

**TOWN OF SKANEATELES PLANNING BOARD  
MEETING MINUTES  
September 15, 2020**

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 August 18, 2020 were 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 Marshall 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]
Member	Scott Winkelman	Present	[Yes]
Member	Donald Kasper	Present	[Yes]
Member	Douglas Hamlin	Present	[Yes]
Member	Jill Marshall	Present	[Yes]

**Discussion**

The Planning Board reviewed the proposed Local Law C of 2020, a Local Law Amending Chapter 148 of the Code of the Town of Skaneateles, and Town of Skaneateles Comprehensive Plan (the Amendments’), and after considering referral of the Amendments by the Town Board, entertained the following motion:

**WHEREFORE** a motion was made by Member Douglas Hamlin and seconded by Chairman Joseph Southern, and, upon the affirmative vote of all Town of Skaneateles Planning Board Members present, **RESOLVED** to recommend adoption of Local Law C of 2020, a Local Law Amending Chapter 148 of the Code of the Town of Skaneateles and Town of Skaneateles Comprehensive Plan, reserving to the Town Board the obligation to complete SEQR review as required. The Members of the Board having been polled, resulted in the unanimous approval of said motion.

**Public Hearing- Subdivision**

Applicant	David Card	Property:
	1858 Cherry Valley Tpke	1848/1858 Cherry Valley Tpke
	Skaneateles, NY 13152	Skaneateles, NY 13152
		<b>Tax Parcel #034.-04-04.2</b>

Present: Robert Eggleston, Eggleston & Krenzer Architects;

**WHEREAS**, a motion was made by Member Kasper and seconded by Chairman Southern, the Planning Board to classify the application as a Type II action pursuant to 6 NYCRR617.5(c)(11) and not subject to further review under SEQR as the property will be subdivided into two residential lots with existing dwellings.. The Board having been polled resulted in the unanimous affirmation of said motion.

Member Kasper commented that he had taken a site visit to observe the traffic on Route 20. He concluded that the eastern driveway location has better sight visibility than Rickard Road. Mr. Eggleston said that the cross easement will allow both properties to use both driveways.

At this time, Chairman Southern opened the Public Hearing and asked if there was anyone in favor of the proposal. Robert Eggleston, neighbor to the south, supported the subdivision as they consider it appropriate. Chairman Southern asked if there was anyone who wished to speak in opposition or had any other comments on the project. There was no one who spoke in opposition or had any other comments. A letter of support was submitted that was signed by two neighbors.

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

Member Winkelman inquired on the location of the leach fields for each of the dwellings. Mr. Eggleston explained that the leach field for lot 2 is between the barn and the dwelling; on lot 1 it is located southwest of the dwelling. Both properties have separate wells and septic systems located on their own parcels.

**NOW, THEREFORE, BE IT RESOLVED**, upon a motion made Member Douglas Hamlin, duly seconded by Member Donald Kasper, 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 Card Subdivision, dated July 29, 2020 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. That the cross-easement documentation and the shared driveway documentation be submitted for review and approval by the Planning Board Chair with assistance from the Planning Board Attorney; and
4. The Subdivision Map and Deed transferring the property 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]
Member	Scott Winkelman	Present	[Yes]
Member	Donald Kasper	Present	[Yes]
Member	Douglas Hamlin	Present	[Yes]
Member	Jill Marshall	Present	[Yes]

**Sketch Plan- Special Permit/Site Plan Review**

Applicant: Keefe & Susan Gorman  
2545 East Lake Road

Skaneateles, New York  
**Tax parcel: 037.-01-29.0**

Present: Andy Ramsgard, Architect;

There was a prior replace shoreline stairs that was approved over a year ago that has lapsed. The contractor, Rick Estlinbaum, provided an easier and less expensive solution to provide safe access to the lake that would limit land disturbance. The proposed staircase is similar in design to what was proposed for the Leones that have property to the north.

There will be a series of concrete piles that would be placed under the landings, with steel staircases clad in wood that would be supported by the cement pylons. The contractor will only have to auger where the poured cement piles will be located. Lot coverage is about the same with a tiny improvement in open space calculations because the deck is slightly smaller at the edge of the bank.

