

**TOWN OF SKANEATELES PLANNING BOARD
MEETING MINUTES
February 18, 2014**

Mark J. Tucker, Chairman
Elizabeth Estes
Donald Kasper
Joseph Southern
Scott Winkelman
Scott Molnar, Legal Counsel
John Camp, P.C. (C&S Engineers)
Howard Brodsky, Town Planner

Chairman Tucker opened the meeting at 7:30 p.m. The meeting minutes of January 21, 2014 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 Southern to approve the minutes with minor corrections. The Board having been polled resulted in the unanimous affirmance of said motion. Member Kasper and Member Estes abstained from the vote due to their absence at last month's meeting.

RECORD OF VOTE

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

Public Hearing –Subdivision

Applicant: Twin Birch Dairy LLC
2234 Benson Road
Skaneateles, New York 13152
Tax Map # 059.-01-01.1

Present: Dirk Young & Greg Young, Applicants

No one requested to have the public notice read. The Onondaga County Planning Board suggested modifications to the proposal to include DOT approval of the driveway access and OCDOH acceptance of the existing septic system in their resolution dated January 29, 2014. Members from the Board have visited the site on February 15, 2014.

The applicant is proposing a two-lot subdivision of the 21+/- acre farm lot with an existing residence on the property. Proposed lot 4 would be 2.1 acres and includes the residence. The remaining lot 1 would consist of 19 +/- acres of farmland. Lot 4 is the third lot proposed within the last ten years for this property; the applicant lives in the residence and intends to purchase the

subdivided lot 4. Chairman Tucker noted that the revised survey dated February 7, 2014 reflects incorrect calculations for lot coverage and will need to be corrected on the final map.

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

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

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

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

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

NOW, THEREFORE, Upon a motion made by Don Kasper and seconded by Joe Southern and **BE IT RESOLVED** that the Skaneateles Planning Board **APPROVES** the minor subdivision, with the following conditions:

1. The Subdivision map dated February 7, 2014 prepared by James J. Warren be revised to reflect the corrected coverage calculations within the dimensional requirements and submitted ("Map"), for the Planning Board Chairman's review and signature within 180 days from the signing of the resolution; and
2. 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	Mark J. Tucker	Present	[Yes]
Member	Joseph Southern	Present	[Yes]
Member	Donald Kasper	Present	[Yes]
Member	Scott Winkelman	Present	[Yes]
Member	Elizabeth Estes	Present	[Yes]

Extension Request- Major Special Permit

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

Present: Kevin Bernstein, Attorney

Counsel Molnar recapped the correspondence between his office and Mr. Bernstein on the status of the existing open Victory Sports campus project application. Mr. Bernstein's letter has requested the application to remain open while the applicant obtains approvals for the recently acquired property in Sennett. Disposition of the open application for the property on East Genesee Street will be determined after approvals have been granted in Sennett for the property in that Town. While the approval process in Sennett is pending, the applicant will need to extend the length of time needed for the temporary trailers located at the current office location on West Genesee Street for an additional two years.

Member Estes inquired whether any on the neighbors have expressed a concern regarding the existing trailers on the property. The trailers are located behind the buildings with a farm field adjoining the property. The trailers are not visible and there has been no expressed concern regarding the trailers.

WHEREAS, the Planning Board considered the requested amendment, and recalled the Planning Board had previously conducted an extensive review prior to granting the special permit; and

WHEREAS, the Planning Board has determined that the proposed amendment to the Minor Special Permit is consistent with the terms of the Minor Special Permit approval of October 15, 2002, and extension of February 21, 2012, and does not represent a substantial change from the approved site plan; and

WHEREAS, the Planning Board adopted the SEQR findings of October 17, 2002 and January 19, 2010; and

NOW, THEREFORE, BE IT RESOLVED, that the Skaneateles Planning Board **APPROVES** and amends the **Minor Special Permit** with the following conditions:

1. That all conditions of the January 19, 2010 resolution remain in full effect except as amended hereby; and
2. That the approved use of the Trailers is extended to February 25, 2016, conditioned upon the Applicant providing written status reports to the Planning board advising of the current status of Relocation.

