

**TOWN OF SKANEATELES PLANNING BOARD
MEETING MINUTES
August 21, 2018**

Joseph Southern-absent
 Donald Kasper
 Scott Winkelman
 Douglas Hamlin
 Anne Redmond-absent
 Scott Molnar, Legal Counsel
 John Camp, P.E. (C&S Engineers)
 Howard Brodsky, Town Planner
 Karen Barkdull, Clerk

Vice Chair Kasper opened the meeting at 6:30 p.m. The meeting minutes of July 17, 2018 were previously distributed to the Board and all members present acknowledged receipt of those minutes.

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

RECORD OF VOTE

Chair	Joseph Southern	Absent	
Vice Chair	Donald Kasper	Present	[Yes]
Member	Scott Winkelman	Present	[Yes]
Member	Douglas Hamlin	Present	[Yes]
Member	Anne Redmond	Absent	

The meeting minutes of July 24, 2018 were previously distributed to the Board and all members present acknowledged receipt of those minutes.

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

RECORD OF VOTE

Chair	Joseph Southern	Absent	
Vice Chair	Donald Kasper	Present	[Yes]
Member	Scott Winkelman	Present	[Yes]
Member	Douglas Hamlin	Present	[Yes]
Member	Anne Redmond	Absent	

Public Hearing – Site Plan Review/Special Permit

Applicant:	Geoffrey Stockwell	Property:
	14 Sennett Ave	3125 Benson Road
	Singapore 467021	Skaneateles, NY 13152
		Tax Map #051.-01-04.2

Present: Bob Eggleston, Architect;

A site visit was conducted on August 4, 2018. Proposed is a 240 square foot shoreline deck with new stairs that leads to a storage shed that will be placed on a relocated dock. The stairs will lead from the deck to the top of the shed then proceed down to the dock. There will be a two level two-foot high rock face wall that will be set back into the bank running across the entire length of the shoreline for stabilization and to control wave attenuation at the lake line. Shoreline structures will decrease from 382 square feet to 373 square feet and under the 600 square feet allowed for this lot. The erosion control plan for the lakefront will consist of a 10-foot wide planting berm at the top of the bank with an underdrain that will drain to the lake behind the proposed stairs, and the bank itself covered with jute and ivy.

Also proposed is a 594 square foot detached garage with bonus room on the second floor. The attached deck on the existing dwelling will be expanded and located 83.4 feet from the lake line that will not make the dwelling and deck any more nonconforming, including a set of stairs on the south side of the deck that will encroach into the side yard setback as allowed per the town code. A portion of the circular driveway and two sets of shoreline steps will be removed from the property. The proposed garage will be 94 feet to the watercourse located on the property to the south, and is conforming, as the structure is less than 600 square feet. Floor space and footprint will be conforming.

The proposed impermeable surface coverage is 12.2% with open space increased to 83.6%, and the applicant is prepared to contribute \$8,476.93 to the Town's DRA fund for the overage in impermeable surface coverage. The septic area will have a small fence around it to keep vehicles off the fields.

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

At this time, Vice Chair Kasper opened the Public Hearing and asked if there was anyone in favor, opposition or had any other comments on the project. Joseph Wilson, neighbor to the north, inquired on how the seawall will terminate as he had a concern with keeping the wall to adjoin his wall. Mr. Eggleston said that the seawall would butt up to his assuming that Mr. Wilson's wall is located at the mean high water mark. Member Winkelman inquired if there is currently water than runs between the two properties to the lake. Mr. Wilson said that they are in the process of putting a tank in to catch the water than flows from the eaves of his house to the north to catch a lot of the water. Mr. Wilson inquired on how the steps near his property will be removed. Mr. Eggleston said that the concrete steps are on Mr. Wilson's property and are not being removed. The stairs to the north are wood steps that sit on top of the bank that will be removed. Mr. Wilson also recommended old English ivy for ground cover on the bank as that is what has been successful for him.

