

**TOWN OF SKANEATELES PLANNING BOARD**  
**MEETING MINUTES**  
**August 16, 2016**

Mark J. Tucker, Chairman  
Joseph Southern-absent  
Donald Kasper  
Scott Winkelman  
Scott Molnar, Legal Counsel  
John Camp, 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 19, 2016 were previously distributed to the Board and all Members present acknowledged receipt of those minutes.

**WHEREFORE**, a motion was made by Member Winkelman and seconded by Member Kasper 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]

**Public Hearing –Special Permit/Site Plan Review**

Applicant:	Parker Family Trust Ltd	Property:
	Bruce Parker	1422 Thornton Hts Rd
	5891 Bennetts Corner Rd	Skaneateles, NY 13152
	Camillus, NY 13031	<b>Tax Map #057.-01-10.2</b>

Present: Bruce Parker, Applicant

No one wished to have the public notice read. The Onondaga County Planning Board commented that all conditions are met and approvals to be obtained from the City of Syracuse Department of Water and the Onondaga County Health Department prior to approving the proposed application in their resolution dated July 20, 2016. The City of Syracuse Department of Water commented that an onsite wastewater treatment system design has not been prepared/approved to service the proposed living space in their correspondence dated July 19, 2016.

There is an existing detached two-story garage with the second floor of the garage used for storage. The applicant is proposing the conversion of the second floor to an accessory apartment. The detached garage is located on a separate parcel that is across from the lakeside

parcel with the dwelling. Chairman Tucker inquired if there was any documentation made available that reflects that the properties are tied together. Mr. Parker stated that the as-built survey from 2013 reflects the linkage of the four lots. Member Kasper inquired if County approval of the septic system has been obtained. Mr. Parker stated that it has been delayed as the County requested information regarding the properties being linked or requested an easement to be established between the former lots. The County was sent the same as built survey showing the linkage of the lots. The approval is still pending from the OCDOH.

**WHEREFORE**, a motion was made by Chairman Tucker and seconded by Member Kasper to consider the proposed action as a Type II SEQR action pursuant to 6 NYCRR617.5(c)(9) 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. There was no one who spoke in opposition or had any other comments.

**WHEREFORE**, a motion was made by Member Winkelman and seconded by Member Kasper 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 Donald Kasper and seconded by Chairman Mark Tucker, and after an affirmative vote of all Members present, as recorded below, the Town of Skaneateles Planning Board **APPROVES** the minor special permit and 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 A1 and S1 dated January 29, 2013 prepared by Brian Manthey, Licensed Architect, and modified on June 28, 2016 by Bruce Parker, be followed in all respects; and
3. That the Applicant shall obtain all necessary permits and approvals from the OCDOH, City of Syracuse Department of Water, and any other approval needed for the Application; and
4. The property remain in singular ownership for the duration of the special permit, and the property may not later be subdivided into separate lots; and
5. An as-built survey be submitted to the Codes Enforcement Officer with verification of conformance of completed project within (60) days of completion of the project.

**Continued Review –Special Permit/Site Plan review**

Applicant:	Charles Woodruff	Property:
	19 Darmslatter Rd	2875 East Lake Rd
	Ringwood, NJ 07456	Skaneateles, NY 13152

The applicant requested that the application be continued to the next Planning Board meeting while awaiting DEC comment on the project.

**WHEREFORE**, a motion was made by Chairman Tucker and seconded by Member Winkelman to continue the application, on **Tuesday, September 20, 2016 at 7:30 p.m.** The Board having been polled resulted in the unanimous affirmation of said motion.

**Discussion- Major Special Permit**

Applicant: Marc Pietropaoli  
791 W. Genesee Street  
Skaneateles, New York  
**Tax Map #047.-01-13.1**

Present: Lance Wardell, Victory Sports Medicine

Mr. Wardell stated that there hasn't been any new information since the last appearance before the Board. Chairman Tucker commented that there will be an auction on the property on Friday. Chairman Tucker inquired on how the business is planning to continue. Mr. Wardell stated that they are still in business in the existing location and are out of space. Chairman Tucker stated that in January the Board and the applicant will be in a tight spot. The Sennett property is on hold with New York State; however they are actively pursuing other locations to relocate. Member Kasper inquired if the applicant considered expanding in the existing location. Mr. Wardell stated that at one time there was a plan to acquire the whole building to expand; however, the application was not continued.

**Continued Review-Site Plan Review**

Applicant	Christopher Graham	Property:
	4302 Jordan Rd	4331 Jordan Road
	Skaneateles, NY	Skaneateles, NY 13152
		<b>Tax Map #024.-02-01.2</b>

Present: Chris Graham, Applicant; Robert Eggleston, Architect

The applicant had recently received site plan approval for the two family dwelling on the property that is now under reconstruction. In looking at the garage on the property, the applicant is considering changing the existing four car garage to a three car garage with a single family dwelling above it. The deeded property includes the triangle of land across the road that has a City of Syracuse water line that bisects the property making the property unbuildable on its own. The County had issued it a separate tax number although it is on the same deed as the main property. The total of the two properties is 6.2 acres, which allows the property to have as many dwelling suits as two acres are available for each dwelling unit in the RR district. The 6.2 acres will allow three dwelling units, two are located in the main dwelling unit and the proposed garage/single family dwelling would comprise the third dwelling unit allowed.

The impermeable coverage that was approved at 2.9% will now be decreased to 2.1% with the removal of the grassy road to Railroad Street. All setbacks have been met and a redesigned septic plan for the additional dwelling unit is under review by OCDOH.

Also proposed is the relocation of the driveway and replace it with a double wide driveway with turnaround. The relocated driveway has better sight lines to Jordan Road, with the County DOT having no issues with it, as indicated in the letter on file.

Mr. Camp inquired on the configuration of the six parking spots indicated in the narrative. Mr. Eggleston stated that each unit has one parking spot in the garage and one spot in front of the garage for tandem parking.

Mr. Brodsky inquired on the square footage of the unit above the garage. Mr. Eggleston commented that it is 1200SF. Mr. Brodsky inquired if the deed is sufficient to keep the lots together that are separated by the right-of-way to assure that these parcels stay together to maintain the density requirement. Counsel Molnar stated that no additional documents are needed, however, he recommended to the Board that a similar condition be added that the property remain in singular ownership as a condition for the site plan approval to remain valid.

Mr. Camp inquired about the grading for the driveway. Mr. Eggleston stated that there will be very little grading as the driveway sets in the area very naturally.

Chairman Tucker inquired if the singular ownership condition also be included on other documents. Counsel Molnar suggested that the note could be added to the site plan.

Member Kasper inquired if septic approval had been obtained. Mr. Eggleston stated that the approval is pending with OCDOH and could be made a condition of approval. Member Winkelman commented that the old driveway to Railroad Street could be a nice walking path leading down to the creek. Mr. Eggleston stated that it will still remain graded but will be grass with an obstruction at the bottom to prohibit vehicle access.

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

**NOW, THEREFORE, BE IT RESOLVED**, upon a motion made by Member Scott Winkelman and seconded by Chairman Mark Tucker, 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 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 of 1 dated July 18, 2016, and Narrative dated July 28, 2016, prepared by Robert O. Eggleston, Licensed Architect, be modified to state that the two lots that constitute the property remain in singular ownership for the duration of the site plan approval, and have construction follow the site plan in all respects; and
3. That the Applicant shall obtain all necessary permits and approvals from the OCDOH, and any other approval needed for the Application; and

4. An as-built survey be submitted to the Codes Enforcement Officer with verification of conformance of completed project within (60) days of completion of the project.

Member Winkelman recused himself as he is a relative of the applicant.

