

**TOWN OF SKANEATELES  
PLANNING BOARD  
MEETING MINUTES  
September 21, 2021**

Donald Kasper  
Scott Winkelman  
Douglas Hamlin  
Jill Marshall  
Jon Holbein  
Scott Molnar, Legal Counsel  
John Camp, P.E. (C&S Engineers)  
Howard Brodsky, Town Planner  
Karen Barkdull, Clerk

Chair Kasper opened the meeting at 6:30 p.m. The meeting minutes of August 17, 2021 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 corrected. The Board having been polled resulted in the affirmance of said motion.

**RECORD OF VOTE**

Chair	Donald Kasper	Present	[Yes]
Vice Chair	Douglas Hamlin	Present	[Yes]
Member	Scott Winkelman	Present	[Yes]
Member	Jill Marshall	Present	[Abstain]
Member	Jon Holbein	Present	[Yes]

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

Applicant:	Patrick Delmonico	Property:
	2864 Nunnery Road	2556 West Lake Rd
	Skaneateles, NY 13152	Skaneateles, NY 13152
		<b>Tax Map #054.-01-01.0</b>

Present: Pat Delmonico, Applicant; Robert Eggleston, Eggleston & Krenzer Architects

Mr. Eggleston stated that Patrick has made application for putting in some retaining walls parallel to the lake, with some of them at the lake line and the other beyond the lake line for erosion control. A wood dock will be removed with the land portion of the deck replaced with a paver patio. There will be a small area where the grade will be raised by a foot. Mr. Camp said that he took a visit to the site and didn't have any comments as it's straightforward.

**WHEREAS**, a motion was made by Chair Kasper and seconded by Member Marshall, the Planning Board classified this application a Type II action pursuant to 6 NYCRR617.5(c)(11) and not subject to further review under SEQR. The Board having been polled resulted in the unanimous affirmance of said motion.

At this time, Chairman Kasper opened the Public Hearing and asked if there was anyone in favor of the project. No one spoke in favor of the project. Chairman Kasper asked if there was anyone wishing to speak in opposition or had any other comments. No one spoke in opposition or had any other comments. Letters of support from Mr. Marks and Mr. Pitman, neighbors of the applicant, were provided.

**WHEREFORE**, a motion was made by Member Winkelman and seconded by 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 Chair Donald Kasper and duly 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 Application and minor special permit/site plan, with standard conditions and the following additional conditions:

1. That the Special Permit and 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. The Site Plan 1 of 1 dated July 29, 2021 and Narrative with Construction Sequence dated July 29, 2021, prepared by Robert O. Eggleston, Licensed Architect, be strictly followed; and
3. That the Applicant shall obtain all necessary permits and approvals from any agency or authority having jurisdiction over the Property or the Application; and
4. That the Applicant establish an escrow account with the Town of Skaneateles in the amount of \$250 for engineering review; 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	Donald Kasper	Present	[Yes]
Vice Chair	Douglas Hamlin	Present	[Yes]
Member	Scott Winkelman	Present	[Yes]
Member	Jill Marshall	Present	[Yes]
Member	Jonathan Holbein	Present	[Yes]

**Sketch Plan-148-8-9-G**

Applicant:

Christopher Nulty  
29 Abdallah Ave  
Cortland, NY 13045

Property:  
2699 East Lake Rd  
Skaneateles, NY 13152  
**Tax Map #037.-01-04.0**

The application is on hold as the proposed location of the shed will require variance approval from the ZBA, before the Planning Board can review the amended special permit request.

**Continued Review-Site Plan Review**

Applicant: Bridget Marquardt  
1012 The Lane  
Skaneateles, NY 13152  
**Tax Map #050.-01-10.0**

Present: Robert Eggleston, Eggleston & Krenzer Architects

A revised site plan was submitted based on the comments from Mr. Camp and the board at the site visit. The bioswale has been resized so that 100% of the stormwater capacity based on the strategies for stormwater management to accommodate all of that. Mr. Eggleston stated that he would like to clarify this will be done in two phases. The first thing will be leveling off the lawn and regrading to provide a flat recreation area. Next year will be the garage addition and that the bioswales will be constructed in conjunction with the garage addition.

