

**TOWN OF SKANEATELES PLANNING BOARD
MEETING MINUTES
March 17, 2015**

Mark J. Tucker, Chairman
Elizabeth Estes
Donald Kasper
Joseph Southern
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 January 20, 2015 were previously distributed to the Board and all Members present acknowledged receipt of those minutes.

WHEREFORE, a motion was made by Chairman Tucker and seconded by Member Southern to approve the minutes as corrected. The Board having been polled resulted in the unanimous affirmance of said motion. Members Estes, and Winkelman abstained from the vote, as they were not in attendance at the January 20, 2015 meeting.

RECORD OF VOTE

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

The meeting minutes of February 17, 2015 were previously distributed to the Board and all Members present acknowledged receipt of those minutes.

WHEREFORE, a motion was made by Member Southern and seconded by Chairman Tucker to approve the minutes with minor corrections. The Board having been polled resulted in the unanimous affirmance of said motion. Member Kasper abstained from the vote, as he was not in attendance at the February 17, 2015 meeting.

RECORD OF VOTE

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

Public Hearing –Special Permit/Site Plan Review

Applicant: Mark Congel
Five Fires LLC
4584 Bamerick Lane
Jamesville, NY 13078

Property:
3395 East Lake Rd
Skaneateles, NY 13152
Tax Map #041.-01-21.0

Present: Janice Miller, Architect

No one requested to have the public notice read. The Onondaga County Planning Board determined that the proposal would have no significant adverse implications in their resolution dated November 19, 2014. The OCDOH had approved the plan for a septic system for the one bedroom cottage on May 6, 2014.

The shoreline structure is in disrepair and the applicant is interested in raising the structure with a full foundation underneath. A support beam at 866' elevation would be added with the foundation height at 6'8" making it non-habitable space. The proposed modification would increase the height to 18.3' above the lake line. The shoreline structure will be 4' shorter than the neighbor's structure located to the north. The variance for the increased height was approved by the Zoning Board of Appeals on March 3, 2015. Revised plans and narrative dated March 3, 2015 reflected the changes. The increase in height will allow headroom to hang kayaks. There will be no change in the footprint of the structure.

Chairman Tucker stated that there is 917SF in shoreline structures and inquired if any additional structures were planned. Ms. Miller stated that there were not additional structures to be added. Member Kasper inquired if there will be a door on the west side of the structure and if the floor of the building will be raised. Ms. Miller stated that a door would be added to the lakeside of the structure. The dock is located at 865.02' and there is no floor, just gravel that has been pushed in that is about 8 inches lower. Proposed is to add gravel to level it off with a pad to keep it neat, and the foundation will be anchored to secure the building.

Mr. Camp inquired on the code requirement relative to the floor grade for the flood requirements in regards to the basement. Member Kasper inquired whether the gravel and concrete pad would be above the flood plan level. Ms. Miller stated that the basement floor level is at 866' with the 100-year flood plain level at 867.02'; the applicant is only using the space for storage. Counsel Molnar inquired whether the basement level would be habitable. Ms. Miller stated that it would not be habitable space. Mr. Brodsky stated that the code regulating flood zones would be in NYS building code. Mr. Camp stated that typically if an area of the building were built below flood level there would need to be a way for water to go in and out with most utilizing the use of louvers; not to compromise the structure.

Mr. Brodsky inquired on whether the foundation will need to be anchored. Chairman Tucker stated that in section 72-17 it states that the building needs to be anchored so that the building does not float, collapse or move laterally. Ms. Miller stated that there will be drainage around the building and the area will be bermed to prevent flooding of the basement.

Mr. Brodsky inquired if a grading plan has been submitted to the Board. Ms. Miller stated that the last page of the submittal reflects the area of disturbance being just enough room to build the foundation as the structure will be lifted up during construction. Mr. Camp inquired if the door would be located 2' to 3' higher. Ms. Miller stated that it will be raised two feet higher; however, it will be graded so that there will be no change to the access.

The door facing the lake will be replaced with a 6'x10' door and the berm in front of the door will be maintained. Ms. Miller stated that when you come out of the building through this door there is a strip of land approximately 8'x12' before reaching the lake line. Mr. Brodsky stated that there are no plans with contours provided. Ms. Miller stated that the contours would not be changed. Chairman Tucker stated that a grading plan with proposed contours on completion of the project should be submitted.

Member Winkelman stated that one of the concerns from the Zoning Board was the removal of three trees in the area. He continued stating that the existing trees provide stability for the bank. Ms. Miller stated that the area where the trees will be removed would be planted with vegetation to provide stabilization. Member Southern inquired if the trees would be stumped as the stumping would keep the root system intact and provide stabilization. Ms. Miller stated that she does not have that level of detail available but will find out that information.

Mr. Camp stated that since the basement floor will be susceptible to flooding, the space needs to allow water to freely flow in and out of the area. Typically, this is achieved with a louvers screen in the door as per NYS building code to provide equalization of the water pressure during flooding.

Chairman Tucker stated that the impervious surface coverage of 13.5% is over the allowed 10% causing this application to be considered redevelopment. He inquired if there were areas of coverage that could be reduced to bring the impermeable surface coverage down such as excess pavement or driveway. Ms. Miller stated that the applicant is considering reductions in tandem with another phase of improvements in the future. Chairman Tucker stated that the reductions would need to be considered as part of this application presented and not part of a future application. He continued stating that there are circular driveways that could be reduced.

Member Winkelman inquired on why redevelopment is part of the application. Mr. Brodsky stated that any action requiring Board review will trigger a variance, and in this case, the height variance and site plan review for construction within 50' of the lake line triggers redevelopment, as the coverage is over 10%. Member Kasper commented that if the applicant cannot achieve 10% impermeable surface coverage, then a contribution to the Town's LDRAF fund would be required.

Chairman Tucker stated that the applicant will need to provide to the Board a grading plan, reducing the impervious surface, and address the concerns regarding the use of louvers of the basement level for draining outlets and bank stabilization when trees are removed. A site visit will be difficult to conduct until the snow has melted.

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

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

WHEREFORE, a motion was made by Member Southern and seconded by Member Estes to continue the public hearing on ***Tuesday, April 21, 2015 at 7:30 p.m.*** The Board having been polled resulted in the unanimous affirmation of said motion.

Amendment- Site Plan Review

Applicant	Digital Analysis Corp. Richard Pinkowski PO Box 95 Skaneateles, NY	Property: 716 Visions Drive Skaneateles, NY 13152 Tax Map #023.-01-08.9
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Present: Robert Eggleston, Architect

In 2004 the applicant had received approval from the Planning Board for the manufacturing business, an environmental hazardous waste engineer manufacturing company. No hazardous waste is stored on site. The original approval included potential future addition and the applicant received a variance to allow a storage building located 50' from the western property line, with the 2005 zoning code allowing the 50' setback.

The proposed 9600SF building addition meets all of the setback guidelines; the impermeable surface coverage will increase from 16% to 24.6%, and under the 30% maximum allowed. The driveway will be extended to allow truck access inside of the building for loading which can occur over several days. The business use and hours will remain the same with 17 employees and potential for 1-2 new employees added that may not all be located at the site. There are 24 parking spaces on site and the parking could be expanded and stay within the 30% maximum impervious surface. The existing septic system can accommodate up to 29 employees. Deliveries are consistent with the existing schedule with four deliveries a day including two UPS, and two tractor trailers a day. The use of the property is consistent with approved uses in the IRO district.