**Public Hearing Continuance-Major Special Permit Site Plan Review**

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

Present: Robert Eggleston, Design Professional; David Lee, Contractor

A revised construction sequence dated August 5, 2016 was submitted with additional notes added in red. A series of four construction sequences have been prepared to reflect the changes that will occur during the four phases of construction during the fall of 2016 through the spring of 2019. The existing septic system and grading is show on drawing two. An email dated August 9, 2016, from the OCDOH to Eric Brillo stated that the office concurs that the final grading plan proposed, with a maximum of 12 inches, with a portion of the system should not negatively impact its' operation. There is a proposed new septic area located to the northeast portion of the property in addition to the existing septic field located to the southeast.

In the fall of 2016 the demolition of the main house, pool and deck will occur. The 877' elevation is the demarcation of the site. The excavation and base materials for the proposed tennis courts will be established and used as a base for the materials staging area. All of the impermeable driveways will be maintained for use during construct and removed at a later date. Some of the fill from the tennis court area will be used in the prior pool and play area, with the soil stock pile area established to the north of the tennis court staging area.

In the spring/summer of 2017 the construction of the foundation for the main house and guest house, retaining wall around the tennis court, and grading around the tennis court/retaining wall will occur. Some internal work will also be done on the boathouse.

In the spring/summer of 2018, the grading work around the main dwelling, establishment of the new driveway and removal of the existing driveway to the dwelling will occur. The northern shoreline deck will be removed and the dock/deck area around the boathouse will be converted to permeable surface.

In the spring of 2019, the removal of the northern Tarvia driveway and parking area, and northern guest house will occur. Grading will be done between the main house and the 877' elevation including permeable steps to the boathouse, and establishment of the walkway to the guest house and stairs to the tennis court will occur. The topsoil area will be removed and the area stabilized.

The plan completed in phases will work within the SWPPP guidelines to minimize the disturbed areas at any given time. Erosion control will be modified through the various phases. Mr.

Eggleston stated that the 2000CY of fill and 6,000-8,000 CF of fill coming in was referred to at last month's meeting, however it was not discussed how much of it was construction fill like gravel base for the driveway, or drainage base around the buildings which you would bring in anyways for a house like this. One of the advantages of having a deficit of fill on the site is that the contractor can control when fill comes into the site. The contractor does not have to store the full amount on site can he could bring the fill when he needs it and does not come in during bad weather. The Cohlan's have taking a lot of pain to remove the 1980s California style house and replacing it with a more traditional style house that is in keeping with Skaneateles. They want to do the site correctly and they will be bringing fill in some areas so that they can walk out from the first floor to an outdoor garden area, and have a walkout basement to the garage around the corner.

Chairman Tucker inquired as to what part of the driveway will be removed in the spring/summer of 2018. Mr. Eggleston stated that all of the driveways are in place and in the fall of 2016 the driveway stays. In spring/summer of 2017 they are still in place and in 2018 the main driveway to the house is being changed. All of the heavy equipment will not be in use as this point of the construction. They will put in a base to the driveway with the top coat going on as the project is in the final stages of completion. Mr. Camp commented that in the spring/summer of 2018 the plan shows that the driveway is being filled over, which is an inconsistency. This is typical of some of the inconsistencies in the sequencing right now. He suggested that an individual grading plan be prepared with more precision for each of the sequences. Between spring/summer 2017 and spring/summer 2018, the same area shown is being disturbed and that is not the goal of sequencing. The goal of sequencing is to control the amount of land that is being disturbed at one time. Mr. Eggleston stated that it is the difference between rough grade and finished grade. Mr. Camp commented that you would probably want to press. Mr. Eggleston commented that it doesn't mean that we won't want to grade. Mr. Camp stated that the details need to be added to the plans for refinement.

Member Kasper commented that at the last meeting the plan was to start at the lake and work up. Mr. Eggleston stated that the phasing plan has been revised. Member Kasper commented that the phasing plan now shows no modifications to the boathouse until 2019. Mr. Lee stated that the work regarding the structure of the boathouse does not require any land disturbance until a certain point in which a stairway is done and a reconfiguration of the patio. That site work is in the sequence for spring/summer of 2018. There is minimal earthwork in the area and it will be completed quickly. Mr. Lee commented that the architects were not ready to start the boathouse as contemplated originally in the first sequence. Member Kasper commented that based on last month's meeting he thought the plan was to remove the driveway and complete the work at the shore, stabilize it and they move away from it. Mr. Eggleston commented that it will be kept the same until they are ready to do the work at the shore.

Mr. Camp commented that the project, from an earthwork standpoint, is more involved than the Lakelawn project. He recommended that the Board consider having the applicant come in during various points of the project to provide an update to the Board, similar to how it is structured with the Lakelawn project. Mr. Eggleston also suggest that regular site meetings with John Camp on a periodic basis for review on the progress. He continued stating that these are the best anticipated plans, and as you know, situations can arise that may alter them.

Chairman Tucker inquired if Mr. Camp and Mr. Zona have reviewed the project. Mr. Camp stated that he has had a couple of conversations with Rudy, but there are several design professionals on the project and there is a lot of overlap between the parties. Mr. Eggleston stated

that Eric Buck is doing the septic. Mr. Camp commented that Rudy Zona is not doing the grading plan, that someone else is. He continued stating that when you are out in front of the existing house it blends into the topography very nicely and that it is not terribly visible from the lake. The proposed house as shown will be the opposite as it will be perched up and highly visible from the lake. It will have a different feel to it. Member Kasper recommended that cross-sections of the elevations so that the Board will have a better understanding of what it will look like from across the lake. Mr. Camp stated that based on the plan it would be similar to the Scopeliano's house, where it would be wide open and visible.

Mr. Eggleston stated that the final landscaping plan is being developed, and they are working with Robert Stearns out of New York City on the architectural design. They are also working with Greg Lombardi, who has worked a number of projects here in Skaneateles,. The landscaping will be absolutely first class. Mr. Camp commented that the landscaping can make the difference as the current grading plan shows a complete disregard to the grades on site as they are reconditioning the grade on the entire site. It can be done in a way that minimizes any harm to the lake; however, it will take a lot of attention for that.

Establishing an escrow account was discussed; however, there was no quorum to process a motion for the establishment of the account.

Member Winkelman returned to the Board.

#### **Sketch Plan –Special Permit/Site Plan Review**

Applicant:

Christine Daly	Property:
5891 Bennetts Corner Rd	1945 Stump Rd
Camillus, NY 13031	Skaneateles, NY 13152
	<b>Tax Map #020.-04-04.1</b>

Present: Christine Daly, Applicant; Robert Eggleston, Architect

The applicant has a contract to purchase the property and is proposing an event center use for the existing barn. The 7.5 acre parcel has the barn and a three dwelling unit house on the property, and the applicant intends to live in one of the units. The barn is approximately 1700SF and the property has a pond and a ditch that passes through the property on the east side.

Mr. Eggleston: At the pre-application session it was identified as a home occupation/event center. The other option it could be is a recreation business, which has been the way the Town Planning Board has handled these types of applications in the past. There is existing paved parking by the house and a gravel loop driveway with a second access onto Stump Road. The initial thought was that we would put parking to the east of the dwelling, and after the sight visit, it was suggested that the better location for the parking was on the far west side with a required twenty feet off the property line. This is an event center that will operate from May through October, only six months out of the year. What we are looking for is a maximum of 150 people. The barn itself, the first floor level will be open with a new stairway and direct access through the barn door on the west side. The walkout basement level will have an area for catering staging, storage area, and there is a future area dedicated for bathrooms if the center is successful, that will be connected to a separate septic system. At least for the first year, the applicant will utilize portable toilet facilities that would be coordinated with each event.