Chair Kasper inquired about the regrading of the lawn, and Mr. Eggleston explained that it is the area on the east side of the house that will be regraded this fall so that they get the seeding done and they can get that stabilized so that it's good for next year. The garage is until a year away and they wanted to combine the application rather than come back next year. The bioswales will be done in conjunction with the garage aspect of the project. Member Marshall inquired if the applicant were able to make the eastern bioswale bigger and not interfere with those trees you were worried about, and Mr. Eggleston acknowledged that they were able to accomplish that.

**NOW, THEREFORE, BE IT RESOLVED**, upon a motion made by Member Jill Marshall and duly seconded by Chair Donald Kasper, and after an affirmative vote of all Members present, as recorded below, the Town of Skaneateles Planning Board **APPROVES** the Application and minor site plan, with standard conditions and the following additional conditions:

6. 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
7. The Site Plan 1 of 1 dated September 1, 2021 and Narrative with Construction Sequence dated July 30, 2021, prepared by Robert O. Eggleston, Licensed Architect, be strictly followed; and
8. That the Applicant shall obtain all necessary permits and approvals from any agency or authority having jurisdiction over the Property or the Application; and
9. That the Applicant establish an escrow account with the Town of Skaneateles in the amount of \$250 for engineering review of the bioswales when the proposed garage and associated improvements portion of the application is executed; 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	Donald Kasper	Present	[Yes]
Vice Chair	Douglas Hamlin	Present	[Yes]
Member	Scott Winkelman	Present	[Yes]
Member	Jill Marshall	Present	[Yes]
Member	Jonathan Holbein	Present	[Yes]

**Sketch Plan –Site Plan Review**

Applicant      Sail On Skan LLC  
                     Bryan Lubel  
                     27 Muirfield Ct  
                     Pittsford, NY 14534

Property:  
 2392/2396 Wave Way  
 Skaneateles, NY 13152  
**Tax Map #059.-02-33.0 &34.0**

Present: Robert Eggleston, Eggleston & Krenzer Architects

The applicant owns 2392 Wave Way and has a partial interest in the property to the north at 2396 Wave Way, which had received approval last year to rebuild the porch. That work will be done this fall as it was a matter of getting contractors lined up and not to occur in the summer.

There will be a substantial remodel of the existing dwelling on 2392 Wave Way, adding a detached garage on the edge of the existing driveway, and removing significant amount of impermeable surface coverage, reducing it from 20.2% to 16.2% impermeable surface coverage. There are several areas on the property that are 30% slopes. At the lake there is 1,330 square feet of steep slope which is a regulated steep slope. West of the house there is 1,800 square feet of slopes split up into a small area and larger area. When you're more than 100 feet from the lake, slopes that are regulated are slopes over 2,500 square feet, so this is not a regulated slope, and that is why we are able to put the garage in the area; in addition to take advantage of the slope.

The applicant purchased the property because it was adjacent to his family's property. He has owned it for a few years and now he's getting ready to make it a year-round home for retirement. The garage is designed with the cellar underneath and stairs that are internal to the garage, so that you can pull into the garage and walk outside and then just have a few more steps to go down to the house. Mr. Eggleston continued saying that basically we're working within the existing footprint of the house making the footprint smaller. The house has been designed to work within the allowed living area and footprint. One of the problems that Brian is concerned about having been familiar with site for last 60 years is some of the water runoff, especially coming across the road then coming down through the properties. So we've created four bioswales to accommodate this runoff for both this lot and the adjacent lot he has partial interest in. So what we wanted to do is try to capture water off the road that comes out with the first bioswale that is 185 square feet in area. Also we will have the existing driveway that will remain that will be feeding into the next bioswale, which is 144 square feet in area located just to the east of the property. There is another bioswale that will pick up drainage from the north property, the driveway as well as the house, and then we have another bioswale in front of the gravel driveway that will feed into this bioswale. The goal is to capture the stormwater that comes across the property, treat it, and then put it into an underdrain. There already is a drain which would be improved that goes along the common boundary and we will make that an 8-inch solid pipe that will go to the bottom of the bank so it will take the treated water from each of the bioswales and safely deliver it to the bottom of the bank. The stormwater management is kind of critical on this lot as he wanted to try to get some sort of drainage solution that would improve the current situation.

