

TOWN OF SKANEATELES PLANNING BOARD
MEETING MINUTES
August 18, 2015

Mark J. Tucker, Chairman
Elizabeth Estes
Donald Kasper
Joseph Southern-absent
Scott Winkelman
Scott Molnar, Legal Counsel
Michael Frateschi , P.E. (C&S Engineers)
Howard Brodsky, Town Planner
Karen Barkdull, Clerk/Secretary

Chairman Tucker opened the meeting at 7:30 p.m. The meeting minutes of July 21, 2015 were previously distributed to the Board and all Members present acknowledged receipt of those minutes.

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

RECORD OF VOTE

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

The meeting minutes of July 28, 2015 were previously distributed to the Board and all Members present acknowledged receipt of those minutes.

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

RECORD OF VOTE

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

Public Hearing –Special Permit/Site Plan Review

Applicant	Patricia Hale Hilde 2937 LLC 706 Scott Ave Syracuse, NY 13224	Property: 2937 East Lake Road Skaneateles, NY 13152 Tax Map #039.-01-25.0
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Present: Robert Eggleston, Architect;

No one wished to have the public notice read. A site visit was conducted on August 8, 2015. The Onondaga County Planning Board stated that the proposal would have no adverse implication in their resolution dated July 29, 2015. The City of Syracuse Department of Water had no comments in their correspondence dated July 9, 2015.

The applicant is proposing a 391SF-detached patio on the lakeside of the dwelling with a retaining wall located 83.7 feet from the lake line. Also proposed are the construction of a 100SF entry addition and the removal of an impermeable patio replacing with a detached 256SF permeable patio on the southeast corner of the dwelling. Impermeable surface coverage will be reduced from 14.1% to 12.8% with open space proposed at 82.7%. The lot shares a driveway with the neighbor to the north. The impermeable retaining wall along the west side of the lot will be replaced with a permeable retaining wall. The applicant is willing to contribute to the LDRAF for \$2,368.77.

Member Winkelman commented that he would have liked to have the property down to 10% impermeable surface coverage but understands that it was a challenge. Chairman Tucker inquired of the OCDOH has reviewed the proposal. Mr. Eggleston stated that the proposal is 10' away from the septic field and that the City of Syracuse Department of Water did not have any comments on the proposal. Chairman Tucker requested that the narrative be revised to reflect the correct open space calculation of 84.2% instead of the stated 12.89%. Member Estes inquired about the proposed new impermeable surface coverage. Mr. Eggleston stated that there will be 100SF of new impermeable surface coverage on the property consisting of the proposed foyer and steps. The proposed patios will be permeable. Member Winkelman commented that he liked the shared driveway.

WHEREFORE, a motion was made by Chairman Tucker and seconded by Member Winkelman to consider the proposed action as a Type II SEQR action and not subject to SEQR review. The Board having been polled resulted in the unanimous affirmance of said motion.

At this time, Chairman Tucker opened the Public Hearing and asked if there was anyone in favor of the project. No one spoke in favor of the project. Chairman Tucker asked if there was anyone wishing to speak in opposition, or had any other comments. No one spoke in opposition or had any other comments.

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

NOW, THEREFORE, BE IT RESOLVED, upon a motion made by Member Elizabeth Estes and 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 approval, with the following conditions:

1. That the Special Permit/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 1-2 of 2 dated July 1, 2015, and revised Narrative with construction sequence dated August 18, 2015, prepared by Robert O. Eggleston, Licensed Architect, be followed in all respects; and
3. That \$2,368.77 be submitted to the Town of Skaneateles Land and Development Rights Acquisition Fund; and
4. As as-built survey be submitted to the Codes Enforcement Officer with verification of conformance of completed project within (60) days of completion of the project.

RECORD OF VOTE

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

Member Estes commented that she would like to see projects that are being redeveloped brought down to 10% impermeable surface coverage.

Continued Review –Lot Line Adjustment

Applicant:

Paul Christou
2854 East Lake Road
Skaneateles, NY 13152
Tax Map #038.-01-08.0

Paul Goldmann
2886 East Lake Road
Skaneateles, NY 13152
Tax Map #036.-01-37.2

Present: Samuel Giacona, Legal Representative

An updated survey dated August 5, 2015 was submitted reflecting the septic system locations, the re-calculated lot size for the Christous excluding the road right of way, and corrected lot coverage calculations. Chairman Tucker inquired why Mr. Christou is requesting more land. Mr. Giacona stated that he wanted to add more land to the existing property and has no plans for future development.