Mr. Eggleston: The event room can only occupy 99 people as per NYS code, which requires 15 square feet per person, and by the time you take out the walls you get the net square footage. We are below 1490 square footage area and therefore the room itself has occupancy of 99 people. The site plan reflects a couple of locations where tents can be put up for large events on the lawn north of the barn and south of the barn. The physical change that will be done is taking out the second drive to Stump Road, as there are very poor sight lines there. All of the traffic will come in on the existing northern driveway, which will then loop around in front of the barn where there will be a gravel drive that will have grass parking available off of it. The area will stretch out about 260 feet to the back past the barn. The beginning of the grass parking will align with the existing front of the dwelling, and have a split rail fence to define the area for parking. The event center will be for the six months from May through October with approximately 15-20 events maximum large events and then some smaller events as well. Any event will end by 10 pm on Fridays and Saturday, and by 9 pm Sundays through Thursdays. Separate vendors would provide catering and/or entertainment with the two applicants and possibly two employees outside of the household that would be running the event center. Outside vendors such as the caterers, would have a staff associated with the events. In addition to the fence around the parking, there will be a split rail fence around the pond.

Member Winkelman: The main reason the Board had suggested that the parking be located on the west side of the house is because the area is wet to the east of the house where there is a ditch and some pasture. There is a pipe coming out of the pond, and we had seen the site during dry conditions. Are there any other wet areas where the proposed parking is now?

Mr. Eggleston: You have the phragmites here that is a small area, and after investigating, if we find that it is in the gravel area that is something we can take care of by providing drainage. There is a clump of trees in the area and the phragmites seem to be located near the southwest end of the proposed grass parking.

Member Kasper: Do you think all of these events will be 100-150 people?

Mr. Eggleston: No, I doubt it. Again, there wildest dreams would be to have 15-20 events with over 100 people. It is hard to say what the success will be but there could be smaller events that could totally be contained in the barn as opposed to under a tent. If you have a large event you would put a tent out, they may be eating under the tent, having entertainment or whatever inside the barn.

Chairman Tucker: That is what you are proposing, only entertainment in the barn?

Mr. Eggleston: We said in the narrative that there would not be any outside entertainment that we would be either in the barn or in the tent. It is a little hard to dance on the grass.

Member Kasper: How would you limit if you are asking for maximum 150-person occupancy, and the building can only hold 99 people?

Mr. Eggleston: That would be a management issue as they put agreements together stating that this is how many people and this is how it is going to work. Either you do it that way or you do not book the event.

Mr. Brodsky: Could you elaborate in writing at a certain point, on how they are going to control the occupancy of the building during events?

Mr. Eggleston: Sure, we can address those issues.

Counsel Molnar: Include it in the narrative.

Mr. Eggleston: In all likelihood Also, I was planning after tonight's meeting going through the special permit criteria for you and we thought that might be appropriate on this application.

Chairman Tucker: Have you approached the County DOT to see about the added use to the driveway?

Mr. Eggleston: We were anticipating doing that after this meeting. We will be contacting OCDOT and the OCDOH. There was a letter sent in from the neighbors that you received yesterday. I did go through and responded to their questions item by item that I gave you today. I don't know if you want to go through it, or had any questions remaining. I would be glad to go through it with you.

Chairman Tucker: I think you should go through it as the people are here and also hear what your responses are.

Mr. Eggleston: I will try to paraphrase it. Too often when neighbors have issues they keep it verbal and I appreciate the fact that the neighbors took the time to write it down so that we can all look at it and know the same thing. The first comments were about the event center classified as a home occupation and then they list examples and cite the zoning law for home occupations. Our response is that this application went through the appropriate pre-application meeting with the Zoning Officer at which time the Town Zoning Office classified the project. It is my understanding that other Event Centers existing in the Town on owner occupied residential properties have been classified as Home Occupation. In that this proposed use is greater than 1,000SF of space, as a home occupation it requires a special permit, which has been applied.

The second comment that they made was that the event center is not listed in the allowed uses specifically in section 148-8. My comment to that is that other event centers approved in the Town not located on owner occupied residential properties have been classified as Recreational Business. As such, they are allowed by special permit in the RF district. The applicant does not care if it is classified as a home occupation or a recreational business. Both require a special permit so the review process by your Board is the same.

The next they talk about article six, supplementary provisions beyond the two residents there may be staff up to eight total, about the volume of traffic and other issues with the proposed use. As noted above, the project is permitted by special permit and the special permit criteria will be reviewed by this Board. The narrative states that two occupants of the property plus up to two outside occupants will operate the event center business. Other outside vendors providing catering services or entertainment may be on site totaling as many as eight people on site. This is part of the overall special permit review of the project.

Then they talk about converting the barn and that it would no longer be an accessory structure, that it would no longer be subordinate to the principal building as required by home occupation. As to whether the barn is an accessory building and the event center a subordinate use of the property is left up to the zoning officer/Planning Board to determine or reconsider. The event

center is a seasonal use, May through October. Per the August 8, 2016 narrative, there may be as many as 15 to 20 major events during the season with additional smaller events. The residential use is full time. Should this be considered a recreation business, the property becomes a mixed-use property subject to table 2 density control schedule. As such any improvements meet the required setbacks.

Then the question is should the Board consider this application as it having been incorrectly submitted as a special permit application for a home occupation suggesting that it would require a variance and not a special permit. It is the opinion of the author of this document that the application is correct. It is the Town zoning office and Planning Board that makes the determination as discussed above, as to whether it is a home occupation or a recreational business. Should the Town decide it is a recreation business; the application is still valid as a special permit application and shall be amended accordingly. There are no variances required for this project.

Then in addition, they are talking about other considerations, one being the NYS building code and the fact there are 99 people and we have to use the building code to determine that. As the design professional of record for this project, I have completed a preliminary building code analysis for the project. I have used the NYS Building Code occupancy load for assembly, which is 15SF per person. Taking the 1768SF building and deduction the area for walls, structure, stairways and storage to get the net area, I will end up with under 1490SF, which allows only 99 occupants in the event room. As stated in my narrative, this fire area does not require sprinklers based on section 903.2.1.2 of the NYS building code. Other elements of the building will be brought up to meet building code as well.

Number two, about the future bathrooms and OC health department, with 7.5 acres of land, I am confident that a septic system can be designed for the future event center toilet room requirements. This application will be reviewed by the OCDOH and will comply with their requirements, subject to approval by the Planning Board.

Number three, that there are only five paved parking spaces on the site plan, which they claim is a mistake because three dwelling units require six spaces and that it requires that during events parking would be on grass. They refer to section 148-32 parking, loading, layout and construction of parking areas. Each dwelling unit requires two parking spaces. Section 148-32A(2)(b) allows the required parking to be reduced for dwelling units under 1,000SF. The dwelling has a total of 2,248SF of living space for the three dwelling units. At least one unit is under 1,000SF and more likely two units. The required residential parking is shown on the site plan. The 50 parking spaces represent 100% of the required parking for a 150 person event. 26 of those spaces are accessible by the proposed gravel driveway. The events are held May to October and the grass parking areas have been presented as a reasonable alternative to a paved parking lot that will be empty 99% of the time. This is subject to the judgement of the Planning Board as part of the special permit application.

Fourth, that the proposed site plan with any corrections that they feel are necessary, would require DEC regulations in that more than an acre would be disturbed and a SWPPP would be required to be prepared. There is no basis to this statement, which is highly inflated. The site plan shows the gravel driveway enlarged by 4,423SF. There is no disturbance of the grass parking area, which is 14,843SF. Should a septic system be included, 6,000SF would be considered a large system. At best, this adds up to 0.58 acre. No DEC permit is required nor a SWPPP.

Five, they talk about the complex web of water, septic, parking, traffic, storm water management and noise issues that the Board should look to a professional engineer to advise them. The Town engineer has reviewed this site and will be sharing his comments with the Board.

They request that you take these items into consideration as you do your preliminary review. I want to note that the site plan, plan and narrative are accurate and this special permit application is properly before the Planning Board for their review. The applicant request that it be scheduled for a public hearing in September.

Mr. \_\_\_\_: Might I ask a question?