Member Hamlin inquired if all four of the bioswales drain to the same pipe and Mr. Eggleston confirmed that they do. Mr. Camp inquired if the pipe that goes to the bottom bank is existing or proposed. Mr. Lubel said that the bioswale that's right in the center of the two properties leads to the French drain of large stones, and it goes all the way down the property line and exits the two 6-inch perforated pipes that drain to the bottom of the bank today. That clearly must be reconstructed for a couple of reasons, it's been there for over 10 years, and it's probably started to fill with debris and prevent that. And secondly, at the top of that French drain there is no bioswale today and so when we get storms like we've gotten this summer, we get runoff that comes around from across the road and then it just comes down a French drain that captures some of it, but not all of it. Independent of this site plan our family has been having conversations about what type of drainage improvements we need to make to protect the lake and to also protect the property, and so this happens to be a good time to have that conversation because we're going to have it done. I want to do it one time if we're going to take up the yards rather than doing it sequentially over time makes sense.

Chair Kasper inquired if there is a basement under the existing house now Mr. Eggleston explained that there is a partial basement now that was installed by a prior owner several years ago. Chair Kasper asked if

there is stormwater now running into that house. Mr. Eggleston said that the stormwater runs under the cottage to the north, which is part of the problem of trying to control the stormwater that we're doing with the swale between the parking and the cottage. The bioswales by the new garage will pick up the stormwater uphill from the existing cottage. Mr. Lubel commented that the prior owner had modified the grade for parking and that is where the proposed garage will be located. That change in grade caused the stormwater to be directed to the northern property.

Mr. Camp commented that it appears to be a good approach and after the site visit he will have more comment. He continued saying that he thought it's a good approach that, so I hesitate to make this any more complicated, but, and it's always nice when two adjacent property owners can cooperate, but you know when you have this strange facility like this that straddles a property line if they are not cooperative property owners in the future that has the potential to be a source of division. Mr. Lubel responded that the Wave Way property, the north property, is now in trust for my two daughters and my brothers two daughters as we were the original owners and we're willing to implement an easement that would remain with the properties of that if it were something that Planning Board would like. Counsel Molnar recommend that it should be done. Mr. Lubel agreed, saying that any owner of either property would not want to deal with the water issues. Mr. Eggleston inquired if the easement language should include the four bioswales and the drainage pipe as shown. Counsel Molnar stated that it would be appropriate because then the 2392 property would benefit from the easement over which impacts 2396, and they would mutually benefit from the bioswales which straddle the line and where that drain line goes down. Based on this proposal and this drawing to be attached to that easement, it's something which could be easily done. Mr. Brodsky inquired if there were long term maintenance that would need to occur with the bioswales, and Mr. Camp said that these things need to be maintained, and the easement is first about access and right to drain into the common infrastructure. He suggested that including a maintenance statement in the easement agreement would be a good idea. Counsel Molnar said that at the granted conveyance of an easement will include the right for the benefiting party to maintain the easement as necessary, including repair, replace, and restoration. We can again simply document this in a stormwater drainage easement between the two properties. A site visit was scheduled for September 22<sup>nd</sup>.