Member Estes expressed her concern regarding all of the septic locations on the Goldmann property. Chairman Tucker commented that the curtain drainage ditch does go around the septic and expansion area for the Goldmanns to keep the water from going onto the proposed Christou land, and at the sight visit, it was well defined. The drainage easement is shown on the plan for future development on the Emerald Estates property, has not been installed, and runs between the Goldman and Christou property. Member Estes stated that she has a concern that the septic systems are not correctly shown on the survey. Chairman Tucker clarified that the concern last month was the location of the septic system in relation to the proposed lot line, and there is a curtain drain that clearly defines in at the physical site and on the survey. Member Kasper stated that when a septic system is installed, the location is verified by the OCDOH.

Member Winkelman inquired about the history of the Hidden Estates subdivision and whether this lot was part of a conservation subdivision. Mr. Brodsky stated that this was an independent lot that had a lot line adjustment to add the sliver of waterfront to the property and that it was completed prior to the three-lot Hidden Estates subdivision. Mr. Frateschi commented that the septic expansion entirely on the Goldmann's lot as shown on the survey. Member Kasper commented that Mr. Christou should be aware of the drainage easement that he will be acquiring with the lot line adjustment. Member Winkelman stated that Mr. Christou will be able to manage what drainage is being implemented above his residence to ensure that he will not be adversely impacted.

Member Estes stated that she is concerned with the septic system location of the Goldman property not being clearly defined. Member Kasper stated that it is a mound system that is clearly visible. He continued explaining that if the Goldmanns need to expand the septic system it would be added to the existing system and that the area would be far away from the property line. Member Estes stated that there is a slope and exposed shale in the area; Chairman Tucker stated that there is enough room and that they will need to build it up for any expansion.

Member Estes inquired if the drainage easement goes all the way up to the Hidden Estates property. Member Winkelman stated that Hidden Estates has the right to use that drainage easement in perpetuity to enhance the drainage. Member Estes inquired if there would be a way to ensure that a road would not be placed there. Mr. Molnar stated that it is a drainage easement as required by the Planning Board and placed on the map. Christou, as new property owner that the land that has the easement, would be subject to approval by the Planning Board for any development on the easement area. Chairman Tucker commented that the area is steep and it would be difficult to put a road in.

The waterfront work on the Christou property is still ongoing and it was suggested that it may need to be inspected for compliance. Member Winkelman commented that the Christou lot will become a conforming lot with the lot line adjustment.

WHEREFORE, a motion was made by Chairman Tucker and seconded by Member Winkelman to consider the proposed action as a Type II SEQR action and not subject to SEQR review. The Board having been polled resulted in the unanimous affirmance of said motion.

NOW, THEREFORE, BE IT RESOLVED, upon a motion made Chairman Mark Tucker and 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 Application, with the following conditions:

1. The plat plan survey prepared by CNY Land Surveyors dated August 5, 2015 reflecting the re-aligned two lots, be submitted to the Chairman for review, approval and signature prior to filing with the Onondaga County Clerk's Office; and
2. The lot line adjustment map and deed must be filed in the Onondaga County Clerk's Office within sixty-two (62) days of the signing of said map or the lot line adjustment 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	Mark J. Tucker	[Yes]
Member	Joseph Southern	[Absent]
Member	Donald Kasper	[Yes]
Member	Scott Winkelman	[Yes]
Member	Elizabeth Estes	[Yes]

Continued Review –Site Plan Review

Applicant	Theodore & Nancy Norman 8665 Duarte Road San Gabriel, CA 91775	Property: 1992 West Lake Road Skaneateles, NY 13152 Tax Map #058.-01-17.2
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Present: Robert Eggleston, Architect; David Lee, Builder;

A revised site plan was submitted dated July 28, 2015 reflecting the relocation of the proposed driveway to 15 feet from the north property line and a reduction in the size of the dwelling with the garage moved further south to accommodate parked cars in front of the garage doors while still allowing clear passage along the driveway. The Zoning Board of Appeals will be rendering their decision at the next ZBA meeting in September.