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

NOW, THEREFORE, BE IT RESOLVED, upon a motion made by Member Douglas Hamlin and seconded by Vice Chair Donald Kasper, 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, with standard conditions and the following additional 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 it's time limit expires without renewal; and

2. The Site Plan 1 of 3 through 3 of 3 dated July 2, 2018, Grading Plan 1A dated July 9, 2018 and Narrative dated July 2, 2018 prepared by Robert O. Eggleston, Licensed Architect, be strictly followed; and
3. That \$8,476.93 be submitted to the Town of Skaneateles Land and Development Rights Acquisition Fund; and
4. That the Applicant shall obtain all necessary permits and approvals from any agency or authority having jurisdiction over the Property or Application.

RECORD OF VOTE

Chair	Joseph Southern	Absent	
Vice Chair	Donald Kasper	Present	[Yes]
Member	Scott Winkelman	Present	[Yes]
Member	Douglas Hamlin	Present	[Yes]
Member	Anne Redmond	Absent	

Amendment Request-Special Permit

Applicant:	Collin Donahue Self-Storage Route 321 4586 Nixon Park Drive Syracuse, New York	Property: 4463 State Route 321 Skaneateles, New York Tax Map #022.-01-12.3
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Present: Collin Donahue, Applicant

The applicant is proposing a 40 ft. x 150 ft. storage building that was originally approved in 2006 in place of a row of existing outdoor vehicle and boat storage. The base is made of gravel and there will be no increase in impervious coverage. Mr. Brodsky recommended that the site plan be updated as the plan has aged and the labeling is making it difficult to see the detail. Member Winkelman inquire if the condition of the berm installation with trees on it for screening on the east side still in place. Mr. Donahue stated that it is established and in place according to the 2006 plans.

WHEREAS, a motion was made by Vice Chair Kasper and seconded by Member Hamlin, the Planning Board adopted and ratified the prior SEQRA determination for the Major Site Plan, last reviewed July 18 2006 for the Application, which was a determination that a negative declaration after review of the SEQRA forms submitted by the Applicant. The Board having been polled resulted in the unanimous affirmance of said motion.

NOW, THEREFORE, BE IT RESOLVED, upon a motion made Vice Chair Donald Kasper and seconded by Member Douglas Hamlin, and after an affirmative vote of all Members present, as recorded below, the Town of Skaneateles Planning Board **APPROVES** the Amendment Application with the following conditions:

1. That the original Site Plan and Construction Narrative approved for the Project shall be followed in all respects for the construction buildings and improvements not otherwise completed to the date hereof, and
2. The Applicant is hereby permitted to remove one row of temporary outside boat storage and construct in its place the previously approved building of Phase Two, not otherwise constructed to date; and

3. Except as modified hereby, the conditions set forth in the Prior Approvals remain in full force and effect: and
4. An as-built survey including impermeable surface coverage calculations is required to 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	Joseph Southern	Absent	
Vice Chair	Donald Kasper	Present	[Yes]
Member	Scott Winkelman	Present	[Yes]
Member	Douglas Hamlin	Present	[Yes]
Member	Anne Redmond	Absent	

Sketch Plan – Site Plan Review

Applicant: Carl Byrne
 887 West Elizabeth ST
 Skaneateles, NY 13152
Tax Map #047.-02-02.0

Present: Christopher Kozub, Architect;

Proposed is a 3-car detached garage located within 100 feet of the watercourse located on the east side of the property. There is an existing dwelling on the property and two sheds that will be removed. Vice Chair Kasper commented that a garage was approved for the property previously. The garage with accessory apartment above, approved in 2014 lapsed and was located to the west of the existing driveway. There are no improvements proposed for the existing dwelling or any modifications to the existing septic system. The garage will be used for vehicle, boat and other personal storage. A variance approval for the watercourse setback will need to be obtained from the Zoning Board of Appeals.

In addition to the proposed garage, the driveway will be reconfigured for a U-shaped driveway. Mr. Camp commented that the proposed driveway to the west appears to encroach the western property line. The required driveway set back is 20 feet, and Mr. Kozub said that it looks like the setback is about 25 feet. Mr. Brodsky recommended that the setback dimension be added to the site plan.

Vice Chair Kasper inquired on the elevation of the terrain in the area. Mr. Kozub stated that there is a little bit of a depression then and that they will bring it up a little bit with grading and positive drainage around the area. He continued saying that the septic system located to the northwest of the proposed garage is a raised bed system. Vice Chair Kasper commented that there would need to be a stormwater management system to keep the water from running into the stream. Mr. Kozub said that if the board is looking for a swale to direct it then he could add it. Member Winkelman inquired on the type of vegetation between the proposed garage and the stream. Mr. Kozub said that it is mostly trees and fields.