There are drains located on each side of the building that drain to the northwest corner. The soils are sandy loam and there is not a defined swale on the west side. Proposed is a swale on the northwest side to maintain the water on the property. Drip edges along the edge of the building will allow the water to filter through the ground and extend on to the swale.

Member Estes inquired if there will be any additional industrial process that would cause dust. Mr. Eggleston stated that it is an assembly of components with some welding and painting. There will be no additional exhaust. Member Southern inquired about floor drains. Mr. Eggleston stated that there will be no floor drains. Member Estes inquired about HVAC units on the roof. Mr. Eggleston stated that there is a condenser unit on the north side and another may be added or mounted to the ground.

Member Estes inquired in regards to any potential increase in truck pickups. Mr. Eggleston stated that pickups will not increase significantly for the business, with trash picked up weekly. Chairman Tucker inquired whether the drainage from the new building might increase the rate of

runoff. Mr. Camp stated that the proposal disturbs less than one acre and does not need a SPDES permit, although if there is further build out in the future then the permit may be necessary. Member Southern inquired about the drainage strips noted on the site plan. Mr. Eggleston stated that they are pea stone drainage areas that allow the water to soak into the ground with the excess daylighted to the swale.

Member Estes asked what would stop the applicant from continuing to construct additions. Mr. Brodsky stated that the property only is allowed 30% impervious surface and there are dimensional limits in the code, which would regulate how much they can develop the land. Mr. Eggleston commented that there is only 5.4% of impervious surface left which would most likely be used for additional parking. Member Winkelman stated that it is located in the IRO. Member Estes stated if the Board should look at the drainage so that there are no additional problems. Mr. Camp stated that the site plan shows the drainage to the west. Mr. Eggleston stated that it is a low pitch area and the drainage has never been a problem. Mr. Brodsky inquired on the capacity of the proposed swale. Mr. Camp stated that the proposed swale will be only half a foot deep. Mr. Eggleston indicated on the site plan that the drainage runs to the northwest where it drains to the ditch by the road. Member Kasper recommended that the swale will be a grassy area and inquired if the swale might need check dams. Mr. Camp stated that the swale is flat so that the water does not run too quickly. He recommended that the Board note in the resolution that if the applicant comes back in the future with more expansion there would not be any impetus to digging the swale by the road a little deeper to control the water.

WHEREAS, a motion was made by Member Winkelman and seconded by Member Southern, the Planning Board adopted and ratified its prior SEQRA determination of July 15, 2003 for the Application, which was a determination that the Application constituted an UNLISTED ACTION with a negative declaration. The Board having been polled resulted in the unanimous affirmance of said motion.

NOW, THEREFORE, BE IT RESOLVED, upon a motion made by Member Joseph Southern, seconded by Chairman Mark Tucker, 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 Special Permit 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, Elevation sheet 1 of 1, and Narrative all dated February 27, 2015, prepared by Robert O. Eggleston, Licensed Architect, be followed in all respects; and
3. That the Applicant establish an escrow account with the Town of Skaneateles in the amount of \$125; and
4. That the installed drainage swale be inspected by the Town Engineer at completion of installation for compliance; and

5. That an as-built survey be submitted to the Codes Enforcement Officer with verification of conformance of all phases of the completed project within (60) days of completion of the project.

RECORD OF VOTE

Chair	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]

Public Hearing -Subdivision

Applicant: Michael O'Brien
 4000 State Street Rd
 Skaneateles, NY 13152
Tax Map # 029.-03-07.0

Present: Michael O'Brien, Applicant

No one requested to have the public notice read. The Onondaga County Planning Board had no comment in their resolution dated February 12, 2015.

Proposed is to subdivide a 12.8-acre lot into lot 4 of 2.2 acres, lot 3 of 4.5 acres and the remaining lot with dwelling at 6.1 acres. Septic approval has been submitted for the two proposed lots designed with mound systems. Mr. O'Brien stated that he had added a comment on the proposed subdivision survey dated March 2, 2015 stating that any driveway crossing should not obstruct the flow of the intermittent stream.

Member Winkelman inquired on the types of septic systems and when a mound system is recommended. Mr. Camp stated that a mound system is recommended when the percolation tests demonstrate insufficient percolation of the existing soils. Appropriate soils are then brought in to allow the system to percolate correctly. Member Winkelman inquired on the difference between a mound system and a raised bed system. Member Kasper stated that the mound system is completely above ground whereas the raised bed system is partially above ground. Mr. O'Brien stated that Mr. Chertoff will need to retest the installed systems to prove the effectiveness prior to OCDOH approving the installed system. Member Winkelman stated that the site is wet.

Member Winkelman stated that he would still prefer the driveways coming off Jewett Road but understands that it is not possible based on the location of the gas line. He continued stating that lot 4 should be enlarged to more than two acres based on the gas line running through it. Mr. O'Brien stated that it is almost three acres and that the lot is 2.2 acres after removing the area affected by the gas line. Member Winkelman stated he would like the lot to be larger to allow for uses other than residential. Mr. O'Brien stated that he already has a person interested in the lot for residential use.

Member Kasper inquired if there are any maps that indicate where the proposed septic systems will be located. Mr. O'Brien stated that the locations of the septic systems that will be installed will be submitted by the eventual owner of the property that will develop it and it will be shared

with the Board as part of their site plan approval. Member Kasper stated that with the prior subdivision, there was a concern about the wetlands located on the lot and any potential driveways. Member Estes stated that the Board is approving a subdivision and not building lots. Member Kasper stated that he would like to require that any of the proposed driveways be reviewed by the engineer and the Board prior to installation. Mr. Camp stated that lot 4 would not require site plan review as the stream does not pass through it. Mr. Brodsky suggested that the building envelope and location of the septic fields could be required to be shown on the subdivision map.

Counsel Molnar suggested that note 7 on the subdivision plan be re-worded to include site plan approval required for lots 2 and lot 3. Mr. Brodsky inquired what were the setback requirements for the gas line. Mr. O'Brien stated that the gas line right of way is 75' in total width and is indicated on the survey. He continued stating that you can build up to the setback line and can place driveways through the right of way, although there are specific ways that a driveway has to be constructed. He continued stating that he had not considered subdividing the land until someone had approached him on purchasing a part of the property.

Member Winkelman stated that more driveways on State Route 321 will reduce the speed on the road. The driveway cuts will increase sprawl. Mr. O'Brien stated that there are driveway cuts on the other side of the street and the two lots on the east side will have driveways across from the existing driveways on the west. Member Kasper inquired on NYSDOT driveway approval for the lots bordering Route 321. Mr. O'Brien stated that he had received approval for both of the lots in 2013 and then subdivided only one lot.

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 Winkelman 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 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. Nancy Thomas, Jewett Road, stated that there will be a drainage problem for any dwelling that might be located on lot 4. She continued stating that her sump pump in her basement goes off quite a bit right now from the snowmelt. She recommended that the dwelling not have a cellar. Also, the Rod & Gun Club is located on Jewett and the range shoots towards the Road. Member Winkelman stated that they shoot towards and into a berm that is facing north.