Member Estes stated that the biggest comment that everybody had at the site visit is the concern of the proposed dwelling located outside of the building envelope. The proposal should be for building on the existing footprint or building in the building envelope and the applicant is proposing both. Mr. Eggleston stated that as explained in prior meetings, the applicant by right is able to rebuild on the existing footprint and can expand into the building envelope. He also commented that the concern expressed by Member Estes was not a unanimous concern with all of the members from both Boards.

Mr. Molnar explained that from the pre-application meeting, the P&Z Clerk had consulted with himself and the Codes Enforcement Officer on whether the applicant was required to conform to the building envelope located on the map. In reviewing the minutes from the subdivision approval, it was noted that the Planning Board had requested that the building envelope be removed from the map and that was the intention of the Planning Board. In the same minutes, Member Southern had requested that any further building be located only in the building envelope. There was a disconnect in the minutes stating the removal of the building envelope from the final filed resolution that did not include that condition.

Mr. Brodsky stated that the subdivision was created with the Hamlet setbacks and that created the green building envelope. There was more of a focus on the driveway than on the stream at the time of the filing. Mr. Eggleston stated that the expectation was that if the lot were to be redeveloped, that lot 2 had the right to relocate the driveway for lot 1. Mr. Brodsky inquired if there might be design alternatives that could improve the setback from the stream channel. Mr. Eggleston stated that the applicant has gone through the process with due diligence and the determination that was made was accepted.

The Normans had purchased the Maher open space subdivision and would like to redevelop lot 2, the larger of the two-lakeside lots that has approximately 1.5 acres in area. The existing septic system is within 100 feet of the watercourse. Last fall the Planning Board had approved the stabilization of the watercourse that lies between the two-lakeside properties. As part of the open space subdivision, a building envelope (in green) and the existing location of structures (in red) has been shown on the site plan, with the proposed dwelling located in the two zones. The proposed dwelling meets all of the required setbacks and the proposed impermeable surface coverage of 19.7% complies with the approved 20% impermeable surface coverage allowed for this open space subdivision lot. There is a three-acre lot that has been put into conservation and is located across 41A. The new septic system will be located beyond the 100-foot setback and two variances are being requested for the shared driveway entrance located 64' to the watercourse and the shared driveway located 10' to the north property line. The variances are pending with the Zoning Board of Appeals. The applicant is seeking site plan approved for disturbance within 200' of a watercourse and for the proposed structures exceeding 2500SF within 1500FT of the lake line. He continued stating that the 10-foot setback was established at the time of the subdivision creation as this open space subdivision is allowed to use Hamlet guidelines for setbacks. Section 148-12C(5) allows for a structure to be torn down and rebuilt on the same or smaller footprint and the proposed building conforms to the section of code and expanding into the conforming areas of the property.

Member Estes stated that the proposed dwelling is not substantially rebuilding on the same footprint but more than two times the building area onto other areas of the lot. It sounds like we are using various areas of the code to rebuild the dwelling and in the building envelope. Mr. Brodsky commented that a special permit would be required if the rebuild was outside of the existing footprint and the proposed structure does not conform to dimensional requirements including impermeable surface coverage. The proposal for the expansion in the new areas does comply with the dimensional requirements and impermeable surface coverage. There was some confusion on the building envelope and any restrictions. Mr. Eggleston stated that regardless of the building envelope being on a survey, the green area is the part of the lot that is conforming to all dimensional setbacks. Mr. Brodsky commented that he was hoping for an improvement in the watercourse setback since it is a tear down. Mr. Eggleston stated that they have made the watercourse better by investing a couple hundred thousand dollar restoration to the watercourse to diminish the erosion problems. The only reason it has not been completed is that the applicant was waiting on the DEC permit. It will now be completed this year. Hamilton Fish, neighbor to the north, stated at the ZBA meeting that looking at the whole picture the owner is improving the sensitive watercourse and that the Fish-Rotunos had invested in the repair to the stream that was affecting their property. Mr. Molnar stated that the proposal would comply with section 148-12C(5) as the proposed is located in a similar footprint and is adding to it, while complying with the dimensional requirements. .

Member Kasper inquired if highway approval had been obtained for the relocation of the driveway. Mr. Eggleston stated that approval from the highway department would occur after
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the applicant has received their variance approval. Chairman Tucker suggested that the Board review past applications to see what had been done with prior teardowns. Mr. Brodsky stated that most of the teardowns were in response to impermeable surface coverage overages.