Chairman Tucker: This is not a public hearing, but as long as the question is short.

Mr. \_\_\_\_; I want to know if the public can get a copy of the arguments.

Chairman Tucker: Through a FOIL request with the Town you can have that. Thank you. John, did you have any comments on the parking area.

Mr. Camp: When I did my site visit a week and a half of so ago, I was focusing on the opposite site of the buildings.

Chairman Tucker: We thought it would be better on the other side.

Mr. Camp: I agree. I didn't look at that side of the lot at all. I would like to do that.

Chairman Tucker: Scott, the other thing is, are we going recreation or home occupation. Is there one we should be looking at. It doesn't matter because we need to let Codes Enforcement know if there is a change in determination.

Counsel Molnar: My recommendation is that obviously the Codes Enforcement office and the Town Planner have used the code to frame the application. To the extent that the application has been determined to be a home occupation, it is still subject to site plan review criteria. As the applicant has suggested, if it were to be determined and administered as a recreational business, it is still subject to the same review.

Chairman Tucker: A special permit too, not just a site plan.

Mr. Eggleston: My understanding is that the home occupation requires a special permit.

Chairman Tucker: Yes, they both do.

Counsel Molnar: I think to the extent that the applicant has offered to be administered under both, we should classify it for present purposes as a review as both, a home occupation and/or a recreational business. Make a determination on the special permit criteria one way or the other or jointly as the Board sees fit. The Planning Board will be reviewing it under the same criteria after public hearing, etcetera.

Mr. Eggleston: Without having to talk with Christine about this, actually a home occupation becomes more restrictive because there is the requirement that they maintain occupancy of the

dwelling, which on the other hand gives them closer monitoring of the events. She has said that they were going to live there and that they have no other plans. Again, I don't care which way it goes, with a special permit we will be looking at the same criteria.

Mr. Brodsky: I have two points. The Board should go back and review the code sections for both home occupation and recreational business. We dealt with the event center idea weeks or months ago, as Carberry as a recreational business, we went through that exercise. I think we need to go through that exercise again, Bob made some more interesting points about it being a home occupation being more restrictive. He talked about the criteria and unless I missed it, he needs to submit the special permit criteria to the Board. That would help.

Chairman Tucker: He offered that tonight.

Mr. Eggleston: Typically it is not required on a minor project, but with this project I think it is advantageous to the Board and the applicant. We plan on doing that.

Mr. Brodsky: Having that in hand could help you decide whether it is a home occupation or recreational business, or some hybrid combination of the two. There is the impact if it becomes a mixed use site and the yard requirement changes, although I don't think there will be any significant changes that will affect the proposal.

Mr. Eggleston: I think with us moving the parking, I don't think there is any questions regarding 100FT setbacks to watercourses.

Member Kasper: Do you need a food permit for an event center like that.

Mr. Eggleston: I believe that the caterer will be required to get the department permits for certification.

Member Kasper: If you have 150 people there, how many port-a-johns do you need. In addition, on the map you show the port-a-johns right next to the well, and I don't think it is a good location to have them next to a well.

Mr. Brodsky: You raise a good point about food service, the Vineyard has all outside prep.

Member Kasper: They have bathroom facilities where here they are relying on port-a-johns and hand washing.

Chairman Tucker: It might have to do with the department of health and what facilities are there.

Member Winkelman: So far we have just been looking at the property and the property alone. There are more houses out there than I had thought so we have to take it in the context of the whole neighborhood and look into the traffic and the noise and the disturbance in mostly a farming and residential neighborhood.

Chairman Tucker: I actually went out again after seeing the letters and didn't realize there were houses across the street from it. I didn't see them in the trees, and there are quite a few residents.

**WHEREFORE**, a motion was made by Chairman Tucker and seconded by Member Winkelman to schedule a public hearing, on *Tuesday, September 20, 2016 at 7:45 p.m.* The Board having been polled resulted in the unanimous affirmation of said motion.

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

Applicant:	Geraldine Whitney	Property:
	5891 Bennetts Corner Rd	767 Sheldon Road
	Camillus, NY 13031	Skaneateles, NY 13152
		<b>Tax Map #023.-01-15.0</b>

Present: Robert Eggleston, Architect

There is an existing 939SF dwelling with two detached garages located on a 14,802SF lot in the IRO district. The concrete detached garage has been demolished and there is a watercourse that goes along the northwest border of the lot. Proposed is the removal of the second detached garage and construction of an attached garage that would be no closer to the watercourse than the existing garage. The back porch will be enlarged slightly, and the two bedroom house renovated. A grading plan was requested as there is about a four foot drop between the house and the floor of the garage. The garage will have a two-step difference to the proposed laundry and mudroom. The driveway will be raised with a retaining wall that will come out so that you can go out the driveway without going back downhill. The water will be directed around the house. John Sheldon, who is assisting with the construction, will put the silt fence up, although they have already removed the garage. There will be a silt fence around the perimeter of the construction area.

Member Winkelman inquired on the removal of the demolition debris. Mr. Eggleston stated that there was a void in the back of the property that was used for domestic activities where a lot of the cinder blocks have been used to fill in the area. The remaining demolition stuff is being removed off site.

Chairman Tucker inquired on the digging that will be done in the back of the property. Mr. Eggleston stated that the garage will be removed and fill will be used to level it off and put back to grass. The silt fence will be at the top of the bank and there will be grass established from the top of the bank towards the dwelling. The foreign materials that were previously placed down the slope will be cleaned up. The elevation is 881' and the garage will be 883' elevation, which is about a 5% slope. There is approximately a 10% slope to the road. Instead of the water from the road being brought into the driveway it will be redirected to go around the driveway and over the lawn to the creek. There will be fill brought in to accomplish the process.

Mr. Camp there is a lot of work close to the bank and the Codes Officer could monitor it. If the silt fence stays in tact it will protect the bank. Mr. Winkelman commented that the top of the bank is not a natural top of the bank as it is reinforced with fence and other materials.

**WHEREFORE**, a motion was made by Chairman Tucker and seconded by Member Kasper to schedule a public hearing, on *Tuesday, September 20, 2016 at 8:15 p.m.* The Board having been polled resulted in the unanimous affirmation of said motion.

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

Applicant: Mark Congel / 5 Fires LLC  
3395 East Lake Road  
Skaneateles, NY 13152  
**Tax Map #041.-01-21.0**

Present: Mark Congel, Applicant; John Langey, Attorney

Mr. Langey: As the Board is aware, we are here to ask the Board to revisit one of the conditions that was imposed on Mark's approval from last month. Specifically the condition that reads as follows, "That the applicant preserve the low profile of the existing house in the future". That creates a very large problem for my client in terms of, practically speaking, sometime in the future if he decides to transfer the property and there is a property review, any potential owner will see that. If I am an attorney doing a closing, then I am going to advise my client not to close on the property because that limits the property owner to do anything with whatever this happens to mean, My second objection is this is vague as to what low profile means, what in the future meant. We see it as creating a restrictive covenant on the property that is not allowed under the law or under the code. The other position we had was that if the Board was concerned about the future change to the roof line, and if the code would require an applicant to come before the Board to have the roof line change approved, then the Board could certainly review it at that time. In our opinion the provision is punitive in nature. I believe and suspect that it was done in an effort to placate a neighbor who indicated that they didn't want their view being obstructed. As nice as that might be, we have discussed before that there is no legal right to a lake view. My client is not proposing to destroy anybody's lake view, but he also has to be cognizant to have the ability to in the future, market the property. If it is at the right time and at the right moment he decides he does want to change the roof line, that he be allowed to follow the correct procedures that anyone else would have to follow. I am quite concerned that this provision in the approval does not get routinely applied to other applicants before the Board.