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

Member Kasper stated that he developed a dwelling on the same road south of the applicant's and was granted public water although the property is not in a water district. The rationale was that it was a pre-existing lot. He inquired whether the new lots have access to water. Mr. O'Brien stated that he is working with the Town Supervisor on obtaining public water. It was recommended that he obtain subdivision approval first before obtaining public water approval.

NOW, THEREFORE BE IT RESOLVED upon a motion made by Member Joseph Southern and seconded by Chairman Mark Tucker, the Skaneateles Planning Board **APPROVES** the Application for Subdivision, with the following conditions:

1. The Subdivision Map, dated March 2, 2015 and prepared by Paul Olszewski, be modified with the building envelope and septic system located on lot 4; that note 7 be re-worded to state that Site Plan Review is required for lots 2 and 3, and the revised map ("Map") be submitted for the Planning Board Chairman's review and signature within 180 days from the signing of the resolution; and
2. Site Plan Review is required for Lot 2 and Lot 3, including drainage plans at time of development of the lots; and
3. Driveway approvals be obtained for Lot 3 (NYSDOT) and Lot 4 (Town DOT); and
4. All lots must be physically pinned at the boundary corners when feasible; and
5. 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]

Continued Review –Site Plan Review

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

Present: Paul Garrett, Applicant; Robert Eggleston, Architect

The Garrett family has owned the property since the 1970s with the cottage built in the 1950s. The existing 880SF seasonal cottage is located 55' from the lake line. The proposal is to lift the cottage and relocate it 69' from the lake line, add a 192SF porch located 73' from the lake line and add a basement. The proposed location will place the dwelling parallel with the bank of the property. The existing circular driveway will be reduced to bring the impermeable surface coverage from 15% to 10%. The Zoning Board of Appeals has granted the variance for the lake yard setback on March 4, 2015. The cottage will remain a seasonal residence. The three drywells will be inspected in the spring by the OCDOH for their determination for continued use. A site visit was conducted on March 14, 2014.

Member Winkelman stated that the Syracuse-Onondaga Planning Board had commented that the property should be required to connect to fire lane 39 for access to Route 41A. Mr. Eggleston stated that this property has its own driveway that runs parallel to Terrace Lane that is a paved road. It would be extremely difficult to obtain approval from 10-20 residents on fire lane 39 for the applicant to use the fire lane. The deeded access that this applicant enjoys is shared with only two other properties.

Chairman Tucker inquired on the width of the temporary access for construction. Mr. Eggleston stated that it was 12'. Member Winkelman inquired on the width of the easement. Mr. Eggleston stated that it is 12' wide shared driveway. Member Estes inquired if the temporary access drive will be replanted with grass. Mr. Eggleston stated that once construction is completed that the area will be replanted with ground cover.

Mr. Brodsky inquired if an updated site plan was submitted with contours, as the site was steep. It is a nonconforming lot and the focus is on erosion control and impact on the lake. Mr. Camp inquired what the plan was for materials removed as part of the excavation. Mr. Eggleston stated that it would be used for backfill behind it and removing the rest of the materials will be removed off site. He also commented that the existing driveway area is less than 12% slope; it is steep right behind the building where they built the cottage.

Member Estes commented that the access step to the dwelling end where the old driveway was. Mr. Eggleston stated that it is a flat shaded area. He continued stating that the walkway will be disturbed in that area during construction and it will be re-established after construction. He continued stating that the walkway could be extended, as the proposed open space is 87% with 80% being the minimum allowed. Chairman Tucker inquired if the dwelling will have a foundation under it. Mr. Eggleston stated that the dwelling will have a basement. Chairman Tucker inquired about the drainage. Mr. Eggleston stated that there will be drainage behind the dwelling.

Chairman Tucker inquired if Mr. Camp feels the drawings for drainage are acceptable. Mr. Camp stated that he would have felt more comfortable with the drawings if he could have seen the site.

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

Mr. Camp recommended that if the site was steeper then cut off swales are often employed. One idea is to have a contingent cut off swale option if needed which could be made later in the field. Chairman Tucker stated that it could be a condition of approval that is done prior to construction. Mr. Eggleston stated that a pre-construction meeting on site could be conducted with Mr. Camp to determine the erosion control measures needed.

NOW, THEREFORE, BE IT RESOLVED, upon a motion made Chairman Mark Tucker and seconded by Member Scott Winkelman, 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 1-3 of 3 dated January 19, 2015 and Narrative with construction sequence dated February 2, 2015, prepared by Robert O. Eggleston, Licensed Architect, be followed in all respects; and
3. That the Applicant establish an escrow account with the Town of Skaneateles in the amount of \$500; and
4. That an on-site pre-construction meeting be held with the Town Engineer and Planning Board Chair prior is issuance of a building permit; and
5. That natural landscape be placed after removal of the temporary access construction drive; and
6. That all conditions imposed by the Skaneateles Zoning Board of Appeals, in connection with its approved variance, be fulfilled; and
7. 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.

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]

Public Hearing –Special Permit

Applicant	Skaneateles Storage LLC	Property:
	Jeremy Kimball	1351 Cherry Valley Tpke
	PO Box 690	Skaneateles, NY 13152
	Skaneateles, NY	Tax Map #032.-03-30.1

Present: Jeremy Kimball, April Ward, Applicants; Robert Eggleston, Architect

No one requested to have the public notice read. The Board has visited the site on March 14, 2015. The Onondaga County Planning Board had no comment in their resolution dated February 12, 2015.

Mr. Eggleston stated that the revised plans dated March 6, 2015 reflect the future service road as suggested by Member Winkelman to be in compliance with the Sustainable Skaneateles study completed by the students from Notre Dame and the comprehensive plan. Member Winkelman stated that the Notre dame report recommended the future road connection to alleviate traffic from Route 20. Member Estes stated her approval of the idea. Chairman Tucker stated that if it was left on the plan then the Board would be approving a change that has not yet been approved by the Town. Member Winkelman stated that the greater good for the community to re-route traffic would be done this service road and off East street.

Mr. Eggleston stated that the applicant is in favor of cooperating with the goals of the Town Comprehensive Plan and any future plans the Town develops. He continued stating the future road would be determined in the future. The applicants are proposing to finish the lot out following the HC standards, comprehensive plans for greening this up and walkable neighborhoods and finishing the water quality pond.

Member Winkelman stated it will be nice to see this property landscaped and back in use. Chairman Tucker inquired whether engineering has looked at the pond design and has recommendations.

Mr. Camp recommended that “future buildings” be removed from the site plan. He reiterated that the proposed pond design is a reshaping of the pond that was designed for the former application with a much larger percentage of impermeable surface coverage proposed with the pond designed specifically for it. The proposed pond design is over designed; however, it would be his recommendation that if in the future that applicant does come in for another modification to the site plan they be required to design an additional water quality plan to accommodate the additional structures. Mr. Brodsky inquired if it would need that since it is overdesigned. Mr. Camp stated that he would recommend that as if the applicant came back in 15 years, the regulations could have changed. Mr. Camp stated that it might be reasonable for the Board to not require improvements to the water quality pond if the applicant came back within a reasonable amount of time to add to the site plan.