Member Estes commented that we have a watercourse issue that is affecting the lake, now there is the issue of the 20% impervious coverage on this little piece of land right next to the lake; what are we doing to this piece of property as it affects our lake. Mr. Brodsky stated that the property is allowed 20% impermeable surface coverage as part of the open space subdivision with the transfer of development rights to the property across the road. Member Estes stated that the applicant has a chance to improve the watercourse setback but the applicant is adding to it instead. Member Kasper stated that the applicant is improving the watercourse and that does have a mitigating factor. Mr. Eggleston stated that the applicant is reducing the size of the dwelling that is located within the 100' watercourse setback.

Mr. Lee stated that the applicant could renovate the existing structure and then add an addition. It would be essentially the same as this proposal and the Board would be compelled to accept the proposed addition. Does the law make a distinction between a tear down and a renovation. With a renovation, you have a poor building near the watercourse as opposed to a new building with a smaller area near the watercourse.

Member Winkelman commented that you have to take the open space subdivision as a whole with the established lawn, improved watercourse, and the existing building they are improving it as a whole. An open space subdivision can be tighter than we are used to. There is established grass between the stream and the house and most of the water issues are on the west side of the road coming from down the stream and not so much on the site itself.

Chairman Tucker commented that there is an existing pipe coming from the driveway directly to the stream that will be removed with the proposal.

The application will continue at the September meeting.

Sketch Plan-Subdivision

Applicant:

Kenneth Karlik	Property:
4186 Summit View Drive	1837 West Lake Rd
Marcellus, NY 13108	Skaneateles, NY 13152
	Tax Map #061.-01-16.1

Present: Gail Brewer, representative, Williams Realty

The applicant is requesting to subdivide the existing 102-acre lot into two lots with lot 1 at 100 acres and lot 2 at 2 acres. Lot 2 will have 200' of road frontage on Heifer Road, a Town road. There is a conceptual septic design pending approval from OCDOH. The Town has approved the proposed driveway cut for the new lot.

Chairman Tucker inquired on the future plan for the remaining 100-acre lot. Ms. Brewer stated that the applicant is planning to continue farming and has no plans for additional lots. Member Kasper inquired why the specific location was chosen. Ms. Brewer stated that there are gorgeous views from that location. Chairman Tucker commented that the land slopes to the northeast away from Heifer Road.

Mr. Brodsky stated that the Board will need to consider the long-term outlook for the property and its impact to farming. Analysis of the property should be done to determine if the proposed location is the best location on the larger lot. Over 20-40 years you may have more lots lining Heifer Road and the Board needs to determine if that is okay. Consideration should be given if there are any impediments to having a future road off Heifer if the larger lot is subdivided further. Ms. Brewer stated that there is an existing gravel driveway there now. Chairman Tucker commented that there is also a watercourse that cuts through the lot. Member Kasper commented that a site visit is warranted and that the proposed lot is right next to an existing residential lot.

WHEREFORE, a motion was made by Member Kasper and seconded by Chairman Tucker to schedule a public hearing on ***Tuesday, September 15, 2015 at 7:30 p.m.*** The Board having been polled resulted in the unanimous affirmation of said motion.

Amendment Request –Site Plan Review

Applicant	Paul Garrett	Property:
	Jane Garrett	2160 West Lake Rd
	8155 West Ivy Trail	Skaneateles, NY 13152
	Baldwinsville, NY	Tax Map #057.-04-18.0

Present: Robert Eggleston, Architect

The Garretts withdrew the request to modify the approved plan for shifting the cottage.

Amendment Request –Site Plan Review

Applicant	Robert Curtis Coville	Property:
	36 Onondaga Street	4012 State Street Road
	Skaneateles, NY	Skaneateles, NY 13152
		Tax Map #029.-03-07.2

Present: Robert Eggleston, Architect

The applicant has acquired lot 3 located to the south of lot 2 that he had acquired and had received site plan approval. The applicant has revised the site plan for lot 2, is proposing a 32' easement with a shared driveway that will require only one culvert to service both lots. The request is to amend the site plan that had received approval on June 16, 2015. The grading plan is similar to the prior approval.

Member Kasper requested clarity on the site plan approval requested today. Mr. Eggleston stated that the request is to amend the site plan approval for lot 2; lot3 is not being developed and would require site plan approval at the time of development. He continued stating that the 32' easement that would be granted to lot 3 would be created at the time of a sale to a different owner and is not required now, as Mr. Coville owns both properties.