Impermeable surface coverage will increase from 4.3% to 6.9%, below the 10% maximum allowed. Mr. Brodsky recommended that the site plan be cleaned up as the tree shading on the plan is obscuring the reading the site plan, obscured the edges of the driveway, and the driveway setback measurements are missing. Vice Chair Kasper agreed as the site plan does not clearly reflect the existing driveway and the proposed driveway. Mr. Kozub stated that there is a new walkway proposed but it is difficult to located on the site plan. He continued saying that it will be located along the east side of the detached garage. Mr.

Brodsky inquired on the nature of Elizabeth Street. Mr. Kozub said that the street inclines toward Franklin Street. A site visit will occur on September 8, 2018.

Sketch Plan – Lot Line Adjustment

Applicant: Barbara Evans
52 Leitch Ave
Skaneateles, NY 13152

Property:
4452 Vinegar Hill Road
Skaneateles, NY 13152
Tax Map #023.-03-14.0 &023.-03-15.1

Present: Richard Evans, Representative;

The applicant has two contiguous lots on Vinegar Hill Road with the northern lot of 11.5 acres (023.-03-15.1), and the southern lot of 14.3 acres (023.-03-14.0). The northern lot has an existing dwelling with the back 3.8 acres consisting of a black walnut grove. The applicant would like a lot line adjustment to add the 1.8 acres to the southern vacant lot. Mr. Brodsky commented that the supplied site plan does not accurately reflect what is being proposed. Mr. Camp stated that the land should be re-surveyed to accurately reflect the meets and bounds of the property with the proposed lot line adjustment in order to file the map with Onondaga County. Mr. Evan inquired as to the inaccuracies of the site plan. Mr. Camp clarified that the site plan shows four lots and what exists is two lots with a lot line adjustment between the two lots proposed. Mr. Brodsky commented that the lot frontage is also incorrect, as it was never reduced when the lot was subdivided in the 1980s. Counsel Molnar recommended that the applicant would also need to update the deeds for the two lots and the meets and bounds of the properties will change, as he will need updated deeds if the intention is to sell the northern lot. A site visit is scheduled for September 8, 2018.

Sketch Plan – Site Plan Review

Applicant: John Swygert
104 Airline Lane
Hummelstown, PA 17036

Property:
1914 West Lake Road
Skaneateles, NY 13152
Tax Map #058.-01-07.0

Present: Bob Eggleston, Architect;

A site visit was conducted on August 8, 2018. The Onondaga County Planning Board commented that approval should be obtained from the City of Syracuse Water Department in their resolution dated July 25, 2018. The proposal is for the demolition of the existing dwelling and construction of a new dwelling that will conform to all setbacks. The impermeable surface coverage will be reduced to 10%. There will be a detached garage with bonus living space above and a new septic system installed.

The grading plan reflects a swale east of the septic field with an intercept drain that will lead to a grassy bio-retention swale that will accept the stormwater from the garage and house, with an underdrain that will drain to the lake. Also proposed is a shed that will be located near the shoreline.

Mr. Camp commented that behind the existing shed there is a door that is on the wall in front of the slope located on the south side of the property. He also commented that the dimensions of the bio-swale be provided to the town. Member Winkelman inquired on the design of the bio-swales in relation to what type of storm event. Mr. Camp stated that the intent was to have the facilities built but with minimal requirement for maintenance. He offered to develop a formula based on the amount of impervious surface to the surface area for the board. The septic design has been submitted to the OCDOH for approval and the City of Syracuse Department of Water comments are pending.

WHEREFORE, a motion was made by Member Hamlin and seconded by Member Winkelman to consider the proposed action as a Type II SEQR action pursuant to 6 NYCRR617.5(c)(9) and not subject to SEQR review. The Board having been polled resulted in the unanimous affirmance of said motion.