Mr. Brodsky stated that it may be problematic to come up with a time frame but maybe the applicant could re-calculate or substantiate that the pond could support the proposed modifications. Mr. Camp stated that it would not be sufficient if his recommendations are taken

today, as this would establish a new baseline for the existing impervious coverage. If they build more impervious coverage, they would need to build a more substantial water quality pond. Member Estes stated that if the pond is overdesigned the applicant could redesign the pond to accommodate the lower impervious coverage proposed. Mr. Camp stated that the applicant could do that and then redesign the pond with future development as it progresses; however, it would cost the applicant more time and money now.

Mr. Eggleston stated that 30% impervious coverage is what is allowed by current code, with the water quality pond designed to the 30% maximum. We have maintained the existing volumes and Mr. Piascik will defend that this will take 30% impermeable coverage. If the applicant comes back in a year or two with a building then we would have to establish that the pond can support it just as we would show that the existing septic system would support the new building. We could verify that the existing system would support the new buildings or modify accordingly.

Mr. Camp stated that he is not suggesting that thought. He stated that there are two elements to the water quality pond – water quality and water quantity. If the pond is built as proposed today, there will be a certain rate coming out of the pond with certain storms. If another parking lot or building is added then you increase the rate of water coming out if you do not modify the pond.

Mr. Eggleston inquired if Mr. Camp is suggesting that the Board could choose a time period to give the applicant for new structures on the property to the 30% impervious surface coverage the pond was originally designed for, that would not require improvement to the pond. He continued stating that his suggestion was five years. Mr. Camp stated that five years is a long time and recommended a year. Mr. Eggleston stated that the applicant is allowed to obtain a building permit within 18 months, and recommended three years, or two years to make application for development. Member Estates stated that it would be two years then it would take 18 months for the building permit, then you are back to five years.

Mr. Brodsky stated that the applicant would not have to redesign the water quality facility if the applicant demonstrated that the new development does not exceed the design standards of the pond. Member Estes stated an application to the Board should be submitted within two years. Mr. Brodsky agreed and stated that they would have to submit an application and prove that the pond could support the new structures. Member Estes inquired on how much the pond is overdesigned. Mr. Brodsky stated that the pond is designed to handle 30% impervious surface and the proposal is for 23% impervious coverage.

Counsel Molnar stated that a proposed condition could be in the list of conditions, the condition could state that if the applicant seeks to amend the site plan within 24 months that the submittal be accompanied with a re-engineered water quality pond. Mr. Camp stated that if the application was for disturbance of more than an acre then the discussion would be mute because a SPDES permit would be required.

Member Southern inquired whether the pond by the road was originally designed with two bays. Mr. Eggleston stated that the original design had three bays, which was never finished. There are two bays now and the pond will have three bays when it is finished. Mr. Camp stated that the pond is designed to be shorter in length and taller than the original elongated oval. Mr. Southern stated that the pond is designed to hold water and filter water and those attributes are still there in the new design. Mr. Camp acknowledged that what is proposed will work. Mr. Eggleston stated that there are engineering plans that reflect the provisions.

Member Winkelman stated that he does not want to jeopardize the application as the applicants seem to be doing a lot of cleanup of impermeable surface and it is almost as if we are encouraging them to keep it. Mr. Camp stated that if they build it as proposed and come back in two or three years and the Board does not require them to build water treatment then they would be adding impervious with no new treatment. Member Southern stated that if the applicant proposes modifications to the site plan he would be required to obtain site plan approval.

Mr. Eggleston stated that the technical thing is when you do a new development you cannot exceed the existing levels of release. If we overdevelop then we are establishing a lower rate of release and then the applicant would have to build something new to maintain the lower rate of release. He recommended three years as an appropriate time frame for the applicant to come in with a new application that would qualify for what has been done and designed without having to re-engineer from the catch 22 situation. Otherwise, he is being penalized for improving the pond greater than what is required. Mr. Brodsky commented that the baseline is determined as the actual discharge rate. Mr. Eggleston stated that the other option the applicant has is to keep more gravel and maintain 30% impervious surface.

Mr. Camp stated that if a new application was submitted that showed more than an acre of disturbance that a new baseline would be set. The applicant could propose another building if they were going to use existing parking. Mr. Eggleston stated that the appropriate amount of development here that the Comprehensive Plan and highway commercial is looking for is smaller two story buildings. The footprint of buildings you are asking us to erase are similar in size at approximately 3,000-4,000SF and we already have parking areas established, which would be well under an acre of land and not require a SPDES permit. The applicant is not looking to add a large shopping center. Member Kasper recommended that the Board consider leaving the future buildings on the plan, as the pond is designed for that now.

Mr. Camp stated that the pond was approved in two stages with the prior application to allow for a two stage construction process, and that could be done with the existing pond. The pond could be cleaned up aesthetically and then later expand the size of the pond based on additional buildings. Mr. Eggleston stated that it is similar to doing two bypasses on the heart. Mr. Camp stated that this is where we are now with the existing conditions reflecting that stage one was completed and then stage two was not.

Mr. Brodsky inquired if the existing condition of the pond suffices in water quality and capacity for the proposal. Mr. Camp stated that it does. Mr. Piascik stated that he does not feel that it can as it was never re-analyzed and would take additional calculations. The front pond was 2/3 constructed and it would be very close. Mr. Camp inquired if the first phase of development was completed. Mr. Piascik stated that it was not completed. He continued stating that at the time Mr. Wickman did not feel that the gravel was that impervious and that the pond was sufficient at the time. The ponds that were built were more than adequate.

Mr. Camp stated that we had arrived at this condition that allowed the storage buildings to be built with the pond partially constructed. Chairman Tucker stated that we have to make a decision on how we are going to address the drainage. Member Winkelman inquired what of the two options the applicant is interested in choosing. Mr. Eggleston stated that the three year application plan is what they are interested in doing. Member Estes inquired whether it is a three-year completion or a three-year approval. Member Southern stated that it would be three

years for completion of the application approval. Mr. Eggleston stated that it would be three years to approval of a site plan modification.

Member Estes inquired what the detriment to the release rate would be if they added more structures without improving the pond. Mr. Camp stated that it would go against the DEC regulations assuming applicability of more than an acre. Member Estes stated that we also do not know what will happen surrounding the property within three years.

Chairman Tucker stated that three years is not a long time and things do not change that quickly as it takes time to do things. Member Southern stated that it should be three years to completion of the application. Member Estes stated that then he would get 18 months to complete the building permit so it would take it back to five years. Member Southern stated that everything would have to be completed by three years so that the applicant would have to come in at two and a half years with the updated plan for approval by this Board in three years. Member Kasper stated that he would still have 18 months to build after that, which is the normal building process. Mr. Eggleston stated that typically with a commercial building you have someone interested. The applicant is not in the speculation market of constructing a building first and hoping to get a tenant. Chairman Tucker inquired if the Board would like to accept that with the applicant having three years to achieve Planning Board approval for an updated site plan with proposed new buildings.

Counsel Molnar recommended to the Board to adopt the prior SEQR completed for this property as the SEQR determination was based on a larger project with a proposed project smaller in scale.

