looked at the maps and that this is not part of the mapping as he checked with the DEC. He continued saying that they do not have maps of the bats, because they do not want people to know where the bats are located for fear that they will walk in and disturb them. There is no mapping system for bats, so I do not know what he is even talking about. There are some mapping systems put out by the federal government and clearly they identify the area containing bats. It is up to them to come forward and not for us to guess, he said. They have to produce an application to begin with, which they have not done. Continuing he said that counsel suggests that it is his responsibility. And it is the applicant's responsibility. They need to produce proof here, what trees are going to be cut down, what is in the trees, if anything. It looks like a densely populated forest in there and a lot of trees have to be disturbed. These are protected species, and it is a matter of state and federal law to not disturb. He said that he resents the implication that the counsel would suggest that he is misrepresenting facts.

He continued saying that the second thing is the wetlands as the mapper said that the maps are not specific, and it falls in the check zone that falls around the mapped wetlands where the actual wetlands may occur and should be checked by the regional office. Has he done that; I do not know. If necessary, a biologist can come out and perform a field delineation to help avoid impacts the regulated 100 foot buffer zone to the wetlands. He can say things that he walked the land or done this or that, but the maps show otherwise. Chair Kasper said that the board did a site visit, and the board engineer did a site visit, and they are aware of what a wetland looks like. Mr. Camardo asked what the DEC have to say and has anyone checked with the DEC. He continued saying that you have to do that. Mr. Camp replied that it says, if necessary, is what you just read. Mr. Camardo said it should be done. Mr. Camp said that the board can check and that the determination by the board was that there was no wetlands. Mr. Camardo read the language again, that the check zone is an area around the mapped wetland in which the actual wetland may occur. if you are proposing a project that may encroach into this area, you should check with your regional DEC, and I do not see any if necessary there. if necessary, they may have a biologist come out, they may have a biologist come out, not you. I do not like being attacked by the architect or counsel. He continued saying that they never had a copy of his letter; it was not attached to the application. He cant come in after the fact and try to support a negative dec. that has already been passed. Chair Kasper commented that his letter was in response to your letter. The board's attorney letter was in response to your letter. Mr. Camardo said that they are adding new facts to support that there are no bats out there or wetlands, and that they should get a chance to comment on it. He said that he has not seen the applicant's letter and he mumbled it through the gyration. Chair Kasper requested that a copy be sent to Mr. Camardo and that all the information presented be taken into consideration. Mr. Camardo said that

you did not take these concerns into account when you voted on it. He continued saying that he submitted his letter ahead of the vote and counsel said that he did not, and that is a distortion. Mr. Camardo questioned procedure and Chair Kasper clarified that SEQR determination is completed prior to the public hearing. The letter was accepted that day of the meeting and the board accepted it as part of the public hearing. Mr. Camardo said that his letter was submitted, and the board did their SEQR determination without looking at the letter until the public hearing. Then the board tabled this thing to get more information. The August 8th letter from him was accepted to support the SEQR determination. Chair Kasper said that the board is taking time and taking all comments into consideration. Mr. Camardo said that the board already voted.

Counsel Molnar stated that parties and interests that supply comments to the board do so 10 days before the meeting and Mr. Camardo interrupted to say that he does not know of any requirement that says that and that he has been involved with SEQR for a long time. As long as you appear before the board and make your objections known it is fine, and Counsel Molnar commented that he had done that. Regardless of the point in time the letter was received, which was after SEQR, Mr. Camardo interrupted and said that his letter said that it was submitted late. Counsel Molnar said that this board requires that parties and interests supplying any information for determination do so ten days in advance of the meeting. Mr. Camardo said that it is not state law, and his letter should have been considered. Counsel Molnar said that Mr. Camardo issued a letter concerning SEQR and what he had prepared for the board how you would address SEQR after the fact. The board has, in its sole discretion, the ability under the regulations to rescind or revoke, with the criteria that should be followed. The criteria include "pursuant to 617.7.e.1. at anytime prior to its decision to undertake, fund or approve an action, a lead agency, at its discretion, may amend a negative declaration when substantive: (i) changes are proposed for the project; or (ii) new information is discovered; or (iii) changes in circumstances related to the project arise; that were not previously considered, and the lead agency determines that no significant adverse environmental impacts will occur." That is the standard by which the board can address SEQR right now.