### **Extension Request**

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

Present: Robert Eggleston, Eggleston & Krenzer Architects

The applicant is requesting an extension to the approved project as there have been delays with the water pressure issues from the village and the applicant has been working on other projects. He would like to continue with the project and likely be back with modifications to the plan soon. It makes sense to maintain the current application and modify it rather than start all over, so we appreciate your indulgence by giving us an additional year for getting this going.

**WHEREAS**, the Planning Board recalled that it conducted a SEQRA review of the proposed Major Site Plan on February 21, 2017 with a Full Environmental Assessment Form, and a negative declaration was determined at that time, which prior determination was adopted by the Planning Board in consideration of this Extension Application; and

**NOW, THEREFORE, BE IT RESOLVED**, upon a motion made by Chairman Donald Kasper and seconded by Member Douglas Hamlin and after an affirmative vote of all Members present, the Skaneateles Planning Board **APPROVES** the Extension Application for an additional twelve (12) months, 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 of buildings and improvements not otherwise completed to the date hereof, and that all conditions of the Approving Resolutions of the Planning Board be followed in all respects, except as extended hereby for an additional twelve (12) months.

**RECORD OF VOTE**

Chair	Donald Kasper	Present	[Yes]
Member	Douglas Hamlin	Present	[Yes]
Member	Scott Winkelman	Present	[Yes]
Member	Jonathan Holbein	Present	[Yes]
Member	Jill Marshall	Present	[Yes]

**Extension Request- 9 Lot Subdivision**

Applicant: Emerald Estates Properties, LP  
 3689 Yosemite Ct  
 Naples, FL 34116

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

Present: Robert Eggleston, Eggleston & Krenzer Architects

Mr. Eggleston began saying that the applicant has been approached by Albert Joerger, President and CEO of the Central New York Land Trust, who is interested in, and with the applicant’s cooperation, has applied for funding to purchase the Hidden Estates 81 acres for conservation. Mr. Joerger anticipates learning the results of the funding requests by the end of November and has indicated that he will then need time for additional fundraising, which if successful, would lead him to closing on the purchase to the summer of 2022. The applicant would like an extension from the current preliminary approval to allow time for this to play out before investing more time and money in completing the preliminary approval process. If Mr. Joerger is successful in raising adequate funds, then the applicant’s preference would be to see the land protected in perpetuity. However, if the process is not successful in securing the necessary funding the applicant would then continue the approval process. So we would like to have this extended for one year if that would be agreeable.

Member Winkelman inquired if there was any part of the approval that needs to be addressed now with the stormwater thing or if everything been maintained properly as they are waiting for this upgrade. Mr. Eggleston responded that everything has been maintained properly and the vegetation has grown in that the stormwater system works for the current road subdivision. There were no complaints last August during the big storm event that occurred. The current preliminary subdivision approval will expire on November 27, 2021. Also the escrow account is in arrears and additional funds will be required to cover existing bills. Counsel Molnar commented that he would need \$3,500 for legal services, and Ms. Barkdull commented that there is an outstanding balance of \$500 in arrears. Chair Kasper stated that there will need to be an additional \$4,000 that will need to be submitted to the escrow account and that it would need to be paid before the extension is granted. He continued saying that extension would begin from the expiration date of November 27, 2021, extending it to November 26, 2022.

**WHEREAS**, the Planning Board recalled that it conducted a thorough SEQRA review of the proposed Project, as set forth in the Approving Resolution, reflecting that the FEIS Mitigation Requirements of the Project have adequately analyzed, designed, and proposed mitigating measures, alternatives, and engineered solutions, which when utilized by the Applicant in connection with development of the Project, shall mitigate and/or eliminate potential environmental impacts, which prior SEQRA determination was adopted by the Planning Board in consideration of this Extension Application; and

**NOW, THEREFORE, BE IT RESOLVED**, upon a motion made by Chairman Donald Kasper and seconded by Member Douglas Hamlin and after an affirmative vote of all Members present, the Skaneateles Planning Board **APPROVES** the Extension Application for an additional twelve (12) months from the expiration date of the original preliminary approval to November 26, 2022, with the following conditions:

1. That the conditions set forth in the Final Determination on FEIS and Preliminary Plat dated May 25, 2021 for the Project shall be followed in all respects for the subdivision of land and construction of buildings and improvements not otherwise completed to the date hereof, and that Approving Resolution of the Planning Board be followed in all respects, except as extended for an additional twelve (12) months; and
2. That the extension shall be null and void unless the Applicant remits funds to satisfy an arrearage in the Project escrow account by paying the amount of \$4000 on or before October to satisfy outstanding professional fee invoices to the Planning Board.

**RECORD OF VOTE**

Chair	Donald Kasper	Present	[Yes]
Member	Douglas Hamlin	Present	[Yes]
Member	Scott Winkelman	Present	[Yes]
Member	Jonathan Holbein	Present	[Yes]
Member	Jill Marshall	Present	[Yes]

**Amendment Request-33 lot subdivision**

Applicant: Fox Run Subdivision  
 Jordan Road Town Homes LLC Property:  
 4302 Jordan Rd County Line Road  
 Skaneateles, NY 13152 Skaneateles, NY 13152  
**Tax Map #018.-02-29.1**

Present: Chris Graham, Applicant; Robert Eggleston, Eggleston & Krenzer Architects

Mr. Eggleston began stating that they had met with the Town Board last night at their meeting to discuss the proposed phasing of the project, and the board has had had a few more questions and concerns, about how long it will take to build out the subdivision. The applicant would be developing more infrastructures as they develop more lots; in other words, instead of having 33 lots developed and built out over a five or six- or seven-year period, You have 14 lot that will be developed over maybe a two-year period. You then proceed, if that is going along well, then begin the improvements for the second phase, so that those are ready after the majority of the 14 lots are built out and then you can proceed to market those, and then a couple of years later you come back and finish. When we do phase two, we will put in the temporary road construction road over the proposed phase three road location so that construction traffic is coming in, not over the finished dedicated road but over the temporary road as what was done in the Whitegate subdivision where they used the construction road and then they covered the at the end of the entire subdivision. So

the board, listened to our discussion. I think there was a healthy conversation between the applicant and the board members. They then went into an executive session to further discuss that. I did point out that there were two issues that were put before the Town Board. One was their opinion or referral only to the Planning Board as to the concept of having the three phases. The second was more of the nuts and bolts of the process of dedicating the roads, at what point there are two different ways to go, where the road is dedicated early on, and escrow put in place to cover the topcoat, once a predetermined number of houses have been built. The other is, once the road is built, and then they start building lots that a maintenance agreement with the town is put in place, and the dedication is done after the topcoat is put on. I have not heard whether the board had a formal conclusion. I have heard their informal opinions and Counsel Molnar stated that he had not had a discussion with the Town Attorney.

Mr. Camp said that he had sat in on the executive session and the Town Board did ask for him to convey to the Planning Board that they are generally in favor of the phased approach, and basically everything Bob said was, what occurred in the meeting. During the executive session they just talked through some additional details regarding the potential maintenance agreement, and just generally discussed ways in which the town can set up the process so it would protect both the town itself as well as the actual roads. I think that, you know, save for working out some of the details and the actual language of the road agreement, which I did provide them, provide the Town Board with some examples of that today. The town is, like I said, generally in favor of the phase approach. Mr. Eggleston said that as anyone who has done development, getting the approval is the simple part; it's putting everything else in place. the financing, getting the contracts is ready. Chris has a local contractor, it will be Lake Country Construction, who will be doing the work, do a lot of heavy road roadwork and this type of thing, and not to mention that they are a women owned company, He's ready to get going so that things are stabilized before they get too late in the season.