NOW, THEREFORE, BE IT RESOLVED, upon a motion made by Vice Chair Donald Kasper and seconded by Member Douglas Hamlin, and after an affirmative vote of all Members present, as recorded below, the Town of Skaneateles Planning Board **APPROVES** the minor site plan, with standard conditions and the following additional 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 it's time limit expires without renewal; and
2. The Site Plan and Drawings 1 of 4 through 4 of 4 dated June 29, 2018, Grading Plan 1A dated July 9, 2018, and Narrative dated July 2, 2018 prepared by Robert O. Eggleston, Licensed Architect, be strictly followed; and
3. That the bio-swale dimensions be provided to and approved by the Town Engineer; and
4. That the Applicant shall obtain all necessary permits and approvals from any agency or authority having jurisdiction over the Property or Application. 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.

RECORD OF VOTE

Chair	Joseph Southern	Absent	
Vice Chair	Donald Kasper	Present	[Yes]
Member	Scott Winkelman	Present	[Yes]
Member	Douglas Hamlin	Present	[Yes]
Member	Anne Redmond	Absent	

Sketch Plan – Site Plan Review

Applicant:	Dennis & Catherine Yost	Property:	
	110 Montgomery St #401		2111 Lakeview Lane
	Syracuse, NY 13202		Skaneateles, NY 13152
			Tax Map #057.-03-12.0

Present: Bob Eggleston, Architect;

The proposal is for a three bedroom single family dwelling with deck located on a 25,649 square foot vacant lot with two front yards. The proposed dwelling meets all setback requirements and is proposed at 9.0% impermeable surface coverage. A new modified raised bed septic system is being designed to be located on the east side of the lot with the well located on the west side of the lot.

The drainage plan reflects a swale on each side the dwelling that will lead to a mowable bio-swale located southeast of the septic fields. There is an intercept drain from the bio-swale that will drain to the right of

way ditch that eventually drains to the lake. The bio-swale will control the stormwater above the septic field so that it will not enter the field. Mr. Eggleston stated that he would apply the formula that Mr. Camp develops for determining the dimensions of the bio-swale.

Vice Chair Kasper inquired if the applicant has had a conversation with the neighbor regarding the drainage. Mr. Eggleston stated that the drain that is near the neighbors lot is located in the road right of way. The road is owned and managed by the association and that this proposal will not adversely affect this drain. Mr. Camp commented that the drain is in poor shape but the applicant should not be any more responsible for its repair than the other property owners that are part of the association.

Vice Chair Kasper inquired on the proposed tree removal. Mr. Eggleston stated that the site plan reflects what trees will be removed and the grading plan reflects the trees that are remaining with several left along the road line. The septic approval is pending for the partially raised bed septic system that has been proposed. The grading plan reflects the one foot added to the top of the field location.

Member Winkelman inquired about the proposed drainage plan. Mr. Eggleston stated that the drainage swale would be located around the house then drained to the bio swale. Vice Chair Kasper inquired if the proposed dwelling will have a full basement. Mr. Eggleston said that it would have a $\frac{3}{4}$ basement that will be a walk out from the recreation room. The basement will have perimeter drains that will drain into the bio swale.

WHEREFORE, a motion was made by Vice Chair Kasper and seconded by Member Hamlin to consider the proposed action as a Type II SEQR action pursuant to 6 NYCRR617.5(c)(9) and not subject to SEQR review. The Board having been polled resulted in the unanimous affirmance of said motion.

NOW, THEREFORE, BE IT RESOLVED, upon a motion made by Member Douglas Hamlin and seconded by, Vice Chair Donald Kasper, and after an affirmative vote of all Members present, as recorded below, the Town of Skaneateles Planning Board **APPROVES** the minor site plan, with standard conditions and the following additional 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 it's time limit expires without renewal; and
2. The Site Plan and Drawings 1 of 3 through 3 of 3 dated July 2, 2018, Grading Plan 1A dated July 9, 2018 and Narrative dated July 2, 2018 prepared by Robert O. Eggleston, Licensed Architect, be strictly followed; and
3. That the bio-swale dimensions be provided to and approved by the Town Engineer; and
4. That the Applicant shall obtain all necessary permits and approvals from any agency or authority having jurisdiction over the Property or Application. and
5. An as-built survey must 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	Joseph Southern	Absent	
Vice Chair	Donald Kasper	Present	[Yes]
Member	Scott Winkelman	Present	[Yes]
Member	Douglas Hamlin	Present	[Yes]
Member	Anne Redmond	Absent	