Mr. Brodsky inquired if a stub driveway should be installed now on lot 3. Member Kasper stated that it would not be advisable since it would be difficult to anticipate when a dwelling might be placed on the lot. Chairman Tucker stated the a future consideration should be given for a

potential road that would connect Highland Avenue and Route 321 as the Graham property behind Mr. Covilles has been subdividing it over the years.

WHEREAS, Member Winkelman made a motion that was seconded by Member Kasper, the Planning Board adopted and ratified its prior SEQRA determination for the Application, which was a determination that the Application constitutes an Unlisted Action with a negative declaration.

NOW, THEREFORE, BE IT RESOLVED, upon a motion made by Member Donald Kasper, seconded by Chairman Mark Tucker, and upon a vote thereon as recorded below, the Town of Skaneateles Planning Board **APPROVES** amendment of the Prior Approvals, with the following conditions:

1. That the Site Plan 1 of 4 and 2 of 4 dated July 29, 2015, prepared by Robert O. Eggleston, Licensed Architect, be followed in all respects; and
2. That the Planning Board approval is for the shared driveway for lots 2 (029.-03-07.2)and lot 3 (029.-03-07.3); and
3. That the Applicant shall file a 30 foot wide driveway easement for lot 3 in the event that lot 3 is transferred to a different owner; and
4. Except as modified hereby, the conditions set forth in the Prior Approvals remain in full force and effect.

RECORD OF VOTE

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

Escrow Request

Applicant: Emerald Estates Properties, LP
3394 East Lake Rd
Skaneateles, New York

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

WHEREFORE a motion was made by Chairman Tucker and seconded by Member Estes to increase the escrow account in the amount of \$4000 for project engineering and legal review. The Board having been polled resulted in the unanimous affirmance of said motion.

Member Kasper inquired on the status of the Hidden Estate application. Chairman Tucker commented that the compliance issue with the driveway is still in process. Mr. Camp has conducted a site visit to determine the status of the repair. Mr. Eggleston commented that there is an incomplete driveway permit with the NYSDOT with a \$10,000 bond they are holding and inquired how the lot line adjustment could be approved with a pending NYSDOT permit. Member Kasper commented that NYSDOT is holding the bond so the funds are there if the Goldmanns do not complete the work. Mr. Molnar stated that if the NYSDOT required the bond

it is up to the NYSDOT to enforce it as it is in their right of way. Mr. Eggleston stated that there is a shed on the Goldman property where there is a septic easement. The easement is on the Goldman property, owned by Emerald Estates LLP and was intended for the Woodruff dwelling. Member Kasper stated that the shed is very easy to move and that issue of the shed on the easement is between the easement owner and the property owner.

Discussion

A first draft Skaneateles Lake Uniform Shoreline Structure and Mooring Regulations modeled after Canandaigua Lake regulations with inclusion of the various municipality regulations was circulated. The first draft was sent to the various municipalities on Skaneateles Lake as well as Syracuse Department of Water for input and comment. These regulations if approved by New York State and the municipalities would allow the local communities to have control on the development of structures in and on Skaneateles Lake. The Town Board has requested the Planning Board and the Zoning Board of Appeals for their review and comment of the first draft regulations. Skaneateles Lake is owned by the State of New York and to the extent that any one or more municipalities bordering seek to obtain authority to control it, they have to all work cooperatively including with any future amendments. Canandaigua Lake has uniform buy in from all of the bordering municipalities, however, some cannot obtain uniform buy in like the Hudson River where the State has granted local authority to certain municipalities but not all of the Hudson River bordering municipalities. We would continue to move forward even without all of the municipalizes on board, although the challenge would be greater without the buy in from both the Town and Village of Skaneateles

Chairman Tucker stated that on J, 20' setback for docks, how it would work with easements to the lake. Mr. Molnar stated that a variance would be required if there was insufficient area of lake frontage for the structure. Chairman Tucker commented that there might be an issue with the limitation on the number of boats moored based on the lineal feet of shoreline. Section 46A of navigation law indicates what municipalities have obtained local control of the waters.

As there was no further business, a motion was made by Chairman Tucker and seconded by Member Winkelman to adjourn the meeting. The Board was in unanimous affirmance of said motion and the meeting was adjourned at 9:12 pm.

Respectfully Submitted,

Karen Barkdull, Secretary/Clerk