Chair Kasper commented that he had had a three-way conversation with Janet and Brody regarding the Town Board's position on phasing. They have not come up with a total solution how to do the dedication; I guess the Town Board will be working on that. But we must go ahead to consider moving on to getting the phasing done, and then they will work out the road maintenance agreement, so we can move forward on this phasing part. As you all know they're worried about the road holding up by the time it's completed. They keep on bringing up the Enclave how the road has failed, and it wasn't top coated right away and that caused the breakdown of the road. I leave up to John Camp, he's going to probably must come up with a schedule of inspections that are going to be required, such as compaction, coring of the basecoat, and inspections of the storm water controls. That's the important part to make sure it's built so it does hold up. And I think that's most of the issues with failed subdivisions is roads not properly constructed or issues are covered up.

Mr. Camp said that when they do this in other municipalities, they have a set system in which they will send a construction inspector out on the site that will be paid for with an escrow account funded by the developer. These folks are experienced in inspecting this type of work like Don says they'll review compaction tests, they'll test the gravel subgrade, they'll review material sheets from the asphalt plant, will take cores of the asphalt as it goes down, check grades, review the size of and locations of stormwater facilities and all the public infrastructure. That person would not necessarily be there, you know, 8 to 10 hours a day, but it would be multiple times a week, that they would be out there for several hours of time. Chair Kasper commented that the water lines would be put in by the private contractor. Mr. Camp agreed and said that they will be dedicated to the town and would still need to be inspected and tested.

Chair Kasper said that new drawings will need to be created just for phase one, as we got the master plan of all three phases. Engineering wise, you want a plan just for this one phase with all the details on it, then file the map with each phase as its own separate subdivision. Mr. Camp agreed and commented that the

board does need something to approve and that would be the drawing specifically for the first section. Mr. Eggleston stated that his understanding is the Ed Reid has put the addendum drawings that were submitted with this amended application, and that cover the details for the connection that we presented. Reid has done this, and what I'm thinking is, does it make sense that John can't just do a final review in coordination with Ed Reid to be able to confirm that C&S has the require drawings for the development. Chair Kasper said that it is his understanding is this is going to be a standalone project. It's a phase but really we don't want to be confused with the overall master plan, but you've got to break down the drawings for each phase. Mr. Camp said that this board is only going to approve one phase at a time, so it needs to go on and show only that that phase being considered. The county will need accordingly the subdivision map for only a third of the thing.

Mr. Eggleston said that they will be back before the board for the final map with all the easements on it. Chair Kasper said that there were couple of options the Town Board talked about, dedicating the road and all utilities all at once, or leaving the road out just dedicated utilities, so they can sell off the lots. But the easements were put on all the property wherever there's drainage easements necessary on the private property, which the attorneys would work out. He said that those construction drawings will need to be done and inquired if the perc tests have been done and if they have moved on with the county health department on the lots. He continued asking how fast they are anticipating getting approval to start construction. Mr. Eggleston stated that the county health department doesn't have to have septic approval, until we do the final map, which is six months out or whenever they do the map. He continued saying that most of the earthwork will be done in the next, well, Tracy said six weeks barring any major weather delay, but the likelihood is we're not going to be able to get a binder coat on before the plants close, only if everything works perfectly. We got to get the binder coat down before we can even begin to talk about the options with the town as far as finalizing dedication or maintenance agreements.

Chair Kasper stated that the board will have to approve the construction final construction drawings and all preliminary approval for you to start construction, which will need the health department sign off on the water lines and septic. Mr. Eggleston said that he was anticipating that Ed Reid would be on the call. Mr. Graham stated that he does not know where the water line stands with the health department but that they are fine on the sanitary. He did talk to Jeff Till last Friday and he did discuss the water line hookup because he's hoping to try to get a house started in there, maybe this fall. That was a question he brought up so I don't know the answer on that, but Ed Reid may have the answer.