WHEREAS, a motion was made by Member Southern and seconded by Member Kasper, the Planning Board adopted and ratified its prior SEQRA determination of July 19, 2005 for the Application, as reviewed contemporaneously with each of the Prior Approvals, which was a determination that the Application constituted an UNLISTED ACTION with a negative declaration based on a larger project, acknowledging that the Applicant is proposing a final approved project smaller in scale. The Board having been polled resulted in the unanimous affirmance of said motion.

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

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

Member Estes inquired on whether the proposed pond design takes into consideration any future road is constructed through the property to connect to Onondaga Street. Mr. Eggleston stated that it has not and that would trigger a new design and SPDES permit.

Member Kasper inquired on that status of the DOT permit and any other permits. Mr. Eggleston stated that the SPDES permit is still active; the OCDOH septic approval has been approved and is waiting for the paperwork to arrive; and DOT permit is being processed for work in the right-of-way.

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 Special Permit and Site Plan Approval Application, with the following conditions:

1. That the Special Permit 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 March 6, 2015 prepared by Robert O. Eggleston, Licensed Architect, be updated to reflect the removal of future building sites, future service road and future sidewalks from the plan, and resubmitted for approval by the Planning Board Chairman, and once approved, be followed in all respects; and
3. That the elevations/floor plans 1 and 2 of 2 dated March 6, 2015, and Narrative dated February 2, 2015, prepared by Robert O. Eggleston, Licensed Architect, be followed in all respects; and
4. That the stormwater management plan SC100 dated February 6, 2015, prepared by Thomas Piascik, P.E., (“Stormwater Plan”)be followed in all respects; and
5. That the Applicant shall obtain all necessary permits and approvals from the NYSDOT, OCDOH, and any other approval needed for the Application; and
6. That the Applicant transfer and close out the SPDES permit; and
7. That the Applicant establish an escrow account with the Town of Skaneateles in the amount of \$750; and
8. That the Applicant has been granted three years from the date hereof to apply for and complete construction of additional approved structures, if any, on the Property which would build out the Property to the previously approved 30% impervious coverage, without the need to upgrade engineering and construction of the Stormwater Plan. If, after three years from the date hereof the Applicant seeks approval(s) for additional structures at the Property, then an updated Stormwater Plan will necessary at the time of application, if any; and
9. That the Applicant will cooperate with any future eastern gateway plans; and
10. 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.

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]

Member Winkelman recused himself, as he is a member of the Skaneateles Country Club.

Public Hearing Continuance-Site Plan Amendment

Applicant: Skaneateles Country Club
3344 West Lake Street
Skaneateles, NY 13152
Tax Map #041.-01-21.0

Present: Jim Fields, Skaneateles Country Club; Steve Breitzka, EDR

The variance of shoreline structures was approved by the Zoning Board of Appeals on March 3, 2015. The adjusted total of existing shoreline structures is 19,916SF with an approved 22,969SF of shoreline structures; this total does not include any shoreline structures beyond the Town’s purview.

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

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

Chairman Tucker inquired on the drainage system. Mr. Breitzka stated that the existing drain drains by the mole and much of the stormwater sheets down directly to the lake from the 20% slope. The proposal will be to level the area to slow down the run off and allow the water to percolate through the grass with any overflow draining into the underdrain that connects to the existing drain in the mole. Mr. Camp stated that the catch basin in the grass area that slopes inland and the proposed pavers area pitches towards the planted areas and away from the building.

Member Kasper inquired if the planting beds will be raised. Mr. Breitzka stated that the plantings area are designed for safety from accidental fall into the lake as well as provide filtration for storm water. Member Estes asked if all of the drainage is tied to the one pipe in the mole and if there will be an increase in discharge. Mr. Breitzka stated that the pipe is a failsafe process if the grass areas cannot manage a large storm event. He continued stating that the rate of runoff would increase because there is an increase in impervious surface of 386CF. The 6” pipe under the permeable pavers patio could be enlarged to offset the increase. Mr. Camp states that there is a provision in the state code for properties Boarding a waterbody that the applicants are not required to regulate for quantity but are required for quality.

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** amendment of the Prior Approvals, with the following conditions:

1. That the Special Permit 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 dated January 23, 2015 and the Narrative dated January 23, 2015, prepared by Environmental Design & Research, be followed; and.
3. That all conditions imposed by the Skaneateles Zoning Board of Appeals, in connection with its amended variance, be fulfilled; and
4. That the Applicant establish an escrow account with the Town of Skaneateles in the amount of \$750; 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; and
6. Except as modified hereby, the conditions set forth in the Prior Approvals remain in full force and effect.

RECORD OF VOTE

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

Member Winkelman rejoined the Board.

Sketch Plan –Special Permit/Site Plan Review

Applicant	Gazella Dance & Fitness Studios		
	Tiffany Mayer	Property:	
	2680 Shamrock Rd	State Street Road	
	Skaneateles, NY	Skaneateles, NY 13152	
		Tax Map #unassigned	

Present: Tiffany Mayer, Applicant: Robert Eggleston, Architect

The applicant proposed to construct a personal service business consisting of a dance and fitness studio. The dance studio will occupy the first floor of the 51'x78' structure with the fitness studio on the second floor in 1912' of space. The driveway is proposed with a 23-space parking lot located in the rear of the building. The septic system is at 440 gal/day with the studio using less water than what would be used. The structure complies with all setback requirements including the gas line. The 20FT wide driveway will cross the watercourse and then split to provide a drop off/pick up of students with an additional 8 parking spaces. Gazella Studios currently rents space from Village Visions that has 14 dedicated parking spaces with an additional 8-10 spaces that can be used after the doctor's office is closed. The classes are staggered. The fitness studio has early morning and early evening classes and the dance studio has late afternoon and evening classes, with an overlap between 5-8 pm. There is usually ten

minutes between dance classes with most students dropped off/picked up. There are no shows or events/recitals on site.

Member Winkelman inquired if it is walkable. Mr. Eggleston stated that it may be in the future. Member Winkelman commented that there will be an incredible amount of traffic from this property onto state route 321 and this is not residential. Member Estes stated that it will be a major issue.

Member Southern inquired whether there is currently a drop off/pick up that occurs at the existing business location. Ms. Mayer stated that there is currently a pick up/drop off although there is no circle driveway. Member Southern commented that although he lives down the street from the existing facility, he has not seen a problem with the traffic coming in and out of the location where there is a restaurant across the street and a stop sign. Member Winkelman inquired on the speed limit of the road and stated that it is 55 mph on State Route 321. Member Southern commented that it is 35 mph. Mr. Camp stated that he is more concerned with cars coming in rather than cars exiting the location.

Mr. Brodsky inquired on the distance to the intersection. Mr. Eggleston stated that it is 1,000FT from the intersection. Mr. Brodsky stated that 1,000FT is a good distance from the intersection, and reminded the Board that the proposal is a permitted use with special permit. Mr. Camp stated that the applicant will need to get a NYSDOT permit. Mr. Camp requested a grading plan for the project driveway area with the culvert needing attention. Mr. Brodsky requested that contours be added to the site plan.

Chairman Tucker requested that the applicant obtain communication from the gas company regarding the drainage and grading plans that will be in the gas line easement. Mr. Camp inquired on the size of the culvert located upstream under Jewett Road. He continued stating that this proposal should not back up water onto the property to the south and should mimic the conditions of the Jewett Road culvert, include the size of the culvert and the covert over it.