He continued saying the Mr. Camardo, in his email to him at 4 pm today, said that you contend that the letter was delivered after the SEQR analysis which is not true. That is the point in time when he and the board received it, but nonetheless it can be managed under the SEQR regulations. Mr. Camardo interrupted saying that he lost Counsel Molnar's point. Counsel Molnar continued reading Mr. Camardo's letter. "you contend falsely that there is some sort of mapping that reflects the location of Indiana Bats. " That statement is inaccurate because the DEC does have a mapper and Mr. Camardo said that the DEC does not have a mapper, and that he talked to a gentleman on the phone. Counsel Molnar shared a screenshot of the NYS Environmental Resource Mapper that reflects the location of rare plants and animals and Mr. Camardo said that it did not say protected as they do not want to put protected species on a map for people to go in there and disturb them. He continued saying that if you want to ramrod this through. Mr. Camp said that Counsel Molnar sat quietly with your presentation and that he should show the same courtesy to Counsel Molnar. Counsel Molnar continued saying that the mapper does not reflect that this project is in any area of concern. That is information to balance against the information you had provided. Mr. Camardo said not true, as it says species not protected. Counsel Molnar said that he would like to make his comments to the board without interruptions and Mr. Camardo said that Counsel Molnar had plenty of time to do that before this meeting.

Counsel Molnar continued the discussion with the board saying based on the standards of the SEQR regulations, in addition to the number of issues Mr. Camardo has raised, the board should also look back to the context of the application with the mindset of the board before completing SEQR, as a single lot,

currently part of an active farm operation that is proposed to be subdivided into two pieces. One approximately 10 acre lot will remain the active farm operation, and the other is a 4.67 acre parcel that will become a single family residential lot. It is the context of the SEQR and the project in the Town of Skaneateles creating a lot for a single family home. The board has had many situations with a type I action with a positive declaration, with a deep EIS, carrying it through to multiple conclusions and conditions on how to mitigate. It is for the board to assess that you have made comments on the SEQR form that there is no or small potential impact. We have received information from counsel which presents objections, information from the architect that is a rebuttal. In all of the submittals, does the board find information that is compelling to rescind or modify the SEQR determination. Mr. Camardo said that it is up to the applicant to support his position, and the board voted on it without having the supporting materials. Are there any bats out there and is there any proof. He continued saying that the board voted on that and not his April 8th letter. His letter is raising concerns and the proof appears after it has been voted on. He said that he should be involved in the SEQR decision and be able to respond to that letter as you are using that to support the position.

Counsel Molnar said that in the context of a one lot subdivision into two lots to create a single family residence, the board had adequate information at that time to complete SEQR. After the fact, your information came in and after that fact the information from the architect came in. Mr. Camardo said his letter was submitted prior to voting. Mr. Camp said that the timing is irrelevant as it can be gone back and redone. Counsel Molnar said given merit to your objections and Mr. Camardo interrupted and said that he disagrees and that generally what happens in those situations where SEQR is passed and time goes by and there might be added information that becomes known way after then you would move in to try and revoke the SEQR, and that he has done it. I would win if this goes to court. Counsel Molnar clarified that there is no inclusion in the SEQR decision process. The board may invite public comment when the context so required as in a type I action.

Member Marshall inquired about additional information submitted and Chair Kasper said that the board is considering that now with an amend or repeal of the SEQR determination. He continued saying they are doing discovery because Mr. Camardo brought it up, they responded and the board will take that information, and we are having a public hearing so that you can respond to that. The board has reviewed a lot of subdivisions in Skaneateles and there has not been one subdivision where there has been an Indiana Bat. The board has been out to the site and the applicant has indicated where the dwelling will be located. There are no wetlands within a couple hundred feet of that. Counsel Molnar stated the NYS Environmental Resources mapper indicate that there are no federal or state wetlands in the location. The property is within the check zone, to verify if there is a wetlands and a substantial portion of Lancelot place is in the check zone. Mr. Camardo said that he has won a lot of SEQR cases due to procedural flaws and if the procedure is not flawed, the board has a lot of discretion. Mr. Camp noted that the procedure is still occurring.