Mr. Camp inquired if the footings at the bottom of the piers is the same footing that was used for the Leones. Mr. Ramsgard confirmed that it is the same; the extending footings into the bank counteracts the cantilever motion of the hillside so they would get the benefit of the overturning moment of the hillside by a longer toe. Mr. Camp inquired the footer would be excavated for the middle pier. Mr. Ramsgard said that they would double and triple the auger hole to create the spot. Mr. Camp stated that he likes this arrangement better than the prior proposal.

Mr. Brodsky inquired if this proposal would cover more land than the prior approval and Mr. Ramsgard said no that it .2% less. Mr. Brodsky said that this design is relocating the stairs in a different location from the existing stairs, and it appears to be going over more land area than the existing stairs that has a large percentage over the lake. Mr. Ramsgard said that over dry land there is less structure because the last rung of the stair, comes down on top of a new dock located beyond the mean high-water area. Mr. Brodsky commented that the prior design was located in the same footprint as the existing stairs and this proposal is located in a different location, triggering redevelopment as there is nonconforming impermeable surface coverage that exceeds the maximum allow by about 2.5%. Mr. Ramsgard said that as it is being moved over and increasing open space, it is de minimis. He continued saying that redevelopment was not a consideration with the last proposal. Mr. Brodsky said that if the location of a structure is changed on a lot with nonconforming impermeable surface coverage, it meets the definition of redevelopment. The proposed stairs are in a different location whereas the prior approval the stairs were being replaced in the same footprint. The Planning Board will be the one to make the decision.

Member Kasper commented that the proposed stairs are going to blend in better than the prior approval or the existing stairs. Member Winkelman and Member Marshall agreed with Member Kasper as well as Chairman Southern. Member Kasper commented that with the last approval there were drainage concerns for underneath the stairs and he does not think there will be that concern with this proposal. Mr. Camp said that the prior design was more obtrusive to the bank than this proposal. Member Winkelman said that the extra boring for the footers on the bottom is somewhat concerning and inquired of Mr. Camp's views. Mr. Camp inquired if the borings for the Leone stairs were done from the top of the bottom. Mr. Ramsgard replied that access would be from the rig on the lake with a boom on it. Mr. Camp said that this bank is higher than the Leones, and Mr. Ramsgard said that the proposed stairs will be on the bank about 10-15 feet higher than their other stairs.

Member Kasper inquired when the old staircase is removed, could the bank be restored. Mr. Ramsgard said that the contractor will be pulling out the posts vertically and let the bank naturally populate itself as the bank is a loose crumbly shale. Mr. Camp said that the proposed method for removing the piles with

Estlinbaum's equipment if the preferred method. Member Winkelman suggested that the concrete footers from the removed staircase remain in place to reduce disturbance. Mr. Ramsgard said that they could saw off the posts flush and cut it as they pull. Mr. Camp agreed that the suggestion is a good idea. Member Winkelman inquired if the trees would remain near the location of the proposed stairs. Mr. Ramsgard stated that the stairs are planned to work around the trees so that no trees are removed.

Member Hamlin commented that the new deck is 50 square feet smaller than the existing deck and Mr. Ramsgard concurred. Chairman Southern inquired if the footprint of the proposed stairs is smaller than the existing stairs and Mr. Ramsgard confirmed that it will be .2% smaller, and it will be located 28 feet from the existing stairs. The reason for the proposed location was to limit disturbance of the bank. Mr. Brodsky commented that the application requires a special permit for the stairs for the change in location. Meeting the definition of redevelopment and as it is applied in section 148-12C(5) will need to be determined by the board.

**WHEREFORE**, a motion was made by Member Winkelman and seconded by Member Marshall to schedule a public hearing. on ***Tuesday, October 20, 2020 at 6:30 p.m.*** The Board having been polled resulted in the unanimous affirmation of said motion.