Upon a motion made by Member Donald Kasper and seconded by Chairman Mark Tucker the Town of Skaneateles Planning Board hereby approves the site plan modification with the above conditions.

RECORD OF VOTE

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

Amendment Request- Site Plan

Applicant: Francisco Ruiz and Margaret Canglios-Ruiz
 2830 East Lake Road
 Skaneateles, New York 13152
Tax Map #038.-01-12.0

Present: Francisco Ruiz and Margaret Canglios-Ruiz, Applicants.

The applicant is requesting an amendment to the 2007 site plan approval to correct the lot calculation for the property. The existing wharf was considered part of the property in 2007 and the applicant stated that the wharf is a man-made dock that rests outside of the lake line. The U-shaped driveway will be modified to remove the driveway portion to the south and provide better sight visibility for access onto East Lake Road. Mr. Brodsky stated that the lot coverage calculations should be completed reflecting the lot coverage and shoreline structures both on the property and beyond the high water mark. Member Estes inquired if there was grass on the dock. Mr. Ruiz stated that the existing dock consists of gabion baskets with a geo-textile and topped with dirt and grass. The proposed dock will consist of decking with plantings, gravel and a 140SF gazebo. The existing stairs will be replaced and relocated further north.

The dock will have steel pile structure with wood staving around three sides of the dock. A DEC permit has been obtained for the modifications and expires October 1, 2017. Counsel Molnar clarified for the Board that structures beyond the high water mark of 865.02' NGVD Datum 1929 are considered structures in the navigational waters that are under the State's purview. The Town does not regulate structures in the navigational waters. In addition any structures attached to land but located in the navigational water are not regulated by the Town. A recent case in New York court determined that although a structure is constructed in the navigational waters, the municipality would need to inspect it for NYS building code compliance.

Member Kasper recommended that the applicant supply the coverage numbers based on the new configuration. Mr. Brodsky stated that this could be accomplished with an as-built survey reflecting the revised lot size, impermeable surface coverage and open space calculations, shoreline structures on the lake front and shoreline structures beyond the 865.02' NGVD Datum

1929 lake line in a similar format to Mr. Eggleston's prior site plan charts. Member Kasper asked Mr. Camp if there were any conditions that need to be added to the construction sequence and drawings prepared by River Rock Dock. Mr. Camp stated that the reconstruction of the dock consists of piles and decking and that the removal of the soil from the existing structure should be completed so that there is minimal impact to the lake.

Member Estes stated that she would like to review the 2008 file as to why it was considered land prior and that now it is being considered a dock, and although she did not attend the site visit, the dock only has three sides to it. Mr. Ruiz asked Member Estes, assuming that it is seawall with grass, what should be done with the structure considering that it is filled with toxic grass and soil that is harmful to the lake. He continued stating that if the material was removed it would show landscape material and rocks below. Member Estes stated that her concern is whether it is a dock or land form. Mr. Ruiz stated that a licensed surveyor as well as himself as a licensed architect certified it as a dock rather than a land form. Member Estes stated that it was certified in 2008 by a licensed survey and architect. Mr. Ruiz stated that he would not vouch for the prior professionals that represented them being above-board in their representation. Mrs. Canglios-Ruiz stated that they did not give it the attention in 2008 that they should have to make sure it was accurate. Member Winkelman stated that there was extensive storm damage in 2011 that affected several waterfront structures on the lake. Member Southern inquired what the advantage is for the applicant to change the determination from a land form to a dock. Mr. Ruiz stated that it is a structure and is no longer safe. Member Winkelman stated that the structure is beyond the mean high water line and not under the Town's jurisdiction. Mr. Ruiz stated that he would like to move forward on this application as they have not been able to use the waterfront for three years. Member Southern inquired why they couldn't do the project with the existing site plan. Member Estes stated that if he used the existing site plan he would exceed the allowable shoreline structures allowed for his lot and by changing the definition of the structure he is able to do the gazebo on the dock without the need of a variance. '