Mr. Congel: Obviously I have been in front of you guys for a number of times and we have discussed everything up front. I have tried to accommodate your request of 10%, and we have gone, in my opinion, overboard and knowing yours, we have not. We have a large family that we need to accommodate in this house. My issue too is that this was never discussed before it was sent into the records. I sat up here for 45 minutes and this was never brought that this would be a contingency of the approval that the roof line would never change.

Chairman Tucker: You had offered that, as you stood there. It is in the records that you had offered that as a condition at one point.

Mr. Congel: Never, we can go back and check. It was never offered.

Mr. Langey: I agree.

Member Kasper: Your architect offered it.

Mr. Langey: I would have to disagree. I do not remember him offering that as something. Certainly ...

Mr. Congel: Not as a condition of approval. I never would have agreed to it that night.

Member Winkelman: He stated it a couple of times while we were taking in the whole...

Mr. Congel: He is not the applicant. The applicant was here. I never made to the commitment to the roof line in the application and I am not going to agree to it.

Mr. Langey: I was here for most of it, not for every meeting. I would say that the roof line was discussed and shown just like any other application where the roof line was shown. There is not a condition on all of the other approvals that says that you have to keep the roof line exactly the way it is going forward. It says in the future, we do not know how long that is. It does act as a deterrent to the sale of the property. I would argue that it pares the value of the property, it limits my client's ability to market the property, it's improper, but you guys are protected. If the codes says you have to come in and have it reviewed, then that is when it should be addressed, it should be addressed when it is proposed. I feel that the condition is more of what if he does do that, should he stop it now, I feel like that is what was being done there. Again, there is no right for anybody in the area to a protected lake view and we were not here for that. We were here to talk about the impervious surface coverage, which Mark addressed, and the approval was otherwise appropriate. We feel that this puts him in a serious disadvantage in terms of the value of his property unless the Board is going to go ahead and impose that exact same condition on everybody else that does lake front improvement. I do not see how it is appropriate in this case.

Chairman Tucker: You said you wanted to accommodate the neighbors, its in the minutes too.

Mr. Langey: He accommodated the neighbors in many different ways.

Counsel Molnar: The quote was in deference to the neighbors to preserve the sight lines. I respectfully responded to John identifying that this isn't just simply site plan review. The application was reviewed as a nonconforming lot for redevelopment for the special permit and the site plan, and there were greater factors. To the extent that the Board viewed and utilized that statement in terms of the profile of the house and whether or not the middle increases or doesn't, and the offer on the applicant's side that no it is not a part of the application, it is in deference to the neighbors to preserve the sight line, that is a meaningful reply that I believe the Board consented to and used as a special condition. The code permits when you are looking at that application that is a nonconforming property seeking redevelopment approval for the special permit and site plan, the code permits the Planning Board to include conditions that are considered necessary such as code architectural restrictions or other measures that would tend to mitigate the potential adverse impacts and to preserve or enhance the natural scenic historical character of the Town. There is strong support for the Planning Board and its position. Moreover, what we are talking about is the flexibility in the future to rehabilitate the home.

Mr. Congel: Are you going to impose this on Len Rice, my neighbor? He doesn't have this restriction and they can go up 35 feet right behind me. It is not fair. Wayne had no right to offer this up as an offer, and I don't believe he did.

Mr. Langey: I don't think he did. Respectfully, Scott, I couldn't disagree more with the caricature of the representation of this.

Chairman Tucker: This approval would not be the first one we have done. There was one on East Lake Road.

Mr. Langey: Used those terms?

Mr. Congel: It was never made that it was part of the approval that this language was going to be in there.

Chairman Tucker: There was one on East Lake Road that wanted to put a second story on and they got denied because of the people behind them.

Mr. Langey: I hear what you are saying, in that case they showed you what they wanted and you turned them down. You never saw anything ever in this entire application with a proposed raising the roof line whatsoever.

Chairman Tucker: There was something that came in that I saw.

Mr. Langey: Not as a proposal.

Counsel Molnar: To the extent that it is not even proposed, it is hypothetical.

Mr. Congel: I would never have accepted the approval. I would have said no and gone to another meeting and tried to figure it out. I have showed propensity to come to these meetings and try to figure it out, trying to be a good neighbor. You can devalue my property by putting that language after the fact. It was not discussed at that meeting.

Mr. Langey: The other problem to build off of Scott's comments with regards to the code was, if you folks are allowed to make reasonable conditions but it has to apply to something that is tangible. There was never any expressed, from the code, what was the potential adverse impact, what were you preserving to enhance the scenic and historic character of the Town. There was never any proof. We didn't even offer to raise the roof so how could you possibly say that it had any impact on any of these things. It didn't exist. Wait for somebody to come in and propose a new roof line, and then if you feel you need to turn it down, so be it. To take an application and wonder what they might do in the future and saying that if you happen to come back in the future we are going to say no we are not going to approve it. I think it is a classic case of imposing a condition because there was a group of neighbors out there that was opposed to it and perhaps the Board wanted to make them feel a little bit better so this condition was put in there. It is not offered as part of application, there is not a piece of paper anywhere that would suggest that we were asking for that roof line to be changed. I would suggest that it be removed and that if Mark or a future owner ever decides to do something and the code requires it, then yes we would certainly come in and seek approval. You can handle it on a case by case basis.

Member Winkelman: I think we were thinking about it in the context of the whole thing. We really like the fact that Mark has not torn down this old house and since he has preserved the old house, we were more liberal on leaving the impermeable surface where it was. Added on the garage and you flipped the driveway away from the lake side but still...

Member Kasper: I agree.

Chairman Tucker: I agree.

Mr. Langey: You were very receptive to that and what I heard was that one of you said that you liked the roof line the way it was. I didn't hear that as a condition or proposing it as a condition, but it ended up in here as a specific condition. It wouldn't even matter because there are no findings. There has to be findings for any conditions that are adopted by the Board that support that condition. I challenge anybody to show me where there was a finding articulated by the Planning Board that supported that specific condition.

Counsel Molnar: The discussion was ongoing. There was a proposed plan that showed an increase in the middle of the roof. The reply was no that it was not part of this application, we are not raising the roof in deference to the neighbor's sight line.

Member Kasper: Mark had specifically asked Wayne two meetings ago to come back with an elevation height, and that is the number that we used.

Mr. Congel: It still has nothing to do with the number putting it in as part of the condition.

Mr. Langey: Is it the Boards position that if Mark or a future owner wanted to specifically raise that roof line he would have to come and get approval from this Board.

Chairman Tucker: No. just get a building permit.

Member Kasper: Up to 35 feet.

Mr. Langey: That is even a more powerful position for Mark.

Member Kasper: That is why we put the condition in.

Mr. Congel: It was not part of any condition.

Counsel Molnar: I need to discuss this with the Planning Board. Here is the proposed compromise that I am thinking of. In lieu of special condition three, what if it were restated to say for instance, "In the event the applicant wants to raise the existing part of the roof, it would need site plan approval from the Planning Board". Not just the Codes Enforcement office but the Planning Board.

Mr. Congel: Will you do that to my neighbors' houses too? Because that would be fair and I would be willing to do that because Len Rice's is right on my property line and I certainly don't want someone to buy that, tear that down, and build forty feet.

Counsel Molnar: Your property is unique. It is pre-existing nonconforming and needs redevelopment approval, etcetera.

Mr. Congel: I know, it has been difficult and expensive to save a house that everyone wants to have saved.

Member Kasper: The condition is just for the new structure part and not for the whole house, I don't know if that misleads you there. Just for the garage.

Counsel Molnar: No it is for the whole house.

Mr. Congel: It reads for the whole house.

Member Kasper: My thing was that it was just for the new garage.

Mr. Langey: Don's comment is apropos to why I have a problem with this condition.

Member Kasper: I was looking how the garage and how it all plays in to the existing house and the surrounding area. I wasn't looking at the whole house as far as holding the building back.