Member Winkelman stated that the proposal is for a commercial use that is not appropriate for the area. There are no sidewalks to the schools and the project should be closer to the schools or off a main highway.

Chairman Tucker inquired on the drainage to the stream and the added parking and building could increase the flow of the run off. Mr. Camp stated that the disturbance in not quite an acre and the Board would have reason to consider that, as disturbance over an acre would require a SPDES permit.

Member Southern inquired about lighting for the project. Chairman Tucker stated that it is stated on the plan that there will be LED night sky compliant lighting with no lighting on the parking lot.

Member Kasper commented that someone may not want to build a house on the lot next to this property since it will have the dance and fitness studio. Member Southern commented that form based zoning encourages mixed use like this. Member Kasper stated that he is concerned with traffic, as a doctor may want to build an office on the lot next to this that could increase the traffic on the road. Mr. Brodsky stated that route 321 is a state highway that is designed for higher traffic volumes and greater speed. There is a greater frontage requirement on Rte. 321 with the lot on Jewett Road required to have a smaller frontage as it is located on a Town road.

The Board has an opportunity to take into account its impact to its surroundings. It is a permitted use for the district; Route 321 is the most amenable type of road for higher traffic uses. Mr. Camp stated that it is the volume that may be a concern, but when a car is attempting to turn into the property. He continued stating that it is similar to Welch Allyn. Member Southern stated that NYSDOT did not require a cut off lane for Welch Allyn, who has a higher rate in ingress/egress than this proposal, and they would not be concerned with this proposal. Member Winkelman stated that it would be better located off Jewett Road.

A letter of support from two neighbors was submitted.

WHEREFORE, a motion was made by Chairman Tucker and seconded by Member Southern to schedule a public hearing on *Tuesday, April 21, 2015 at 7:40 p.m.* The Board having been polled resulted in the unanimous affirmation of said motion.

Public Hearing –Special Permit/Site Plan Review

Applicant

Mary Kendrick-Gaffney	Property:
37 Academy St	2442 Wave Way
Skaneateles, NY	Skaneateles, NY 13152
	Tax Map #056.-02-43.0

Present: Mary Gaffney, Applicant; Robert Eggleston, Architect

No one requested to have the public notice read. The Board has visited the site on March 14, 2015. The City of Syracuse Department of Water has deferred comment pending OCDOH septic system approval and issuance of a DEC permit for the boathouse reconstruction in their correspondence dated February 13, 2015.

An updated plan dated February 18, 2015 was submitted reflecting the landscape detail for the drainage pipe from the bank to the lake. The applicant has a purchase offer on the property that is 35,948SF with 103LF of lake frontage. The existing dwelling is located one foot from the property line and 64' from the lake. The proposal is to demolish the existing dwelling and construct a 2142SF four bedrooms dwelling that complies with all zoning setbacks and footprint regulations. The new septic system will be located 250' from the lake and the existing turnaround driveway will be reduced to the south side of the driveway only. The existing dilapidated boathouse and steps will be rebuilt in the same footprint with a pending DEC permit. There is only 32SF of the boathouse that rests above the mean high water mark.

The application is requesting a special permit for redevelopment of the lot. The existing impervious surface coverage is 22.4% with a proposed coverage of 12.9%, A 10FT wide berm landscaped bed will be placed at the top of the steep bank to absorb any stormwater from uphill and stabilize the top of the bank. A French drain will be utilized to control any excess stormwater and carry it to the bottom of the bank.

Mr. Eggleston stated that to attain 10% coverage would require a reduction of over 1000SF, which would push the dwelling 100FT back and move the septic system in front of the dwelling and within 100' of the lake. The applicant is prepared to make a contribution to the Town's Land and Development Rights Acquisition Fund of \$2,399.36. Mr. Brodsky inquired whether other options were considered with moving the dwelling 30-40' back and reducing in other areas. Mr. Eggleston stated that pushing the dwelling back 10' only gains 100SF in reduction and could also require removal of trees.

Member Kasper inquired on the boathouse. Mr. Eggleston stated on 32SF of the boathouse is under the purview of the Board. There are plans to refurbish the boathouse with DEC approval. Chairman Tucker asked what the width of the boathouse. Mr. Eggleston stated that it is 12' in width.

Chairman Tucker inquired about the drainage plans. Mr. Camp stated that he is in approval of the shoreline drainage proposed; the lot is fairly flat and the silt fence will be sufficient. Mr. Camp inquired on the depth of the cut off trench. Mr. Eggleston stated that it will be 2-2.5' in depth before there is shale. Mr. Eggleston stated that the erosion control completed for the Daubenspecks, the neighbors next door, has worked. There are two types of erosion control or steep banks, wave action at the bottom and drainage control at the top. The drainage plan proposed will prevent any drainage problem from the top of the bank. About half of the bank has vegetation and the rest is exposed shale.

WHEREFORE, a motion was made by Chairman Tucker and seconded by Member Winkelman to declare this application to be a Type II action pursuant to section NYCRR617.5(c) (10) and not subject to SEQR review. The Board having been polled resulted in the unanimous affirmance of said motion.

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

WHEREFORE, a motion was made by Member Southern and seconded by Chairman Tucker 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 Chairman Mark Tucker and seconded by Member Joseph Southern, and after an affirmative vote of all Members present, as recorded below, the Town of Skaneateles Planning Board **APPROVES** the minor special permit/site plan approval, with the following conditions:

A. Before issuance of a building permit the following conditions shall apply:

1. That Special Permit 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.
2. That \$2,399.36 be submitted to the Town of Skaneateles Land and Development Rights Acquisition Fund; and
3. That the Applicant establish an escrow account with the Town of Skaneateles in the amount of \$500; and
4. That the Applicant shall obtain all necessary permits and approvals from the OCDOH, DEC, and any other approval needed for the Application; and

B. After issuance of a building permit the following conditions shall apply:

1. That the Site Plan 1 of 5 dated February 18, 2015, site plan 2 of 5 through 5 of 5 dated January 30, 2015, and Narrative with construction sequence dated February 2, 2015, prepared by Robert O. Eggleston, Licensed Architect, be followed in all respects; and
2. That an as-built survey be submitted to the Codes Enforcement Officer with verification of conformance of the completed project within (60) days of completion of the project.

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]

Continue Review – Hidden Estates Subdivision

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

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

Present: Donald Spear, Representative; Robert Eggleston, Architect; Rudy Zona, RZ Engineering;

The applicant is requesting the final determination for the conservation findings for the proposed subdivision. The application is for an eight-lot conservation subdivision with a residual lot. Submitted was a graphic interpretation of the prior subdivision actions and the proposed two-lot subdivision to be completed simultaneously as the 8-lot subdivision. The applicant is proposing to subdivide the 80.91-acre parcel into two lots, lot 3 of 49.83 acres and residual lot Z of 31.08 acres. Lot 3 would then be developed into an 8-lot conservation subdivision. The conservation density subdivision does not limit the number of lots that can be developed; however it does limit the number of lots accessing the conservation subdivision road to twelve lots. The road would support the Goldman’s, Weavers, Nangles, the eight proposed lots and the residual lot.