Eric Goetzmann, applicant, said that his brothers both Dan and Craig live there, and his mom lives on West Lake Road. As his father has recently passed, they are trying to build a single family home next to his brothers as he travels a lot. They found a piece of land and they worked with Mr. Richards, a longtime friend, to get a deal to finally sell the woods to them as the Richards do not sell land that they can plant to feed the cows. The piece that goes along the side is all trees and they cannot plant that. They determined that the driveway should be 20 feet off the property line even though Huther's driveway is 1.5 feet from the property line. They are trying to build the home for their mother as soon as possible. The SEQR process is a hard look at subdivisions They looked at the Indian Bats and the Monarch butterflies

and made sure that there were no shaggy hickory trees there where the bats could nest for the summer. The bats nest in the loose bark of trees near streams and rivers. There is none of that on this property. The Monarch butterfly lay eggs in milkweed that requires direct sunlight to grow. They have walked the property, and nothing is there. They looked at the check zone and it says if necessary, talk to the NYSDEC. If there is open land the DEC delineates wetlands but in a housing development they do not. The board has visited the site and did not find wetlands. Bob checked the box for the Indiana Bat because during the summertime you have to pay attention to it. They wanted to be thorough, so they checked the box. He had hired a guy to walk the property to make sure that there are no shaggy bark hickory trees.

Erica Clark, Marcellus, daughter of Ms. Huther, said that Eric painted a rosy picture and that over July 4th weekend he called, texted, showed up at the house with paperwork to sign. She is appalled by the family of neighbors and that they are slapping this driveway and a 2400 square foot house behind her mother's property. He is assaying that no trees will really come down and that she loves trees. That is a pretty big house for an old woman. There is also the ability to build a second house positions potentially as a guest house for a sister and that is another house taking down all of these trees that she seems so concerned about. You said it was not possible to put the houses between their houses and they are choosing to do that. It may be more difficult, but they are choosing that. Now her mother and the neighbors have to live in a construction zone. There is a strip of land behind her house, and you cannot tell me their plan is not to further purchase land and go down to Gully and create a development. I am extremely unsure why they would need that land. She is disappointed in the idea that it is just a house for a sweet older woman because that is not how it feels. We almost called the police for their performance over July 4th weekend. This seems like a sweet idea, and it is a gateway to something more. It is completely disruptive and right on my mother's property.

Mr. Camardo Jr. said he was wondering why on the form they put down that there are bats out there and how he knew that. Apparently he brought somebody in to look at it so there are bats there. What are we going to do about it and where is the report from somebody brought in.

Eric Goetzmann said that as far as the bats, every project he does between March 30 and October 1, he looks at that because for just this reason. They went to the same website to look to see if endangered species are in the area. As far as the meetings, he was trying to be transparent, and they did not have to show the map. He said that he talked to you and said I would go to the neighbors. I did not have the map and I sat down to explain the project and it was a simple no objection letter which you do not have to sign. The reason I texted you is because I did not give you the map and I left it on your chair and then left a text. I was not trying to be aggressive; I was just trying to show you what we are doing. I thought I was being a good neighbor to show it to you.

Ms. Huther, 1705 Lancelot Place, said that it was Friday afternoon before the 4th weekend and Craig gave her a heads up on the project and that was the first time she heard about it although the application was looked at in June. She called him the next morning saying she had questions and set up a meeting to talk. At the end of the meeting she was asked to sign the no objection letter and it was determined that there was an error in the letter as the driveway proposed should have been 20 feet from the property line. She did find another paper on her chair on the 4th of July. By noon that day Eric left a voicemail. He continued to voicemail or text to ask if she had any questions. She contacted him and said that she was not going to sign it and to please stop contacting her. A week later I was checking the pool and in the shed when I heard a noise and I asked who was there and Eric stepped out from the woods who then said he was checking the woods.

Eric Goetzmann clarified that he was walking the Richard's property to check the trees. The original letter that they had asked for Ms. Huter to sign was 8 feet off Dan's property which would put it 20 feet off her property. Chair Kasper said that the applicant did contact you to let you know what was going on before the board.

Kevin Huther, son of Ms. Huther, asked if the parcel i.d. is off Gully Road and why cannot the entrance be off Gully Road. The Goetzmans should be able to resolve access with the Richards as there is plenty of land there to make that work. The plan will disturb a piece of property that is part of a 50 year development and there are other access points to this property to construct a single family home. Mr. Eggleston said that that has been answered multiple times and they will answer again. Chair Kasper commented that that is not part of the application proposed and the board is considering what the application is requesting. Mr. Eggleston added that the Richard Farm does not sell cropland with the cropland at Gully Road. Putting a driveway off Gully Road would put the driveway behind the neighbors and it does not make sense.

Ms. Huther, 1705 Lancelot Place, suggested that the driveway be placed between Dan and Craig's house to access the mother's house. The septic system can be moved. Mr. Eggleston said that as the Planning Board knows, Dan Goetzmann can put a driveway for himself 20 feet off the property line without the need for Planning Board approval and it would be conforming. It is Dan's land and not on the Huther's land.