Sketch Plan – Subdivision

Applicant: Paul Thomas
935 Parker Lane
Skaneateles, NY 13152
Tax Map #027.-01-30.1

Present: Paul Thomas, Applicant; Bob Eggleston, Architect;

The property was part of the original Parker subdivision in the 1970s that created several lots. Afterwards lots 7, 8 and 9 were merged into the existing 13.5-acre lot that has access for the single-family dwelling off Parker Lane and road frontage on O’Neil Lane. The applicant would like to subdivide the parcel to create two parcels, with parcel A being 4.58 acres that will include the dwelling and have continued access off Parker Lane, and Parcel B being 9 acres of vacant land with access exclusively from O’Neil Lane. There is a watercourse that cuts through the property that eventually feeds into Skaneateles Creek.

A proposed building envelope has been created for both of the lots. The 9 acre proposed lot B will not be re-subdivided, as the individual interested in purchasing it wants it to remain for use as a single-family residential lot. The slopes located in the proposed building envelopes are less than 12% and mowable.

Vice Chair Kasper inquired why there are two septic systems shown on the lot. Mr. Eggleston stated that originally the owner was going to create two additional lots; however, he had received an offer to purchase the land as one lot (lot B). Onondaga County Planning Board had commented that it advised against further subdivision of lot B due to the limited road frontage. Mr. Eggleston reiterated that the owner does not have any intention to re-subdivided lot B. Vice Chair Kasper requested that the applicant obtain a letter from the Town Highway department regarding the proposed driveway access off O’Neil Lane. A site visit will be conducted on September 8, 2018.

WHEREFORE, a motion was made by Vice Chair Kasper and seconded by Member Winkelman to schedule a public hearing on ***Tuesday, September 18, 2018 at 6:30 p.m.*** The Board having been polled resulted in the unanimous affirmation of said motion.

Sketch Plan-Lot Line Adjustment

Applicant:	Gennaro Bruni	Property:
	Kathleen McCarthy	1231 & 1247 Longview Shores
	27-20 27 th St	Skaneateles, NY
	Astoria, NY 11102	Tax Map #054.-01-08.3 & 054.-01-08.1

Present: Gennaro Bruni, Applicant; Robert Eggleston, Architect

The two lots were created in 2014, and the applicants began construction of their home on lot 1B in 2016. When the patio was constructed, it encroached the lot line between Lota 1A and lot 1B. Proposed is a lot line adjustment to provide the required setbacks for the installed patio. Lot 1A will be reduced from 2.3 acres to 2.27 acres and lot 1B will increase from 2.37 acres to 2.4 acres.

Vice Chair Kasper inquired if the stormwater management system has been completed. Mr. Eggleston stated that there was a temporary construction drive that is being removed this week, the retention area is being cleaned up today, and the two rain gardens have been installed. Vice Chair Kasper stated that all the stormwater facilities should be completed before bad weather arrives. Mr. Eggleston commented that the stormwater facilities have to be completed and the construction drive removed before the final certificate of occupancy can be issued. Mr. Eggleston stated that the survey provided for the lot line adjustment is in a form ready for filing with the county and also can serve as the as-built survey.

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

NOW, THEREFORE, BE IT RESOLVED, upon a motion made by Member Scott Winkelman, seconded by Member Douglas Hamlin, and after an affirmative vote of all Members present, as recorded below, the Town of Skaneateles Planning Board hereby APPROVES the Lot Line Adjustment, with the following conditions:

1. The plat plan survey prepared by Paul Olszewski, licensed land surveyors dated August 1, 2018 reflecting the re-aligned two lots, be submitted to the Chairman for review, approval and signature prior to filing with the Onondaga County Clerk’s Office; and
2. That the conditions set forth in the Approving Site Plan Resolution remain in full force and effect; and
3. That the Town Engineer review all stormwater management facilities to ensure compliance to the approved plan prior to issuance of a Certificate of Occupancy; and
4. The lot line adjustment map and deed must be filed in the Onondaga County Clerk’s Office within sixty-two (62) days of the signing of said map or the lot line adjustment shall be null and void. Proof of said filing shall be immediately forwarded to the Secretary of the Planning Board upon receipt by the Applicant and/or Applicant’s representative.