**Sketch Plan- Minor Subdivision**

Applicant	Karl Bitz & Kristin LaBeau	Property:
	PO Box 10	3719 Highland Ave
	Skaneateles, NY 13152	Skaneateles, NY 13152
		<b>Tax Parcel #043.-01-08.1</b>

Present: Robert Eggleston, Eggleston & Krenzer Architects;

The applicants have an offer to purchase the Charlie Rounds property that contains a dwelling and open land. The applicants would like to do some hobby farming on ten acres of land. The existing dwelling and barn are of no interest to them and subsequently, the applicant is proposing a three-lot subdivision. Proposed lot A would be a two acre lot with existing dwelling and barn; lot b would be a 5.5 acre residential vacant lot that would have 66 feet of road frontage; and lot C would be a ten acre parcel that is adjacent to the Bitz property and would be used for a hobby farm. The property is served by public water.

Flag lot B could be part of access to any future Hidden Pond development by providing a 66-foot access road from Highland Avenue to East Street in the village. Also, the southernmost portion of the propped lot is in the Skaneateles Lake Watershed Overlay District. Member Kasper inquired if there are wetlands on the property. Mr. Eggleston stated that there are no wetlands on this property; there is a small portion of wetlands on the Bitz property. The wetlands are about 300-400 feet away from this property.

Mr. Brodsky commented that lot B has the potential for a future local street to land to the west and inquired if the town highway superintendent had reviewed the proposal. Mr. Eggleston stated that he has placed an inquiry to Alan Wellington regarding the proposed driveway location. He continued saying that the proposed subdivision would not preclude any future development. Mr. Camp said that the 66 foot right of way that jogs to the south, and if this were to be filed as a new public right of way, they would asked to put in a new radius at the property line as it is a mellow bend.

Counsel Molnar stated that as he lives directly across the street from the Goodell lot and have relationships with many of the interested parties to this application. He continued that he has an actual or apparent conflict of interest for which he has recused himself and recommended that the Planning Board engage Town Attorney Brody Smith to represent the board at the upcoming public hearing. Chairman Southern

said that he has had discussions with Counsel Molnar and that recommendation is a course the board will take. A site visit will be done individually by the board members. The applicant intends to close on the property in October 2020.

**WHEREFORE**, a motion was made by Member Hamlin and seconded by Member Marshall to schedule a public hearing. on *Tuesday, October 20, 2020 at 6:40 p.m.* The Board having been polled resulted in the unanimous affirmation of said motion.

**Continued Review-Special Permit**

Applicant:	Chris Graham Trillium Homes Inc. 4302 Jordan Road Skaneateles, NY	Property: 4331 Jordan Road Skaneateles, NY 13152 <b>Tax Map #024.-02-01.1 &amp; 024.-02-01.2</b>
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Present: Robert Eggleston, Eggleston & Krenzer Architects;

The applicant is requesting additional time on the application for multiple townhouses to consider options after the request to change the zoning of the property failed with the Town Board. The board accepted the update from the applicant to allow the application to remain active.

**Continued DEIS Review – 9 Lot Subdivision**

Applicant:	Emerald Estates Properties, LP Skaneateles, New York	Property: 2894 East Lake Rd Skaneateles, New York <b>Tax Map #036.-01-37.1</b>
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Present: Don Spear, Applicant; Robert Eggleston, Eggleston & Krenzer Architects; John Langey, Costello Cooney & Fearon, PLLC; Rudy Zona, RZ Engineering;

Mr. Langey began saying that as the board knows the Draft Environmental Impact Statement (DEIS) has been re-submitted and the purpose of the meeting tonight is move towards a determination that the DEIS is complete for public review and comment. He continued saying there may be questions for Rudy of a technical nature, and they are prepared to respond to comments and listen to what the board has to say and remark on the re-submitted DEIS.