Chairman Tucker commented that the Board needs more time to study the process. Mr. Ruiz stated that he needs to begin work on the dock by March 1, 2014 as the contractor has had a substantial deposit for almost three years and they could lose their deposit. Member Estes stated that she didn't think the contractor would be able to start the work March 1st due to weather. Mrs. Canglios-Ruiz stated that they have been under contract since October 2012 and that she would like to move forward on the project. She continued that she had requested the gazebo at the lake. Member Estes stated that the applicant has been under contract for the work since October 2012 and only now is in front of the Board. Mrs. Canglios-Ruiz stated that they had a recent meeting and thought this meeting was only an administrative meeting to correct the paperwork. Counsel Molnar stated that the Code office could not issue a building permit for the proposed construction as the site plan on file indicated that the applicant would need to obtain a variance and site plan approval prior to issuance of a building permit. The revised 2013 survey reflecting the new lake line has to be accepted by the Board before the work can move forward without a variance. Member Estes stated that the proposed driveway changes and relocation of the lake front stairs is an amendment; however, the classification of the shoreline from land to a dock is not an amendment and continued stating that it is a larger decision than an amendment. There are other properties the Board has reviewed that consisted of a retaining wall with land and they were treated differently. Mr. Ruiz stated that the character of the structure was not considered by the Board six years ago, but presumed to be a land mass incorrectly and was an error that needs to be corrected.

Counsel Molnar stated that the Board could make a decision today or delay their decision so that a site visit could be conducted when the weather would allow a better inspection of the shoreline. Member Kasper inquired whether one more month would make any difference and if there was any issue with the DEC permit expiring. Chairman Tucker stated that the DEC permit expires in 2017. Mr. Ruiz stated that when the ice melt occurs he wants his contractor to start before he becomes unavailable for the job. Chairman Tucker stated that he would be more comfortable with the determination if he could have seen more at the site visit. Member Southern stated that what needs to be determined is if the lake line was natural or man-made. Counsel Molnar stated that if the applicants want to build out into the lake they could do so now as long as it was amenable with the State of New York. They could also remove the structure from the lake and then the applicant could construct whatever he proposed with the approval from New York State as it would be in their jurisdiction. Additional information will not solve the question as the structure is located beyond the mean high water line. Member Winkelman stated that repair of the structure was what was indicated in the DEC permit that did not include the proposed gazebo. He continued stating that the Board could vote now on the DEC approved work and that the Board could review the remainder of the proposal discussed at a later meeting.

Counsel Molnar stated that if the Board determines it is land then the applicant would increase the shoreline structures with the gazebo and stairs that would require further review and approval. Mr. Ruiz stated that a marine railway is being removed decreasing shoreline structures by 9%. Member Winkelman stated that a marine railway is not considered a structure under Town code. Member Southern inquired what the contractor will be doing on the easterly boundary of the structure. Mr. Ruiz replied that the contractor will be doing nothing on the easterly side. Member Kasper asked for clarification on what work the contractor will be providing. Mr. Ruiz stated that he will be repairing the dock, adding the gazebo, removing and replacing the steps and storage shed, and landscaping. Member Winkelman stated that the Board would like to know the total shoreline structures. Mr. Ruiz stated that the existing dock is 733SF, proposed gazebo 140SF; shed 49SF; stairs 110SF. existing gazebo on top of the bank 100SF; and the existing retaining walls 20SF. The total square footage is 1,152SF. The existing shoreline structures is 1,032SF not including the 230SF marine railway.

Chairman Tucker stated that for a lot with less than 100' of shoreline, the maximum amount of shoreline structures is 400SF. Mr. Brodsky stated that the location of the lake line is critical in evaluating the total shoreline structures above the mean high water line. Member Estes asked whether the modification to the structure will have four sides or three sides. Mr. Ruiz stated that it have four steel piers with a skirt of scathing around three sides. Counsel Molnar reiterated that it does not matter how it is connected to the shore as long as the structure is beyond the mean high water line in is not under the jurisdiction of the Town. He continued stating that in the evolution of the case law on whom has jurisdiction of the dock, it was determined that New York State has jurisdiction of structures beyond the mean high water line regardless if they are attached to the land above the mean high water line.