RECORD OF VOTE

Chair	Joseph Southern	Absent	
Member	Donald Kasper	Present	[Yes]
Member	Scott Winkelman	Present	[Yes]
Member	Douglas Hamlin	Present	[Yes]
Member	Anne Redmond	Absent	

Sketch Plan – Site Plan Review

Applicant:	Jennifer Carden	Property:	
	Irving H Goldman Trust		1800 Tamarack Trail
	26 Zephyr Court		Skaneateles, NY 13152
	San Rafael, CA 94903		Tax Map #062.-01-16.1

Present: Bob Eggleston, Architect;

The applicant originally proposed shoreline redevelopment and just last week has decided that she would also like to have a second floor addition on a portion of the existing dwelling. The 55,667 square foot lot with 124.3 feet of lakefront has an existing dwelling, detached garage and two sets of steps to the lake. The impermeable surface coverage is at 11.9% and proposed is a reduction in the coverage to a conforming 9.9%. A portion of the driveway will be removed and the sidewalk will be replaced with a permeable walkway. Two bedrooms from the first floor will be moved to the second floor 888 square foot addition, with the dwelling remaining at 3 bedrooms.

At the shoreline, the existing two sets of stairs will be removed and replaced with an earthen ramp to convey kayaks, with a 240 square foot deck at the top of the bank at grade level, and gentle stairs with retaining walls along the side of the ramp. Seventy yards of soil will be removed from the area and taken off site. A kayak rack will be placed along the shoreline to the north. The existing rocks along the shoreline will be repositioned with the larger rocks at the bottom. The retaining wall will be approximately five feet tall at the highest point.

There will also be a 64 square foot shed with a timber retaining wall behind it to support the bank would be located at the shoreline above the flood level in place of the existing stairs to the south. A site visit will be conducted on September 8, 2018.

WHEREFORE, a motion was made by Vice Chair Kasper and seconded by Member Hamlin to schedule a public hearing on *Tuesday, September 18, 2018 at 6:40 p.m.* The Board having been polled resulted in the unanimous affirmation of said motion.

Continued Review-Special Permit

Applicant:	Chris Graham	Property:
	Trillium Homes Inc.	4331 Jordan Road
	4302 Jordan Road	Skaneateles, NY 13152
	Skaneateles, NY	Tax Map #024.-02-01.1 & 024.-02-01.2

Present: Chris Graham, Applicant; Bob Eggleston, Architect;

As the public hearing has been left opened by the Town Board for the requested zone change, the requested that the applicant continue at next month's Planning Board meeting.

Informal Discussion – Site Plan Review

Applicant:	Steve Datz	Property:
	110 Montgomery St #401	866 Franklin Street
	Syracuse, NY 13202	Skaneateles, NY 13152
		Tax Map #047.-01-18.0

Present: Steve Datz;

Mr. Datz stated that he is considering placing a two family dwelling inside the building envelope with two septic systems in place of the single-family dwelling that had ZBA variances approved earlier this year. It would be designed as a Teasel Barn and be in keeping with the traditional neighborhood. The proposal would require variance approval as the lot is not twice the minimum lot size in the RR district. It was suggested that the applicant obtain research that demonstrates the need for two family dwellings in the town.

Continued Review - 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, Applicant; Robert Eggleston, Architect; Rudy Zona, RZ Engineering;

Updated drawing prepared by Rudy Zona dated August 8, 2018 to address concerns voiced by John Camp had been submitted. An updated sketch plan dated August 10, 2018 reflected the correct layout of the proposed road to meet the conservation road requirements. The private road easement agreement has also been submitted and will be further reviewed by the applicant's lawyer and the Planning Board counsel to determine its conformance to the zoning code.

Mr. Camp commented that the applicant has addressed a couple of issues and that a stormwater management plan still needs to be completed; the magnitude of the work in the steep slopes has not been indicated. Vice Chair Kasper inquired if the engineer could submit a color-coded plan that shows the proposed cut and fill for the road. Mr. Zona commented that they could get that for the board. Vice Chair Kasper inquired if the fire department chief has reviewed the new plan. He continued saying that the fire department approved the plan when it was at 12% slope and now it is designed at 10% slope. Counsel Molnar commented that his letter indicated that the road should be 20 feet wide and the proposed road is at 18 feet wide. Mr. Spear said that the road would need to be 20 feet wide with the existing slope, not with the road at 10% slope.