Mr. Eggleston recapped what the board would like to have submitted including the waterline department approval of the details, and a set of phase one only drawing, as opposed to everything. We're ready to go with a letter of intent and the SPEDS permit to be done in a matter of days, so we'll get the permit going. Chair Kasper suggested that Mr. Camp should talk to Ed Reid on what approvals are needed for the approval to move forward. I did talk to Brody and Janet, and we are only talking about the approval for phase one. When you get to phase two, you know we accepted the whole subdivision, but if it's three, four years down the road the Planning Board's going to have another look at it to make sure all the DEC regulations are updated. Mr. Eggleston said that the DEC at least will be frozen in place based on the start and continuation of the SEPDS permit, and if we keep an open permit we're under the rules in which were in place from the start. Chair Kasper commented that the Town Board still wants to make sure we discover issues in the first phase that we can correct it in the second phase. Mr. Eggleston acknowledged that they would be back before the second phase is started. Counsel Molnar stated that phases two and three are still subject to Planning Board review and approval.

Mr. Eggleston inquired if there was escrow established in the original approval. Mr. Camp commented that the fees related to construction of the phases has not yet been put together, but they can do that relatively quickly. Chair Kasper stated that in his experience escrows and guarantees were not submitted until the

property map was filed. Mr. Eggleston commented that it would be for engineering inspections during construction for both the waterline, stormwater construction, and the road construction. Chair Kasper recommended that the applicant get the town to commit what they're going to do so, so in one month or two months' time when you want to file a map that you're not shocked or you can open the discussion.

Mr. Eggleston inquired if the board will be doing a conditional approval upon review of the requested documents submitted and approved by Mr. Camp. Chair Kasper said that the board is not ready to do a conditional approval tonight, as the drawing of the first phase will need to be submitted. Counsel Molnar said that to the extent that the Planning Board agrees with this application we should summarize it in a resolution adopted this evening, which covers these major talking points we have just gone through and makes it conditioned upon of course Town Board review and approval of the maintenance agreement as and when that comes aboard, Town Board's approval of the dedication sequence and process, and any other special conditions the Town Board might require based upon the conversations from last evening; John Camp's review and approval of the phasing plans for water, septic and stormwater and the road and proposal for construction inspections and escrow to be satisfied, or by the end. That's my summary of this discussion that I think needs to be wrapped up into a resolution.

Chair Kasper said that Chris wants to get started on a house on this thing, and the board will need to determine when he can start it, whether it is when the roads cut in or what. Mr. Camp stated that he could pull a permit to construct a single house through the Code's office. I don't know if that's what he intends to do but he could. Chair Kasper commented that he just mentioned a little while ago, he'd like to start a house. Mr. Eggleston commented that he can propose a house on what will become a lot, because he's allowed to have 20 houses, 30 houses on the spot, but he could possibly start a house at his risk on one of the proposed lots. Chair Kasper commented that the board would like to see him be successful on this and I like to see a house that we always started a house before the subdivision was done so, when we were able to sell it, we were able to sell it, it was done. You know you'll be waiting forever for utilities from the power company. He continued saying that Counsel Molnar will come up with a resolution, Mr. Camp gets his drawings he will come up with an inspection schedule; once the road is filed they will do a letter credit or guarantee, and I guess you'll have to share with John Camp the construction costs so he can do his percentage or whatever his recommendations to the town.

Counsel Molnar recapped by saying that he is going to put together a draft resolution, which amends the prior approval of the Planning Board, takes into consideration all these discussion points, and will be reviewed and approved by the Planning Board at its next meeting. Until then, all these other things will be fast tracked to obtain approvals and create schedules and drawings on phases, etc. So to the extent that the applicant could pull a permit at the applicant's risk to start constructing a home or otherwise, but all of this will congeal in a Planning Board meeting next month. Chair Kasper said that if they can get their part done, and we'll have to share that resolution with the town attorney. Counsel Molnar said that its resolution would memorialize this board's approval in many aspects and respects and right now it's complicated and I'm going to have to review this transcript with Karen to make sure we get it right. I would present it for everyone to review and approve at the next meeting. The draft would be available to the applicant before the meeting. Mr. Graham and Mr. Eggleston shared their appreciation of the board tonight and Chair Kasper commented that they want to see the applicant succeed.