WHEREAS, the Skaneateles Planning Board has made site visits to the property, has reviewed and considered all of the material contained in the Board's file, has heard and considered submissions made on behalf of the Applicant, has heard and considered public comment and has obtained engineering consultation; and

Whereas, the Planning Board adopted and ratified its prior SEQRA determination for the Application, which was a determination that the Application constitutes a TYPE II single family residential project, not subject to further SEQRA review;

NOW, THEREFORE, BE IT RESOLVED, upon a motion made by Member Joseph Southern, seconded by Member Scott Winkelman, and upon a vote thereon, the Town of Skaneateles Planning Board hereby **APPROVES** the Application and amends the Prior Approval, with the Prior Approval remaining in full force and effect according to its terms, with the following additional conditions:

1. That the Revised Site Plan 1 through 3 of 3 dated February 3, 2014, prepared by Francisco Ruiz, be followed in all respects; and
2. Compliance with all DEC regulations associated with permit #7-3150-00132/00005 & 00006 issued November 21, 2012; and
3. That the Applicant shall obtain all necessary permits and approvals from any and all jurisdictions which regulate construction of structures in navigational waters of Skaneateles Lake; and
4. That an as-built survey be submitted to the Codes Enforcement Officer with verification of conformance of completed project within (60) days of completion thereof.

RECORD OF VOTE

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

Sketch Plan –Special Permit

Applicant: Joseph & Renee Lane
 2605 East Lake Road
 Skaneateles, New York 13152
Tax Map # 037.-01-22.1

Present Joseph lane, Applicant; Fouad Dietz, Architect

Updated deed information was received by the Board today. The deed reflects that the driveway is shared by the residents of the Colony. The prior lot area calculation was based on the incorrect location of the high water mark and overstated the lot size by 1,318SF. There were also miscalculations of the driveway with the dirt portion of the driveway considered pervious and proposed reductions in the driveway not completed due to the Colony covenants. The paver walks are close set and are impermeable although it was considered permeable in 2001.

The proposed design will reduce impermeable surface coverage by 1,028SF with walks reduced and replaced with permeable pavers. The cottage will be constructed on the same footprint. Based on the site visit last week, the 823SF basketball court will be removed further reducing impermeable surface coverage to 1,851SF or 2.2%. The existing 15,6% impermeable surface coverage will be reduced to 13.3% impermeable surface coverage. Mr. Lane stated that deed reflects that the driveway is shared by all owners of the Colony and cannot be reduced further. Counsel Molnar stated that the basketball court may be considered another improvement for the

use of all owners in the Colony. Mr. Dietz stated that it should not be an issue to remove the basketball court. Mr. Lane stated that further reductions in the driveway would be problematic for parking. Member Winkelman stated that the Rothenberg prior plans indicated that part of the dirt area removed and returned to grass and inquired whether more area would be returned to green area. Mr. Dietz stated that part of the area of the basketball court is being removed. Member Winkelman stated that the driveway could be reduced in width in some areas. Mr. Lane stated that the driveway is the only area where cars can pass. Member Winkelman conceded that the driveway width needs to allow for emergency access.

WHEREFORE, a motion was made by Chairman Tucker and seconded by Member Southern to schedule a public hearing on **Tuesday, March 18, 2014 at 7:30 p.m.** The Board having been polled resulted in the unanimous affirmation of said motion.

Mr. Brodsky requested clearer calculations of shoreline structures. Mr. Dietz stated that the proposed shoreline structures is 471SF. Member Kasper requested that dimensions of the driveway at various points would be helpful for the Board for the next meeting. The triangular catch basin collects the stormwater from the area and drains into dry wells. Mr. Lane stated that part of the catch basin could be converted to permeable surface coverage. Member Kasper commented that if it were converted to permeable surface it could not be driven on. Mr. Lane stated that the catch basin area is where groceries are unloaded and it could make it difficult not to drive on it.

Amendment Request- Special Permit

Applicant: Brad Wirth
2590 Nunnery Road
Skaneateles, New York

Property:
1382 East Genesee St
Skaneateles, New York
Tax Map #042.-01-08.1

There was no one present to represent the applicant.