Counsel Molnar stated that there was another concern with the road width based on what the Codes Officer review of the proposed road under the 2015 International Fire Code, with the definition of this road as a "driveway serving more than four buildings shall meet the design requirements of fire apparatus access roads that have hydrants on it". Mr. Zona commented that the fire hydrants are dry hydrants with water being provided, and the fire chief can override the international fire code. Counsel Molnar noted that the board requested that the fire chief review the newly proposed plan and have a letter submitted to the board. He continued stating the arguably there is a minimum width requirement of 26 feet and the applicant is stating that the requirement does not apply. Member Winkelman inquired if the board could contact the fire chief as well and Counsel Molnar said that there is no prohibition from doing so. Mr. Eggleston stated that the international building code gives the final decision to the fire chief.

Vice Chair Kasper asked on the lakefront determination. Counsel Molnar stated that the issue is still open and that Mr. Langey was going to contact him on his message regarding the number of family units or residential lots that currently utilizing a 40-foot and 50 foot of linear lakefront. It places a request by the applicant for a waiver of the HOA requirement for road maintenance and the fact that shared lakefront recreation is typically bound by an HOA together with deeded access rights, etc. The challenge is that the applicant is asking for a waiver on the HOA requirement, which then could be applied to both the road and the shared lakefront. It would pass without review or restriction under the shared lakefront code section. The entire Planning Board needs to express its views on that issue, as it is a double-edged sword. Vice Chair Kasper commented that the board has not determined what type of lakefront it is and suggested that this may need to go to the Zoning Board of Appeals to determine if the use falls under the code as shared lakefront recreation. Mr. Spear stated that they have prepared a document that has not been submitted yet that based on the prior subdivision approval and approval for the Marchuska lot, that it is ingress and egress access to the lake with no recreation on the land. He continued saying that our attorney will get that document to you. Mr. Eggleston stated that it is their opinion that there is no shared lakefront recreation. Vice Chair Kasper said then there would be no management of that. Mr. Spear commented

that there would be no volleyball pit, barbequing, etc. Vice Chair Kasper commented that twelve to fourteen families would be sharing that.

Mr. Brodsky inquired if there will still be parking across the street. Mr. Eggleston stated that the parking has been completely allocated to Marchuska, Nangle, Weaver, Woodruff and Mr. Spear. Vice Chair Kasper inquired on how the other families would access the lakefront, and inquired if they would walk down the road. Mr. Spear said that that statement argues that fact that there will be limited use of the lakefront since there would be no additional parking available. Counsel Molnar commented that if the board has no context on how to consider the use of the lakefront then sending it to the Zoning Board of Appeals for an interpretation to make a determination is the appropriate move. Mr. Spear stated that the Planning Board has already declared that it is not shared lakefront recreation; it is in the minutes from the Marchuska application. Counsel Molnar stated that he does not necessarily agree with that statement and he will address it with Mr. Langey. It was offer by Mr. Eggleston's letter but has not been ratified and accepted by the Planning Board. For what was that subdivision at that time, when the applicant was creating four lots with pre-existing lake rights which date back prior the that subdivision, it was a reasonable conclusion that it was not shared lakefront recreation as those rights already existed, whit the subdivision application at that time not altering the fact. Now we are with the re-subdivision of lot 3, which will include intended by deed lake rights to the new holders as well as Nangle and Weaver. There was an easement that was not presented to the board at the time of Marchuska approvals; it just occurred at the intention of the applicant but was not otherwise shared with the Planning Board. There are issues to sort through and the determination if the use is shared lakefront recreation has not been determined by the Planning Board on this application.