Counsel Molnar said that as he mentioned in his email today to John and the Planning Board, he agrees with John that the Planning Board is reviewing the DEIS to determine whether or not it is complete and ready for publication to the public for review and approval at a later date. The DEIS that was received from the applicant did address the written comments that the Planning Board set forth in the letter dated January 23, 2020 after they had reviewed the initial document. However, there are still some additional edits that may be required to complete the suggested edits that were both global and specific from their prior written comments based on his review of the documents that were just submitted. He had summarized his own comments from the comparison of the re-submitted DEIS to the written comments from January. If the Planning Board would provide their comments, he could include them in a proposed new set to send back to the applicant and their team concerning the DEIS.

Chairman Southern inquired if Counsel Molnar would like the boards comments now or to proceed with his comments. Counsel Molnar said that he would solicit general comments from the board such as the suggested edits the board had and criticism of the initial draft. The initial draft DEIS, in general terms, was prepared to address the significant environmental issues found in the positive declaration issued previously.

This document is one that is authored by the project sponsor but ratified by the Planning Board for completeness, not so much endorsed for its content, and therefore needs to be an objective document that identifies the potential significant environmental impacts stated, addresses them in terms of what mitigation or other alternatives that can be utilized to mitigate or reduce completely a potential environmental impact and subsequently lay in out in a subjective format. One of the criticisms he had of the prior DEIS and have of the re-submitted DEIS is that many of the passages and actions are argumentative than they are objective. It is in a state that the Planning Board, in spite of issuing a positive declaration and memorializing that in writing to the applicant, is now in a position where the document is saying that the Planning Board was incorrect previously and that it is no longer applicable. Many of those edits need to continue to be made so that the DEIS is an objective document and not a document whereby the Planning Board states that it was incorrect previously. That is an unreasonable approach and an unreasonable conclusion. He continues saying that is where he is going to start with his proposed criticism of the DEIS as re-submitted.

Member Hamlin stated that he agreed with that to a point. He continued saying that at the beginning of the document after each whereas, it was indicating that the Planning Board was wrong in the past. At the end of the day this is our document that the sponsor has prepared. I agree that the document should have removed what the Planning Board has done in the past and simply let the statement where the sponsor has indicated their approach is in congruence with the comprehensive plan. Comparison to what was done with other projects is unnecessary. The substance further on where it begins to address the board specific concerns and specific to the FEAF, with a lot of repetition, possibly done for a reason, and he would like to go through it again. Those areas were quite helpful and laid out well. Chairman Southern said that the information seems to be complete as to the board concerns on how things were to happen, but the side comments are inappropriate and have no place in the document.

Counsel Molnar stated that he could come up with, for the applicant and the board, a summary of global suggested edits to the new DEIS as well as particular suggested edits, He could provide a written report in the next couple of days to show the suggested edits. The board could review and then it could be advanced from there. He requested that a word version of the document be forwarded to his office so that he could provide comments.

Mr. Langey agreed to forward the document in word version and stated that he wanted to address some of the comments that were viewed as argumentative in nature. They are trying to express to the board in some degree a level of frustration on behalf of the applicant to some degree. You have all been through this for years so a little bit of the emotional section of the document is in the document and I am not saying that it is right or wrong but the board will focus on the portions of the document to get to the heart of the matter which are the environmental impacts and how they will be mitigated. He was pleased to hear that some of the board members recognize that in this effort beyond some of the things that were not as palatable, that there was a true attempt to address those in a meaningful way. They would like to advance the project, focusing on those aspects. They are here to listen, and they will look at the comments when they come back. He continued saying that they were hoping to hear from the town engineer to get initial reactions from the technical side of what he sees so far in the document. Mr. Camp said that he is not prepared to give a detailed report as most of what he has read is the first portion of the DEIS where the editorializing has been done. There are a quite a few things that are included that do not have relevance to environmental impact. Counsel Molnar will have the most detail regarding that. In his experience, that type of language is usually not included in a DEIS. A quick run through of the technical side of things, in general it is going in the right direction; however, he said he would like to go through it in more detail in the next couple of days. He will provide his comments to Counsel Molnar so that it is one document rather than two separate documents.