Mr. Eggleston stated that the applicant has always intended to put the residual lot into conservation with the USDA, but in order to accomplish that goal it cannot be encumbered by a conservation easement. The conservation analysis has established the various conservation levels that apply to the residual lots; however, the conservation easement would only be applied to the eight-lot conservation subdivision and not the residual lot.

Counsel Molnar stated that what is being proposed today is a departure from the prior meeting and proposal. The conservation analysis resulting in map eight was of the entire parcel and does not segment a portion that happens to be in the high and medium conservation values. The challenge is that we have already begun down this path with a conservation analysis that includes it, and is applicable in connection with a proposed conservation subdivision. The existing driveway has only characteristics to be a conservation driveway with a lighter footprint and only be 40’ wide serving up to twelve lots. A conservation subdivision may have more than twelve lots provided they are six acres each or greater. If the road serves a maximum of eleven lots and

there is a lot that is not part of the conservation subdivision, then it could conceivably be served by an inadequate road. He continued stating that when he had this discussion with John Delaney, he stated that the applicant is trying to achieve eligibility to a certain program administered by the USDA, but the problem is that the Planning Board has been asked to review and approve a conservation density subdivision. To the extent it approves one in terms of being code compliant, is great. Does it participate in carving out certain lots and retaining development rights so that they can be dedicated under USDA programs? I do not think the Board would like to participate in that. While a conservation subdivision is being created with a conservation easement for all of the lots, you cannot exclude some of the lots. The parcels in the subdivision retain development rights, even in areas of high conservation value. Even on the highest conservation value, the property can have development areas with site plan approval from the Board.

Mr. Eggleston stated that there are structures other than houses that may be appropriate to be there. Counsel Molnar stated that the challenge is to reconcile the applicants request to amend the application to back out the 31 acres, which is lot Z that is not covered by the conservation easement.

Mr. Spear stated that it could be covered under the original minor subdivision of up to four lots. He continued stating that it would comprise of Nangle, Weaver, lot 3 and lot Z. The fourth lot was not subdivided at the time of the three-lot subdivision because the road would not support it. The road will now support that. A four-lot subdivision could be done first then lot 3 could be subdivided into the eight-lot conservation subdivision. The only reason to do all of that is because there is an unambiguous lot 3 that is under an open space subdivision. The road goes to 20' wide and supports twenty houses of which three are there.

Counsel Molnar stated that the road width is not permissible for that. He continued stating that the right of way is only forty feet. Mr. Brodsky stated that it could potentially require a 66' wide road.

Mr. Spear stated that he would not do that. This is an unambiguous way to preserve the 31 acres and there is another legitimate way to do that. Mr. Brodsky stated that the open space subdivision cannot be used to umbrella the lot because you do not have the road width. Mr. Spear stated that the road width could be done. Mr. Eggleston stated that the road could be made to have a width of 66'. Mr. Spear stated that he has a 40' right-of-way and also has 40' width of property with a total of 80' at the entry to the property.

Mr. Brodsky stated that the residual lot is not addressed in the Town code. The lot would be lot four that would have development rights. Mr. Spear stated that they are trying to leave that alone for the highest and best use. Mr. Brodsky stated that even if the Board put in a conservation easement in cooperation with you, a portion of that land would be completely unencumbered and would be allowed to be developed with a single-family dwelling; that would be its development rights.

Mr. Eggleston stated that they are proposing that the original 31-acre lot is a non-building lot and not be improved. Member Southern came up with a solution for it. We could have five more lots on the 80-acre parcel based on the six-acre conservation subdivision minimum standard. Should we get access from Rickard Road for a private driveway that would service four houses off that access and the last lot could have access off the conservation subdivision road and be developed in the future. This has always been our application for eight lots and a

residual lot. The law does not say that a partial subdivision is prohibited, it just does not allow it up front like an open space subdivision. By looking at this with the four steps we are asking simultaneously for the subdivision of lot 3 and lot Z and then further develop lot 3 into a conservation subdivision. Lot Z would not be a building lot but does have access from the conservation driveway but not for a home as it is not part of the conservation subdivision. This would allow the applicant to go find a driveway easement from the east and finish the conservation subdivision, which would be highly unlikely, or conversely, take lot Z without restrictions and get his USDA or other programs to conserve as a conservation vehicle.

Mr. Winkelman stated that part of the appeal of this whole thing was the extra land that felt like a good conservation density development. When you say it conforms to the conservation subdivision standards, it barely does as six acres is a minimum per lot. The big chunk of land could grow woods and be part of the watershed. Mr. Spear stated that that was his intention to have the residual lot in conservation through an alternate source.

Mr. Brodsky stated that this debate was held in December and as articulated in Counsel Molnar's draft, we are looking at the entire property. This strategy of pulling out lot Z segments the project and gives it separation that is uncomfortable.

Mr. Spear gave an example by saying that if a 1000 acres and a conservation subdivision was created that 920 acres would have to be put into conservation. That clearly would not be reasonable, but somehow 31 acres is unreasonable.

Mr. Brodsky stated that the expectation was that this conservation subdivision was addressing the entire parcel. Mr. Spear stated that it was the Board's construct and not the applicant's. Member Winkelman stated that the remaining parcel does not have much conservation value to it, as a brush hog has already been taken to it. The land to the east added the conservation value to the subdivision.

Mr. Spear stated that the whole area is pretty treed. There is some open land surrounded by trees with six-acre home sites. Member Southern stated that the applicant wants to do the four-lot subdivision and the eight-lot subdivision at the same time. He continued stating if you want to create lot 4 (former lot Z), than a new plan to create it should be submitted and then you can do the two subdivisions by doing the subdivisions separately.

Mr. Eggleston stated that in doing that lot 3 becomes a building lot but lot four becomes a non-building lot because you can only have four lots on a driveway. The only way a conservation subdivision road can be placed there is by having a conservation subdivision, which would make it a four-lot conservation subdivision with an average of 20 acres per lot. Mr. Southern suggested that a private road could be placed in the subdivision. Mr. Eggleston stated that he could put in a private road with a waiver for the size and the road pavement width. Mr. Southern stated that the road would have to be designed to Town standards. Mr. Eggleston commented that it would be as convoluted as what the applicant is asking.

Member Winkelman inquired why the conservation subdivision was not done at the time of the original subdivision. Mr. Spear stated that the road would not support it as a driveway was put in and not a road. Chairman Tucker stated that the driveway and three lots were put in and the Board thought the subdivision was completed and now more development is being requested. Counsel Molnar stated that the logic for this new approach is driven on what USDA permits and what they do not permit. He inquired if the conservation subdivision has been vetted with the

USDA regarding the requirement of the Planning Board, based on the conservation density subdivision requiring a conservation easement and that it does not prohibit development. Mr. Spear stated that he could contact Peter Gibson and talk to him about it. Counsel Molnar stated that the perception is that the USDA prohibits all conservation easements for eligibility. Mr. Spear stated that they do not know that it necessarily prohibits it but they determine the value of the land through an appraiser. An independent appraiser will then look at it.

Member Kasper inquired what the value of the land would be if it is not a buildable lot. Mr. Spear stated that an appraiser would determine the value of the lot that would be based on the potential of the lot. Mr. Spear stated that the appraiser will compare where five 6-acre lot or fifteen 2 acres lots have the most value. He continued saying that the value of the residual lot will be damaged if a conservation easement is placed on it. Mr. Brodsky stated it may not necessarily impact the valuation negatively as the conservation subdivision would provide more privacy between the dwellings and houses in the woods.