Sketch Plan – Special Permit/Site Plan

Applicant: Mehdi Marvasti
4337 City Lights Terr.
Jamesville, NY

Property:
2022 West Lake Road
Skaneateles, NY 13152
Tax Map #058.-01-24.0

Present: Mehdi & Kathi Marvasti, Applicants; Andy Ramsgard, Architect

The applicant has an existing single story dwelling with a heavy tree line on the north side. Proposed is to demolish the existing dwelling and construct a dwelling with deck further back, add a patio at the lake front, shorten the driveway to reduce impermeable surface coverage by 2.1%, and add a detached two car garage located at the existing driveway turn around. The proposed shoreline structures will include the existing boathouse and shed with the addition of the proposed deck. The width of the lot is pre-existing nonconforming at 65' along the road narrowing to 57.3' at the shoreline. Variances are being requested for the side yard setbacks, footprint at 6.9% of lot area and lot width. A special permit is required for redevelopment as the impermeable surface coverage over 10%, although it is being reduced from 19.9% to 17.8%.

The septic system is located at the back of the lot and Brillo rebuilt the pump chamber and it is in good order with the leach fields being verified in the spring. The City of Syracuse Department

of Water requested determination of the number of bedrooms the existing system can support. Moving the dwelling further back will impact the septic field.

The proposed dwelling will be two story located on the same footprint as the existing one-story dwelling. The proposed dwelling will be designed for year round use although the intent is to use the dwelling seasonally. There will be a short basement and there will be some excavation as part of the construction. Member Kasper noted that there is no proposed sidewalk on the property. Mr. Ramsgard stated that they will add a permeable walkway on the plans. Mr. Camp stated that the plan should indicate the location of the spoils pile. Mr. Ramsgard stated that the spoils will be removed from the property. Mr. Brodsky requested that the septic field location be reflected on the site plan. Mr. Brodsky inquired whether the proposed dwelling could be located further back and consolidated with the garage to reduce impermeable surface coverage. Chairman Tucker stated that one way to reduce impermeable surface coverage would be to reduce the size of the dwelling. Mr. Ramsgard stated that the impermeable surface coverage would not be dramatically impacted by the suggested change. The proposed dwelling is 2,161.8SF in floor space. The proposed deck is cantilevered over the ground. Mr. Ramsgard stated that based on the values of the lake side properties, the property owners can either rent the dwellings seasonally with constant use or renovate and change the use to year round by one occupant. He reiterated stating that a renovated dwelling with one occupant causes less stress on the septic system and therefore is a better use for the property compared to the constant strain of renting. Member Estes suggested that the applicant consider a grass strip for the driveway to help reduce impermeable surface coverage. Member Kasper stated that the grass strip should not be greater than two feet in width. Mr. Ramsgard stated that he had used grass pave on prior applications and it has worked well as it can be plowed and has greater stability than grass alone.. The grass pave is curve linear which allows the driveway to be tipped so that the grass pave can filter any runoff from the driveway. A site visit will be conducted on March 15, 2014, weather permitting.

WHEREFORE, a motion was made by Chairman Tucker and seconded by Member Estes to schedule a public hearing conditional with the ZBA approval of the application on *Tuesday, March 18, 2014 at 7:45 p.m.* The Board having been polled resulted in the unanimous affirmation of said motion.

Discussion- Special Permit

Applicant: 1808 West Lake Road LLC
1808 West Lake Road
Skaneateles, New York
Tax Map #062.-01-09.2

Present: Stephanie Webster, Architect

The property is 718SF of impermeable surface coverage over the allowed 10% impermeable surface coverage. Modification of the RV garage to storage space with reduction to the size of the doors, and removal of a section of the driveway access to it may help to reduce the impermeable surface coverage of the lot.

Merger Request

Applicant: Mr. & Mrs. Varno
1659 Coon Hill Road

Skaneateles, New York
Tax Map #035.-01-22.1 & 035.-01-24.1

The applicant is request the merger of his two adjoining properties with one of the lots consisting of vacant land.

WHEREFORE, a motion by Member Joseph Southern and seconded by Member Elizabeth Estes to notify the Town of Skaneateles Tax Assessor that this Board has no objection to the request of Mr. & Mrs. Varno to merge tax parcels 035.-01-22.1 and 035.-01-24.1 into one tax parcel.

RECORD OF VOTE

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

WHEREFORE a motion was made by Chairman Tucker and seconded by Member Southern to adjourn the Planning Board Meeting as there being no further business. The Board having been polled resulted in favor of said motion.

Respectfully Transcribed,

Karen Barkdull

Karen Barkdull, Secretary/Clerk