## **Discussion**

### **Local Law 3 of 2021 Proposed Amendments to Section 148-8-9 of the Town Code**

The board had vetted the minor changes for the nonconforming section in previous meetings and the Town Board is just doing their due diligence and referring it one more time for any Planning Board input They are proposing an effective date of January 1, 2022 and is the board comfortable with that or if an effective

date earlier should be recommended that to the Town Board. The Town Board will have a public hearing on the proposed local law on October 18, 2021. The board concurred that they would recommend that the law go into effect as soon as possible, assuming that the revisions are adopted by the Town Board.

The timing of adoption of the proposed law by the Town Board will impact the Nulty application. The reason he was not present at tonight's meeting is that the proposal now requires variances from the ZBA for setbacks. Counsel Molnar stated that adopting the proposed law will impact the application. Remember the area of law here is that a party is not entitled to adjudication according to the statute or code in effect at the time of the application until they are vested, which is an approval of some nature which is material to the application. So right now, the applicant has the application pending before the Planning Board and will have need to obtain the Zoning Board of Appeals approvals for the proposed variances. The application before the Planning Board would be arguably to obtain approval on the existing law which permits the Planning Board to render findings that the increase in the impermeable surface coverage (ISC) is related to some health or safety concerns on the property, storing propane and gasoline in the shed, etc. However, the ZBA and the Planning Board both have asked the town to reset the law term and return it to its original condition so that an increase in ISC is reviewed by the ZBA according to a variance that would take away that aspect of the application from the Planning Board. Once this law becomes effective and returns to its condition before January one of this year. However, the application still is subject the Planning Board review and approval because there's a special permit, which covers this property, which was a lengthy thorough review, some litigation, and was very important to the Planning Board. As a result, this application still needs an amendment approval from the Planning Board concerning the special permit which exists on the property, so they needed variances from the ZBA for the side yard setback or placement of the shed, three feet from the property line, they will arguably if the if the law changes and passes, as soon as possible, be required to obtain a variance to meet ZBA for an increase in ISC. After that's approved then the Planning Board can look at this and if it agrees to issue an amendment to the special permit to permit that shed on this lot. So, that's how it would all roll up. It's complicated. As part of the five criteria the ZBA reviews all applications, and health safety and welfare of a neighborhood or community will be taken into consideration.

**WHEREFORE** a motion was made by Chair Kasper and seconded by Member Hamlin and, upon the affirmative vote of all Town of Skaneateles Planning Board Members present, **RESOLVED** to recommend adoption of Local Law 3 of 2021 Proposed Amendments to Section 148-8-9 of the Town Code, with the recommended modification for the effective date to take effect immediately upon filing with the office of the New York Secretary of State, reserving to the Town Board the obligation to complete SEQR review as required.

### **Attorney Advice Session**

**WHEREFORE** a motion was made by Member Hamlin and seconded by Member Marshall to enter an attorney advice session. The Board having been polled resulted in favor of said motion.

**WHEREFORE** a motion was made by Member Marshall and seconded by Member Holbein to return from attorney advice session. The Board having been polled resulted in favor of said motion.

The Board returned at 7:58 pm.

**WHEREFORE**, a motion was made by Chair Kasper and seconded by Member Marshall to adjourn the meeting. The Board having been polled resulted in the unanimous affirmance of said motion. The Planning Board Meeting adjourned at 7:58 p.m. as there being no further business.

Respectfully Submitted,  
Karen Barkdull, Clerk

Additional Meeting Attendees:

Robert Eggleston	Mark Tucker
Chris Graham	Carolyn Anne Copenhaver
Maria	Read Spear
Bryan Lubel	PD iPhone