Mr. Brodsky inquired on the status of the lakefront for the earlier lots and relationship to the road. Counsel Molnar stated that he was reviewing the road agreement and the document needs to pick up the rights of the existing properties that used the existing driveway, as they will all be sharing one common road to access their properties. Mr. Brodsky stated that the road maintenance agreement provides who Emerald Estates is and inquired as to who Serenity of Skaneateles might be. Mr. Spear stated that Serenity is the entity that would own the road as controlled by the nine new lots. Counsel Molnar commented that Serenity would probably be made up of shareholders, which are all of the nine lots excluding the existing lots. Mr. Spear stated that the existing lots have existing rights. The shareholders would be responsible for the costs incurred of the road maintenance. Mr. Spear said that the existing property owners could participate in Serenity if they choose to. Vice Chair Kasper inquired if the drainage maintenance is also included in this agreement. Mr. Spear stated that it is included in the document. Counsel Molnar recommended that the Planning Board go through it to hit all of the elements of the code section. Mr. Camp inquired how this agreement is different than an HOA, Counsel Molnar stated that the code permits it in lieu of a HOA which can be cumbersome and expensive to create, and similar in its impact to the town for enforcement. The town could seek enforcement against a HOA or Serenity. Vice Chair Kasper said that if all of the property owners are part of it.

Mr. Eggleston stated that on page 3, restrictions, covenants and easements reads as it is stated in town code. Mr. Camp inquired if everyone who has access to the road must be part of the HOA. Counsel Molnar stated that it would be difficult to compel the existing residents to participate in this agreement. Mr. Camp inquired if the Planning Board has the right to refuse the application if not all of the property owners were part of the agreement. Counsel Molnar commented that it is a possibility but if the road is otherwise fully maintained under the terms and conditions of the document, does it matter. Mr. Brodsky stated that 131-2G(3) that states that membership must be mandatory for each lot owner who must be required by recorded covenant and restrictions to pay fees to a HOA for taxes, insurance and maintenance of common open space, private roads and other common facilities. He continued saying that his

interpretation is that everyone would be required to participate which creates a problem for those who preceded the subdivision.

Vice Chair Kasper inquired if the existing property owners want to be part of the road agreement. Mr. Spear said that they are currently responsible for one third of the maintenance of the road, and they would probably say they would join so that it is reduced to one twelfth of the cost. Mr. Camp said that it seems that the applicant has proposed two maintenance agreements with one be inclusive of the entire road and the other being three quarters of the road. Counsel Molnar commented that you could not release the existing lot owners responsibilities for maintenance of the road unless you do it in writing with a new agreement, with the most efficient remedy for the existing property owners to be part of the drafted road maintenance agreement.

Counsel Molnar stated that the clarification on the width of the roadway and the volume of proposed cut and fill would need to be provided for the SEQR process to begin. Whether or not a HOA is compulsory for the road maintenance as it ties into shared lakefront recreation will need to be sorted. The proposed deed of conservation easement will need to be finalized included what can or cannot be developed on conservation land and how the land will be maintained. Lastly, the proposed conservation road is very complex that will serve nine lots for the owners and for emergency vehicles, with the road having to be functionally compliant to the drawings as presented. There are considerations for assurance of compliance For the road to be completed as designed that is addressed in 131-3E1 that discussed bonding requirements, and for the drainage management system under 148-26F1. Mr. Spear stated that a performance guarantee was not required for the Butters Farm subdivision with the infrastructure costing a million dollars, and inquired if it has been done in the past. Mr. Camp stated that it was required for Butters Farm. Counsel Molnar stated that it had and that the town will do the research. Mr. Brodsky stated that it is not uncommon for municipalities to require it. Vice Chair Kasper commented that because of the drainage and road issues in the past, a performance guarantee should be put in place.

As there will be upcoming legal and additional engineering review, the escrow account will require additional funds from the applicant.

WHEREFORE a motion was made by Vice Chair Kasper and seconded by Member Winkelman that the applicant increases the escrow account in the amount of \$5,000. The Board having been polled resulted in the unanimous affirmance of said motion.

Counsel Molnar commented that he would be scheduling a meeting with the applicant's lawyers to discuss the issues, determining the next steps. He also suggested that the board consider having separate special meetings exclusively for this application to thoroughly review all of the issues as the board is moving towards the SEQR process.

WHEREFORE, a motion was made by Vice Chair Kasper and seconded by Member Hamlin to adjourn the meeting. The Board having been polled resulted in the unanimous affirmance of said motion. The Planning Board Meeting adjourned at 9:12 p.m. as there being no further business.

Respectfully Submitted,

Karen Barkdull, Clerk