Counsel Molnar agreed that it should be one document in writing as required by the regulations and do it once. He continued saying that when the word version is available, he will circulate it to the board and their

professionals. Redline notes can be added and submitted and then he will consolidate to one red lined document. Mr. Zona said that he would also prefer that all comments are included in one document. He continued saying that it sounds like we are heading in the right direction, but the document requires more editing. Counsel Molnar said that this document is improved over the last version, however, the board is required by the regulations to continually narrow the focus to remain on the same path and hone the comments to address the concerns to completion of the DEIS, subject to public review.

Chairman Southern inquired if there any additional comments from the board. Member Marshall commented that it is headed in the right direction and Member Hamlin said that he will add his comments to the document when it is circulated. Member Kasper stated that he will also add his comments to Counsel Molnar's circulated document.

Chairman Southern asked Counsel Molnar on the timeline for submission of the requested edits to the sponsor. Counsel Molnar stated that the lead agency must supply suggested edits to the applicant regarding the re-submitted DEIS within 30 days of receipt of the document. The re-submitted DEIS was received on August 31, 2020, so the 30 days would expire on September 30, 2020. He recommended that the board schedule a special meeting so that the board can review the suggested edits to the document and narrow them as required to submit to the applicant. Chairman Southern called for a special meeting on September 29, 2020 at 6:30 pm.

Mr. Langey asked if the board had any specific comments that they wanted to address tonight. Chairman Southern commented that he was concerned with the editorializing that was in the document that was inappropriate, other than that the concerns were addressed in the document and as to whether the board agrees with them is another matter.

Counsel Molnar said that the boards obligation is to whether to accept the returned DEIS and then consider whether the board would like to have a public hearing on the DEIS under the SEQR regulations. If so, then it will need to be mapped out under the Town Law statute that requires the board to have a dual-purpose public hearing for the purpose of approving the preliminary plat plan and DEIS. He recommended that the board reflect on that to determine if they want to proceed in that regard. Member Marshall inquired what the alternative may be. Counsel Molnar said that if the board is going to consider a public hearing for SEQR, which is not a requirement, then the board moves forward with the completion of the DEIS, publish it, public notice of the FEIS, and render a decision based upon it in due course under the regulations. That would be independent and prior to a public hearing on the subdivision as the SEQR must be completed prior to a public hearing on a subdivision. However, the board is considering a public hearing on the DEIS, its completeness, and soliciting comment from interest parties, then the board must under the Town Law, hold a dual-purpose public hearing on the preliminary plat plan and the DEIS all at once. Then there is an obligation to render a decision with the filing of the FEIS following the close of such public hearing in accordance with the provisions of the SEQR law and within 30 days of the filing of that FEIS, the board shall issue findings on the FEIS and make its decision concerning the preliminary plat plan.

Chairman Southern commented that it is not necessary to have a public hearing on SEQR and Counsel Molnar concurred. Mr. Zona inquired if the board would need the appendices in the back again. Counsel Molnar said that for the editing process, just the word document of the text is sufficient. Counsel Molnar said that in his comments, appendices that were in the document were not provided. Mr. Brodsky said that he was concerned that the appendices were not provided, and they should be provided to the board at a certain point. The document refers the reader to the appendices to obtain the answer. Mr. Zona will be sending a link for the appendices to the board.

Chairman Southern inquired if the board wished to have a public hearing for the SEQR DEIS. Counsel Molnar recommended that the document that includes the comments and suggested edits from the board is reviewed first, then the board can decide on a public hearing after the board has finished its review of the document.

**WHEREFORE**, a motion was made by Member Hamlin and seconded by Member Kasper to adjourn the meeting. The Board having been polled resulted in the unanimous affirmance of said motion. The Planning Board Meeting adjourned at 8:17 p.m. as there being no further business.

Respectfully Submitted,  
Karen Barkdull, Clerk

Additional Meeting Attendees:

Robert Eggleston  
Don Spear  
Mark Tucker  
Marc Spear  
Read Spear  
Andy Ramsgard  
John Delaney  
John Langey  
Rudy Zona  
Kristin LeBeau  
Holly Gregg  
Bill Mahood  
Alan Briggs  
Eva Pajak  
Julie Moore  
Chris Buff  
Paul Fuitak