Mr. Langey: I appreciate the candid comment because when I read the condition, as an attorney that represents Boards, I was a little concerned about number one, I didn't think it was true that we had agreed to a condition. Number two, it is kind of vague. It says in the future, it says low profile, who knows what the means. My position is, if we are required to come in at some future time to see the Planning Board and get approval, we would do that. I was under the impression that we would have to do that. Now the Planning Board is saying, your interpretation (referencing Mark), he could just draw a building permit on that.

Counsel Molnar: I think that I have a possible alternative. That is to rephrase condition number three to say, "If the applicant intends to change the profile of the existing house ...

Mr. Congel: That is what I object to. If the code is going to be fair ...

Mr. Langey: I agree with you. The code could change, it could be interpreted differently

Mr. Congel: I would be willing to compromise. I shouldn't have to, but on the expansion of the house

Member Kasper: The elevation wouldn't change

Counsel Molnar: I think Joe needs to weigh in on it too, as he suggested the condition and it was made part of and unanimously approved by the Board.

Chairman Tucker: That's right.

Mr. Langey: By the way where is the statute of limitations.

Mr. Congel: I was up here for forty-five minutes discussing it and where was the discussion on that night. This was never was a condition that was discussed that night. That is my issue with it.

Chairman Tucker: With changing that, I will deny the application because I don't think the impermeable surface is down enough. I almost voted no the other night but because you gave that condition, even though you say you didn't and it is in the records, I would have voted no but it wouldn't have made a difference because the other three voted yes.

Mr. Langey: I appreciate what is said, I do respectfully disagree that it was offered as a condition.

Chairman Tucker: I do think you can cut more out of it.

Mr. Congel: But where, we talked about it for half an hour.

Chairman Tucker: I showed you where but if you don't want to accept it.

Mr. Congel: It is not about accepting it, it's about making a dangerous situation for my family.

Chairman Tucker: It is not that dangerous.

Mr. Congel: Not that dangerous might be okay for you but if it is dangerous and someone gets run over, that being what you said is really not good. It is a dangerous area and there is a lot of traffic.

Mr. Langey: If you don't resolve this tonight, it puts my client in a tough position as there are time limitations that he has to make his decisions. I am saying this with all respect, you guys have worked very hard on this application and we appreciate it. It does impact the value of his property. There is absolutely nothing in the record that supported that addition and we don't believe that there was any formal offer by our architect saying that he is offering this in exchange for approval.

Mr. Congel: He was never given permission to make that offer.

Counsel Molnar: The Planning Board disagrees and finds that this condition is meaningful or it would never would have been put in the resolution. Is there some suggested alternative for purposes of negotiation that we could arrive at that would be acceptable to all parties.

Mr. Langey: The only thing I came up with which is a hybrid of yours that I don't like which is a statement that said, "If the code requires that the roof line adjustment would mandate a return to the Board for whatever type of approval, whether it is site plan or special permit whatever it is at that time, he would agree to come for that to be considered on its merits." What it should be, considered on its merits when it gets before the Board. This was never in front of the Board to be considered., that is the trouble with it. We would certainly put proof in. We didn't have an opportunity to put proof in it ...

Member Kasper: Your architect offered it and you say you didn't give him permission. Anytime we argue anything with him you will say that you didn't give him permission. He was your representative, he put his name in there.

Mr. Congel: You also misunderstood what you thought it was.

Mr. Langey: Yeah, we have confusion among the members who are voting.

Member Kasper: I voted on it that way.

Mr. Langey That is a problem in of itself.

Mr. Brodsky: The house is already over 2500 square feet. Anything over 2500 square feet requires site plan review. My thought, I'm just picking up on this, the house is already under jurisdiction of site plan review because it is more than 2500 square feet, cumulative footprint, within 1500 feet of the lake. That is a requirement of the code.

Mr. Langey: I think you and I have had that conversation. You said to me on the phone, albeit, you thought it would require site plan review, which I have not researched and have not looked at, but I accepted what you were saying. So my compromise was that if it does require that...

Mr. Congel: And I am fine with that and you can strike the condition.

Mr. Langey: You would modify the language to say that and keeping in mind that code might change. The code might say no more site plan or say all kinds of stuff. It could get worse or it could get better.

Mr. Brodsky: My point is that this structure is under the jurisdiction of site plan review.

Counsel Molnar: Any modification of the structure will require site plan review by the Planning Board. It's already there.

Mr. Congel: I am not asking for anything special.

Member Kasper: What if we strike that out and he goes and pulls a permit raising the roof on the garage right now.

Counsel Molnar: Howard's recommendation is to memorialize the very thought we have arrived at and that is "Any modification of the structure requires site plan review".

Mr. Congel: It that's what the codes requires then I am fine.

Member Winkelman: That's what the Board's intention was.

Member Kasper: On condition that we are approving those plans presented for the addition.

Mr. Langey: You always do that, it always per plans and nothing more than the plans approved. You can't do anything different than what the plans approved. Every single application, that is what you are approving.

Counsel Molnar: These plans are horizontal and they are vertical.

Mr. Langey: They are very specific plans and they all have to be verified. If ten years from now somebody buys the house and they want to do something with it and site plan review is required, they absolutely have to come in front of you. Be free to turn it down when somebody else owns it.

Mr. Brodsky: I suggest it be placed in the resolution now.

Counsel Molnar: We will take out section three and modify it, my recommendation is to simply replace condition three with the condition that, "Any proposed change to the structure requires site plan review pursuant to Town code".

Mr. Congel: That is your typical language. I am fine with that.

Mr. Langey: Any proposed modification of the residence shall require site plan review from the Planning Board as per chapter 148. So if the law changes to the good or to the bad, you are not holding him to a different standard. Do you want to talk about first or are you good.

Mr. Congel: I understand it and I am fine.

Mr. Langey: My advice is we are fine because if we have to do it we can put a record in front of the Board as to why we think it doesn't harm the character, the scenic character of the Town.

Member Winkelman: Here is the problem that I have. We have basically agreed on the impermeable surface above the 10%, you've paid into the fund but you've got your footprint. So now in the future when you apply to improve the house, the footprint generally doesn't change...

Counsel Molnar: If the footprint changes it triggers redevelopment.

Member Kasper: It is not going to get any bigger.

Member Winkelman: Most of the time they don't. Somebody pays into the fund that is acceptable to the Board in its totality ...

Mr. Brodsky: He is capped at the ISC.

Member Winkelman: I know, in the future...

Member Kasper: In a year he could tear it down and come in front of us...

Mr. Brodsky: That has happened.

Member Winkelman: Build to that footprint and go big with the house. All of the other stuff we had weighed ...

Member Kasper: Would still have to come back in front of us.

Mr. Langey: Still have to come in front of you. He has put a lot of money into it. He is not tearing this place down anytime soon.

Mr. Congel: A ton of money. We have reframed the entire house from the inside. The unfortunate part about it, and not to be disrespectful, but the fight over the impermeable was not to build a mansion, it was to have a house safe for five children. To have five kids there all of the time. Your comments that it is safe enough, accidents happen and I would hate to lose one of my kids in my driveway. We lived through what happened with Bruce Kenan in his own home. Your comments were a little distasteful to be honest with you, I am not trying to build a mansion.

Chairman Tucker: I showed you right here where you can take more out of there.

Mr. Congel: I understand. It is a safety issue.

Chairman Tucker: It is a different plan now. It is a different plan to me.

Mr. Langey: We understand your comments. Is the language Scott dictated that condition three would be modified to say that “any proposed modification to the residence shall require site plan approval from the Planning Board as per chapter 148”. So it would capture any changes, stronger or looser, we would have to abide by that just like everybody else in the Town and people around the lake. I think that that is acceptable to us and avoids a lot of trouble for us down the line.

Member Winkelman: Do we want to put in any extra language now as a condition that the Board had basically granted impermeable surface in excess of 10% because of the preservation of the old house.