Counsel Molnar said that there has been a great deal of information from the applicant, Ms. Huther, and Counsel, who have been provided a copy of the applicant's rebuttal. As recommended by the neighbor's counsel, the SEQR can be redone, so long as the SEQR is completed before the board makes a determination. Based on all of this information he recommended to the board that SEQR could be redone at the next meeting so that the board can rest assured that there is no jurisdictional defect in the SEQR process. The regulations on point can be used to take a hard look at all of these issues and make a conclusion under SEQR. Subsequently the board can move forward and entertain a motion. Member Hamlin commented that he is in support of that recommendation as it will give the board time to review that comments and submissions. At the last meeting and this meeting there has been a lot of late submission of information, and he recommended that all additional comments are submitted 10 days prior to the next meeting. That will assist the board to make a better decision rather than the back and forth in real time providing another reason to delay. Member Marshall asked she would like more information regarding the check zone before SEQR is done next month. Chair Kasper requested that the applicant provide proof of the wetlands delineation and proof on the Indiana bats with documentation from your tree expert. The only area of concern on the subdivision is the location of the dwelling, septic and driveway. A site plan showing the proposed building envelope with documentation of the wetlands concern and the endangered species of concern should be submitted.

Kevin Huther, son of Ms. Huther, suggested a feasibility study for putting the driveway between the Goetzman properties and a cost analysis. It is odd when you have two family members next to each other and they want to build a house for their mother behind them. Chair Kasper said they would take that into consideration.

James Meyers, 3840 Knightsbridge Rd, said that the applicant is applying for a conventional subdivision for one house, and it does not make sense. Are you looking into what is actually going to be created.

Everything that comes here seems to be conventional, but the comprehensive plan and zoning encourages conservation. But we are not encouraging it. There should be a concern of what is on this land that is conservation value. We need to do a better job to encourage it. Chair Kasper commented that the applicant has stated that they are only clearing trees for the development of the dwelling. Mr. Camp added that the town has several land clearing code regulations. The conservation subdivision is available when there are multiple lots to allow the building lots to be smaller as they would be conserving land. This board does not have control on what the applicant proposes. Mr. Meyers said it is a bigger picture concern. Mr. Camp commented that the town has several regulation regarding clearing that are stricter than other municipalities that he is aware.

Mr. Camardo Jr. asked if the board will be voting to rescind the SEQR as the statute of limitations for filing article 78 is coming up and he does not want to miss his time frame of going to court. Counsel Molnar stated that the regulations do allow amendment or rescission based upon added information or change in the project. The board has both added information that has been supplied and a change in the project with the addition of the lot line adjustment to tie into the water system. The board could undertake the redo of the SEQR at the next meeting given all of this information to make an informed decision. He continued saying that he is making that recommendation to the board. Chair Kasper added that the lot lines have changed since the last proposal.

WHEREFORE, a motion was made by Chair Kasper and seconded by Member Winkelman to continue the public hearing to the next meeting. The Board having been polled resulted in the unanimous affirmance of said motion. Written comments must be submitted by September 8, 2023.

WHEREFORE, a motion was made by Member Hamlin and seconded by Chair Kasper to rescind the SEQR determination of July 18, 2023 and schedule the SEQR review for September 19, 2023. The Board having been polled resulted in the unanimous affirmation of said motion.

Continued Review-Site Plan Review

Applicant:	Self-Storage Route 321, LLC	Property:
	Matthew Slade	4437 State Route 321
	4004 Box Car Lane Dr	Skaneateles, NY 13152
	Syracuse NY 13219	Tax Map #022.-01-12.3

Present: Matt Slade, Collin Donahoe, Representatives

The applicant is proposing an expansion of the existing storage building facility with the addition of 4 storage buildings located to the south of the existing storage buildings, increasing the impermeable surface coverage to under 40%. Chair Kasper said at the last time the board visited the site there was a gravel area and Mr. Slade that these buildings will be further south.

Chair Kasper inquired about the drainage system and Mr. Slade explained that the existing drainage system will be expanded with additional catch basins. Member Hamlin inquired about open storage for boats and vehicles and Mr. Slade said that there is no more existing open storage, and their intent is to have only the storage buildings. A site visit will be conducted on August 28, 2023. The impermeable surface coverage calculations should be provided to the town.

WHEREFORE, a motion was made by Chair Kasper and seconded by Member Marshall to schedule a public hearing on ***Tuesday, September 19, 2023 at 6:30 p.m.*** The Board having been polled resulted in the unanimous affirmation of said motion.