Member Winkelman stated that he thought you could not subdivide a piece of property right after it had been subdivided. Mr. Spear stated that it becomes a major subdivision if you do five lots within ten years. He continued stating that once the driveway was placed and the two lots sold to Weaver and Nangle, lot 3 was on the market and no one wanted to purchase it.

Counsel Molnar stated that he will need to research on the bifurcation of the regulations to see if the Planning Board has the authority to exclude one of the lots from the subdivision. It seems the applicant is beyond the bounds of the statute that §131-6 provides. Mr. Spear stated that we cannot assume that what is not addressed is forbidden. Counsel Molnar stated that in order for this Board to field this request they need a greater level of comfort than that observation. Mr. Spear stated that you have the other example of the other subdivision, open space, which clearly allows it. Counsel Molnar stated that it is one issue. The other issue is the conservation easement applicable to everything on the conservation analysis. Mr. Spear stated that the first conservation analysis was done by EDR in 2009 when we were talking about the entire parcel. He continued stating that they said it was dated and needed to be updated which was completed by Appel & Osborne. They just used the same outline and layered on the other considerations. Counsel Molnar stated that the new analysis from February this year determined by result map 8 the composite, which shows a large portion of the high and medium conservation value land that is now proposed to be excluded. Mr. Spear stated that some of it is located on the residual lot but there is high conservation land located on the northern portion of the property. Counsel Molnar stated that it is a large portion of the land of high conservation value that is being pulled from the equation of the overall approval. Mr. Spear stated that it is not for reasons for development and not for any consideration out of your control.

Mr. Eggleston stated that the only thing that prohibits the applicant from putting 16 lots on the property is the access road. If another conservation road was obtained from another area the applicant could continue on and add more lots. Counsel Molnar stated that it elevates it to the equivalent of the other project that the Board is dealing with that is seventeen lots, causing the project to go through the same scrutiny as the other project.

Mr. Spear suggested that Rudy Zona meet with John Camp over the road design. Member Southern inquired on the intentions of the roadway. Mr. Eggleston stated that it will need to be designed and analyzed to meet the design of a conservation road. Member Kasper commented that the road needs to be safe. Mr. Zona distributed responses to Mr. Camps letter regarding the road and grading plan and commented that he agrees with Mr. Camps observations and

comments. He continued stating that the applicant did not want to go farther if the road could not work. The design of the road has been graded up and brought it to no greater than 12% slope and shared it with Mr. Camp. Paul Olszewski is updating the survey with the topography of the sides so that we can tie in all of the grades.

Member Winkelman inquired about the conservation density road at 33' width and 13' traveled way and 12% maximum slope. Mr. Zona confirmed that the road design conforms to the code for conservation subdivision road standards. Member Winkelman inquired if the road will be taking the same path as the existing road. Mr. Zona confirmed that it will be and there will be some grading and fill to achieve the desired 12% maximum slope. Mr. Camp stated that there is a small change near the detention basin. Member Southern inquired on the driving surface. Mr. Zona stated that the driveway will have a binder once the existing construction is completed as the road has been impacted by the construction trucks. Member Kasper inquired about the need for a turnaround for emergency vehicle access. Mr. Eggleston stated that the hammerhead will be designed for a truck turnaround. Member Kasper commented that there is a lot of road from East Lake Road up to the hammerhead. Mr. Zona commented that there will be a couple of safety pull offs on the road that will be incorporated into the future road design as well. Member Kasper commented that on a normal driveway you cannot go 300' without a turn off. Mr. Zona stated that there is one on the existing driveway. Chairman Tucker recommended that the fire department review the road plan and provide their comment.

Member Winkelman commented that this subdivision has high conservation value with the steep slopes and if the driveway had not been constructed, he would question going up that slope to begin with. It is highly visible and in the watershed. Mr. Zona stated that he is working with the existing road location so as not to disturb additional land for the road. Mr. Camp commented that there is a quite a bit of fill in various sections to the road. Chairman Tucker commented that the final submissions to Mr. Camp will be reviewed for the cuts and fill required. Mr. Zona stated that the additional topography will assist with the final plans. Mr. Camp stated that an additional point is that there will be a fair amount of grading on the Goldman lot with about eight feet of fill that will need to be reviewed to make sure it is done in a reasonable manner. Member Estes inquired how that amount of fill will affect the drainage. Mr. Camp stated that there is an existing cut off swale down there. The pond drains into the swale and the fill on the Goldman property should not get down into the area and impact the drainage. Mr. Zona stated that in the DOT right of way there is a weir that prevents anything from going into the culvert and forces the water to go to the south.

Member Winkelman commented that section 131-1E covers subdivision policy and states that streets shall be designed to minimize the disruption of the natural environment and that proper provisions shall be made for leaving undeveloped natural areas and corridors to mitigate the adverse environmental impacts. The eastern part of this parcel has incredible potential to go back to woods and has already started to go back to woods and that is what is best for the watershed. There would be certain areas that should go back to woods to compensate for the steep slope and high conservation area. I could justify the road by the residual lot being part of the plan to mitigate the damage being done on the steep slope on the front of the property.

Chairman Tucker recommended that the review of the conservation analysis findings should be done at the next meeting. Counsel Molnar suggested it be put off to next month to allow time to sort out any issues that make the Board uncomfortable. Mr. Eggleston submitted to Counsel Molnar his comments to the Delaney letter to be included in the review

Discussion:

The Town Board of Skaneateles had requested that the Planning Board, in an advisory capacity, review the SEQR long form EAF for the annexation petition of Eleroin, LLC and Niorele, LLC and provide their recommendations to the Town Board.

WHEREFORE, a motion was made by Chairman Tucker and seconded by Member Estes to schedule an Annexation SEQR work session on ***Tuesday, April 9, 2015 at 7:00 p.m.*** The Board having been polled resulted in the unanimous affirmation of said motion.

Discussion:

The Planning Board adopted the following resolution regarding the request of the Town Board to be Lead Agency for SEQR review in connection with the petition for the annexation of territory adjoining the Village of Skaneateles in the Town of Skaneateles.

WHEREAS, the Planning Board reviewed the request of the Town Board to be Lead Agency for SEQR review in connection with the petition for the annexation of territory adjoining the Village of Skaneateles in the Town of Skaneateles;

AND WHEREFORE, a motion was made by Chairman Tucker and seconded by Member Estes to accept designation of the Town Board of the Town of Skaneateles as lead agency.

RECORD OF VOTE

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

Discussion

Applicant: Tim Green/owner Loveless Farm Development 1194 Greenfield Lane 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 Member Winkelman and seconded by Chairman Tucker to schedule a special meeting on ***Tuesday, April 28, 2015 at 7:30 p.m.*** The Board having been polled resulted in the unanimous affirmation of said motion.

As there was no further business, a motion was made by Chairman Tucker and seconded by Member Southern to adjourn the meeting. The Board was in unanimous affirmance of said motion and the meeting was adjourned at 11.40 pm.

Respectfully Submitted,
Karen Barkdull

Karen Barkdull, Secretary/Clerk