Mr. Brodsky: That is a finding.

Mr. Langey: It could go in the minutes. The minutes could reflect all of the comments from the Board.

Member Winkelman: When somebody is rebuilding the house they should take that into consideration.

Counsel Molnar: That is a proposed finding in consideration for the change in the approving resolution. It is reflected in the minutes, do you want it in the minutes itself is the question.

Member Winkelman: Let’s put it in the resolution.

Counsel Molnar: As an additional whereas before the therefore. Can you restate it.

Member Winkelman: It was the understanding of the Planning Board that ...

Mr. Langey: What I heard what Scott said was that the reason you granted the approval was because there was the preservation of the existing dwelling and its historic look as part of your overall approval. Not take away from hos or his future owner’s opportunity to make a case for some change whatever it might be. With that language I would be fine.

Member Winkelman: Sound good.

Mr. Langey: Scott, is there any chance I will see that language before it is signed and submitted so that we don’t create another issue.

Counsel Molnar: I have no objection sharing a resolution that is memorialized on the minutes prior to having Mark sign it.

**WHEREFORE**, a motion was made by Member Kasper and seconded by Member Winkelman to replace special condition three with “any proposed modification to the residence shall require site plan approval from the Planning Board as per chapter 148” and that we also add an additional whereas ” the Board granted impermeable surface in excess of 10% because of the preservation of the old house” before the now therefore portion of the approving resolution.

Chairman Tucker: I probably won't be able to approve this because I don't feel enough impermeable has been removed, there is some extra space here that can be taken out. We could have impermeable surface lowered, it may not be a lot but there are some areas that could be taken out.

**RECORD OF VOTE**

Chair	Mark J. Tucker	[No]
Member	Joseph Southern	[Absent]
Member	Donald Kasper	[Yes]
Member	Scott Winkelman	[Yes]

The Board having been polled failed in the approval of said motion.

**Continued Review-Major Special Permit/Site Plan Review/Lot Line Adjustment**

Applicant	Finger Lakes Luxury Homes, Inc.	
	Rick & Debbie Moscarito	Property:
	120 Madison St	1601 East Genesee St
	Chittenango, NY 13037	Skaneateles, NY 13152
		<b>Tax Map #032.-03-17.1 &amp; 032.-03-17.2</b>

Present: Robert Eggleston, Architect

A revised site plan dated August 5, 2016 represents modifications to the prior site plan. After the last meeting there were a couple of issues that had to be vetted prior to finalize the expansion and redevelopment plan of the Bird's Nest Hotel for a lodging facility. One was the Town water service and the water flow for sprinklers. Currently the Bird's Nest Hotel is not a sprinklered facility and any transient occupancy lodging is required by code to be sprinklered. The main lodge, the annex building, and all of the cottages will have fire protection. Tests were done with the Town to get static pressure. ADJ fire protection has done an analysis of the fire load and has determined that with a 50 psi boost pump on the system, it would adequately provide for a sprinkler system off the existing Town water system for the facility. The septic system is a function of use and the prior discussion was for 52 bedrooms, restaurant and spa.

The use of the facility is reduced with the lodge having the restaurant that will begin as an event center with catered food with a near future plan for a restaurant and bar with 80 seats combined. There will be a 3,500SF salt water spa on the lower level of the main building with an anticipated 15 people at any given time with a total of 60 people maximum at peak usage during the day. There will be an exercise facility for the guests of the facility and the swimming pool for the guests. The hotel rooms have been removed from the lodge, the annex building has 20 one bedroom suites, and there will be thirteen cottages with two of the cottages being less than 600SF studios. The two small studios will be located within 50 feet of the non-DEC regulated wetlands. There will be 23 bedrooms in the cottages and with the 20 bedrooms in the annex building bring the bedroom count down to 43 bedrooms. This has reduced the septic design to 60FT x 220FT in the front of the property for a conventional system and 100% expansion area.

There will be a walk path on the property adjacent to Route 20 that will connect up to Skan-Ellus and the Loftus building. There is a sidewalk around the perimeter of the building that will turn into trails through the woods and wetland buffer zones that will probably come out to a dock area once that location is determined. The paths would be available to the guests who are using the

facility as the intent is to have a family friendly facility for people to stay when they visit Skaneateles. There are existing 32 bedrooms in the existing hotel and the proposal will increase the count to 43 in 33 units. It is less than a 50% expansion of the lodging facility here that will be upgrading the site and taking advantage of the natural woods and site. There will be trees that will be placed around the parking area and the walkway will be away from the dumpster location.

Mr. Eggleston stated that with the Planning Board's acceptance of the site plan they will begin the stormwater drainage plans using the non-DEC wetlands area to direct hard surface water. Member Winkelman inquired on what the basis for expansion from 32 rooms to 43 rooms. Mr. Eggleston stated that the difference between the Bird's Nest Hotel and the proposal is the amenities that are offered. In the phasing of the proposal, the annex and the main lodge will be constructed first with the restaurant being installed a year or two later. The spa will not start initially, but the amenities building will have the exercise room, pool and lobby. The twenty rooms in the connected annex will support the main lodge for the initial construction, the infrastructure would then be constructed, with the cottages phased in as budget allows over four to five years. The master plan is what has been provided to the Board and the applicant wants to provide housekeeping units that people are requesting as part of their vacation planning.

Member Winkelman commented that his concern is the care and capacity of the property. Mr. Eggleston stated that they have reduced the number of proposed bedrooms for the care and capacity of the property. The care and capacity of the property is based on the water availability for fire protection, and the septic system without putting small expansion areas all over the property. There is enough area to put in stormwater controls for the property.

Counsel Molnar inquired where the 50 psi boost pump would be located. Mr. Eggleston stated that it would be located in the basement of the amenities building and will not require storage tanks. Member Kasper commented that it seems that there is a lot of water usage at peak times that could affect people down the line. Mr. Camp inquired if the boost would be for daily use or fire protection. Mr. Eggleston stated that it will only be used for fire protection and that daily use has no problem. Chairman Tucker commented that the analysis tests were done at ten o'clock in the morning when people were at work. Member Kasper commented that the test should be done at six at night. Mr. Eggleston stated that the design capacity of the septic is 8,300 gallons per day, that would occur if everyone was using the 100 gallon a day allotment at the same time. He continued stating that the daily usage is not a big deal, and if there was a fire is when there would be a major volume of water. The other thing Dan Evans has addressed is the potential for dry hydrants on the facility that would draw water from the pond. The neighbors would be affected when there is a full active fire. Mr. Brodsky stated that the plan does not indicated any lines going into the pond to service the dry hydrants. Mr. Eggleston stated that they have not yet designed the plan this early into the proposal.

Member Kasper inquired if campfires will be allowed by the cottages. Mr. Eggleston stated that the facility will have 24/7 supervision due to the amenities building and annex rooms, that would provide support to the cottages. There is a certain income required to provide 24/7 support, and the number of rooms is lower than what was originally proposed. Member Winkelman inquired if the proposal was based on a business plan. Mr. Eggleston stated that it was based on a business plan balanced with the environment and the land accessible taking into account the wetlands and 100 foot buffers, water availability and septic location. The existing impermeable surface coverage will increase from 2.3% to 5.2%, with the impermeable surface coverage not

being a limitation on development. The limitations were dictated by the wetlands, 100 foot buffer water and septic system that determined development.

Mr. Brodsky inquired if the applicant foresees the main lobby being expanded with guest rooms similar to the west wing. Mr. Eggleston stated that they cannot as the wetland buffer and parking would be removed. Additional rooms would require more parking in addition to the 112 parking spaces they have for the facility.

Mr. Camp recommended that the Board consider the treatment of the proposed sidewalk along Route 20 that is proposed on private property. Without any easements it assumes that the property owner would be responsible for maintenance of the sidewalks. With an easement it would allow the Town to go in and make repairs as needed. Mr. Eggleston commented that the intent was that it would have an easement. That is what has been done to be consistent with the west side and talked about on the east side. Chairman Tucker commented that although the sidewalk was moved away from the dumpster, that may not be where people will walk.