Continued Review-Site Plan Review

Applicant:	James Nocek	Property:
	2856 County Line Rd	2433/2413 West Lake Rd
	Skaneateles NY 13152	Skaneateles, NY 13152
		Tax Map #055.-03-13.1&13.2

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

The applicant recently acquired the neighboring property at 2413 West Lake Road that has an existing dwelling and historic barn. Proposed is the merger of the lot into the Anyela's property and to expand the event center use to include the historic barn. The barn would be restored with a deck added and connected to the Anyela's path system. Special wine events would be held during May through October at the barn with temporary bathroom facilities brought in. Parking for any event would be located on the existing Anyela's property. The existing dwelling on the property has its own driveway and new septic system; it would be rented as a single family dwelling. There is an existing emergency access to the barn off West Lake Road.

The barn was constructed in 1812-1820 time period, and they are seeking grant money for the restoration through the craft alcohol industry. Mr. Donahoe said that the grant will facilitate the renovation. However, there are restrictions on how and what can be done in the building, so it is ideal for it to be a large open space.

The barn does need some structural improvements and will also not be conditioned. Member Winkelman commented that once the merger occurs the six acre lot would be added to the agricultural district. He continued saying that it is nice that it will be recombined as part of the original lot. A site visit will be conducted on August 28, 2023.

Counsel Molnar commented that the application is an amendment to the existing special permit and recommended that based on the proposal modifications, a public hearing should be scheduled.

WHEREFORE, a motion was made by Chair Kasper and seconded by Member Marshall to schedule a public hearing on ***Tuesday, September 19, 2023 at 6:40 p.m.*** The Board having been polled resulted in the unanimous affirmation of said motion.

Continued Review-Site Plan Review

Applicant:	Skaneateles Park East LLC	Property:
	Patricia Uritis	1551 East Genesee St
	9118 Mount Pleasant Drive	Skaneateles, NY 13152
	Reno, NV 89523	Tax Map #032.-03-20.0

Present: Robert Eggleston, Eggleston & Krenzer Architects

The applicant had received site plan approval for the development of a single family dwelling in the IRO district on this property that has an existing office building. As the applicant was attempting to acquire a loan for the construction of the dwelling, they were informed that a loan could not be obtained on the property that has the office building. The applicant is proposing a three lot subdivision with Lot A at 3.25 acres with the existing office building; lot B at 2.7 acres with the approved single family dwelling ; and lot C of 2.3 acres of vacant land for eventual residential development. The existing road access to the property connects to the existing drive leading to the approved future single family dwelling and lot C. The existing road easement is 50 feet, and it will narrow to 40 feet as it enters lot B.

Chair Kasper inquired if the driveway was in place and Mr. Eggleston said that the driveway is in place and verified by the surveyor, and that the septic system for lot B is in place as well. The septic system for lot C is being developed. Member Winkelman asked about the water service and Mr. Eggleston replied that all of the three lots would be serviced by public water. Mr. Camp inquired about the topography of the land and Mr. Eggleston said that it is a gentle slope. A site visit will be conducted on August 28, 2023.

WHEREFORE, a motion was made by Chair Kasper and seconded by Member Marshall to schedule a public hearing on ***Tuesday September 19, 2023 at 6:50 p.m.*** The Board having been polled resulted in the unanimous affirmation of said motion.

Discussion

The surface tablets were distributed to the board.

WHEREFORE a motion was made by Member Winkelman and seconded by Chair Kasper to enter an attorney advice session. The Board having been polled resulted in favor of said motion.

WHEREFORE a motion was made by Chair Kasper and seconded by Member Hamlin to return from attorney advice session. The Board having been polled resulted in favor of said motion.

WHEREFORE, a motion was made by Chair Kasper and seconded by Member Marshall adjourn the meeting. The Board having been polled resulted in the unanimous affirmance of said motion. The Planning Board Meeting adjourned at 8:56 p.m. as there being no further business.

Respectfully Submitted,

Karen Barkdull, Clerk

Additional Meeting Attendees:

Robert Eggleston	Matt Slade	Collin Donahoe
Jordan Bruna	Eric Goetzmann	Ericka Clark
JP Meyers	Carol Huther	Joseph Camardo Jr.
Travis Bradley	Alexander Liu	

Additional Meeting Attendees (Zoom):

Kathleen/Donald Buff	Kevin Huther	Motorola edge
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