Chairman Tucker inquired about the lighting plan for the project, including lighting for the parking lot that provides lighting but is not too bright. Mr. Eggleston stated that they are looking at a 1 or 2 foot candle for the parking lot. Chairman Tucker stated that it is difficult to see with a 1 or 2 foot candle. Mr. Camp requested that a photometric plan be submitted as part of the engineering plan that will be submitted so that they can review it and determine what may need to be required. Chairman Tucker commented that the lights at HHP make it difficult to see in the parking lot making it a safety concern. Mr. Eggleston stated that he thought the lights on the Bombard property were at 5 candles.

Chairman Tucker commented that the Board anticipates a tree and landscape plan for the property. He continued and inquired on whether the pool will be heated. Mr. Eggleston stated that the pool is mostly outdoors with a portion of the pool indoors. Chairman Tucker inquired about the proposed bridge over the pool. Mr. Eggleston stated that the concept under consideration is inside the building having an indoor spa, having an entrance to the pool where you can swim outside from the spa and under the bridge. This has been a popular design at White Face Mountain up north.

Member Kasper suggested that an escrow account be established for the engineering review. Mr. Camp commented that the project would be done in phases and inquired if the applicant is getting approval for the entire project. Mr. Eggleston stated yes, with phase one be the amenities building. Phase two put in the road, cottages in the third and fourth phases. We are looking for master plan approval, obviously the septic has to be designed for the entire project, water and stormwater designed for the entire project. Mr. Moscarito would be best to discuss how long the project will take to complete with the biggest investment in the property building the main building and annex building. His passion is the cottages, but you need the amenities building to support the cottages. If you say yes that this is a reasonable plan and that we have the numbers right, then we can move forward to develop grading, stormwater, and engineering plans.

Mr. Camp stated that it makes sense for his office to look at the water to make sure it is right. Chairman Tucker commented that his concern was the time of day the tests were done to come up with the results. Mr. Camp stated that the water improvements on East Street have improved the water flow in this area.

Member Winkelman commented that Bob has been part of the master plan project and are interested in the eastern gateway, and inquired how this proposal fits in with the big picture. Mr. Eggleston stated that there is an existing facility and existing lodging on the property, and that the proposal is to expand that conforming use. He continued stating that the architecture is an improvement from what is existing. Creating a new urbanism community or destination where families can come. There would be tie in with the community such as shuttle service to the Village as parking is difficult in the Village during the summer and during events. Member Kasper commented that this would be similar to Mirbeau. Mr. Eggleston stated that it would be a different clientele than Mirbeau but it would not be the Bird's Nest.

Member Winkelman commented that he would love to see the front lawn area that is owned by the State included in the eastern gateway possibly to a mini park. Mr. Eggleston stated that the pedestrian access way would get people away from the cars with the east end a busy intersection by Skan-Ellus. Member Winkelman suggested that trees could be added. NYSDOT would not support trees in the area that may interfere with power lines and obscure driver visibility.

Mr. Brodsky stated that one of the issues with the eastern gateway is that it has not been defined yet. Member Winkelman stated that it is being defined right now. Mr. Eggleston stated that the proposal has had a lot of thought put into it compared to other properties developed in the eastern gateway. Member Winkelman inquired if the acreage to the north would be considered to be placed in conservation. Mr. Eggleston stated that the land behind the pond is a hill and all wooded and once you get past the dam the wetlands turns into a stream.

Mr. Eggleston requested that the Board accept this as a concept plan, forward for County review and that the coordinated SEQR review process begin. Counsel Molnar stated that he agrees with that and with the new assessment form provided along with the new plan and narrative, that we could send this on for coordinated review. It has already been classified as a Type I action subject to coordinated review with interested parties. He continued stating that the request for the Planning Board be conditioned upon the SEQR review first before the Planning Board can grant or deny any approval. It would be a soft conditional discussion at this point to move forward as is in terms of the overall characterization of what the application is, it's component parts and whether or not the Planning Board finds it acceptable to move forward.

Chairman Tucker stated that the Board is looking at the component parts at this time and inquired if a resolution should be created. Mr. Brodsky stated that this project is a good concept. Counsel Molnar inquired if this is a good conceptual project that the Board would like to take through by thorough review with the engineering, the water, septic, and all of the other requirements that must be fulfilled. Chairman Tucker commented that part of it is the screening of the parking lots. Mr. Eggleston stated that the point is that they will be investing some big money doing engineering and do not want to do that investment if the Board would rather see ten single family homes. He continued stating that it will have a restaurant for about 80 people, a spa, 43 bedrooms, will that shift one or two units either way, possibly. The point is that it will not be a manufacturing plant or multifamily apartments, it will be a lodging concept proposed. Member Winkelman stated that the main engineering issue is the water supply as that could be the most limiting factor.

**WHEREFORE** a motion was made by Chairman Tucker and seconded by Member Winkelman to accept the proposed conceptual plan. The Board having been polled resulted in the unanimous affirmance of said motion.

Lead agency was determined and the SEQR classification as a Type I action at the June 21, 2016 Planning Board meeting. Counsel Molnar stated that now that there is a conceptual plan, notices can be circulated to the various interested parties.

**WHEREFORE** a motion was made by Chairman Tucker and seconded by Member Kasper to establish an escrow account in the amount of \$5,000 for project engineering and legal review. The Board having been polled resulted in the unanimous affirmance of said motion.

**Escrow Request**

Applicant: Tim Green/owner Loveless Farm Development PO Box 866 Skaneateles, New York 13152	Property: 2783 West Lake Rd West side 051.-02-18.1 Vacant land: East side 053.-01-39.1
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**WHEREFORE** a motion was made by Chairman Tucker and seconded by Member Winkelman 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.

**Escrow Request**

Applicant Lakelawn Properties LLC PO Box 962049 Boston, MA 02196	Property: 3384 West Lake Road Skaneateles, NY 13152 <b>Tax Map #049.-02-03.0</b>
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**WHEREFORE** a motion was made by Chairman Tucker and seconded by Member Kasper to increase the escrow account in the amount of \$2500 for project engineering and legal review. The Board having been polled resulted in the unanimous affirmance of said motion.

**Discussion**

The Village Planning Board and Zoning Board of Appeals have reviewed the draft comprehensive plan and submitted comments to the Town and Joel Russell.

**Discussion**

Off of route 175 in Marcellus they are establishing duck ponds in the wetlands near Bishop Hill Road.

**Discussion**

The Planning Board discussed Local Law D-Moratorium on Commercial Solar Uses. A suggestion was made at the Zoning Board of Appeals meeting that the legislation be modified to include a moratorium of large collective residential use that would supply energy to several residential properties. The Planning Board agreed with the suggested modification.

**WHEREFORE** a motion was made by Chairman Tucker and seconded by Member Winkelman to charge Board Counsel to prepare the document for submission to

the Town Board with the suggested modification. The Board having been polled resulted in unanimous affirmation of said motion.

**Discussion**

The Planning Board discussed Local Law E- Updated Flood Damage Prevention, and the Board concluded that they were in support of adoption of the new legislation.

**WHEREFORE** a motion was made by Chairman Mark Tucker and seconded by Member Scott Winkelman, that the Town of Skaneateles Planning Board, was **RESOLVED** to endorse Local Law E Flood Damage Protection in its present form. The Board having been polled resulted in the unanimous affirmance of said motion.

**WHEREFORE** a motion was made by Winkelman and seconded by Member Kasper to adjourn the Planning Board Meeting at 10:30 p.m. as there being no further business. The Board having been polled resulted in favor of said motion.

Respectfully Submitted,

Karen Barkdull, Secretary/Clerk