

**TOWN OF SKANEATELES PLANNING BOARD  
MEETING MINUTES  
December 15, 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 November 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 Member Estes to approve the minutes as corrected. The Board having been polled resulted in the unanimous affirmance of said motion.

**RECORD OF VOTE**

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

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

Applicant	Emily Porter	Property:
	601 13 <sup>th</sup> St Suite 230	3171 East Lake Road
	N. Washington, DC 20005	Skaneateles, NY 13152
		<b>Tax Map #040.-01-22.0</b>

The public hearing for the application is awaiting the Zoning Board of Appeals decision and as such has been rescheduled.

**WHEREFORE**, a motion was made by Member Estes and seconded by Chairman Tucker to reschedule a public hearing, on ***Tuesday, January 19, 2016 at 7:30 p.m.*** The Board having been polled resulted in the unanimous affirmation of said motion.

## Continued Review –Site Plan Review

Applicant Theodore & Nancy Norman  
8665 Duarte Road  
San Gabriel, CA 91775

Property:  
1992 West Lake Road  
Skaneateles, NY 13152  
**Tax Map #058.-01-17.2**

Present: Robert Eggleston, Architect; John Langey, Legal Representative, Rudy Zona, RZ Engineering.

Mr. Eggleston stated that there were previous discussions regarding the application and it was determined that this application will only require site plan approval. Included in the December 1, 2015 revisions is an overall site plan reflecting the conservation subdivision that consists of lot 2 at 43,598 SF, lot 1 at 69,510 SF and the conservation land of 3.8 acres. The grading plan reflects that the south end of the proposed dwelling will occupy a smaller footprint than the existing dwelling and would be located 57FT to the watercourse whereas the existing dwelling is located 54FT to the watercourse. A proposed swale is located between the dwelling and the watercourse that would direct stormwater to the rain garden located in the northeast portion of the property.

As stated at the last Planning Board meeting, the French drain located in the parking area in front of the garage structure will collect any runoff and travel through the underdrain along the driveway to the rain garden. The watercourse remediation work has been completed including the trimming and fertilizing of the trees along the watercourse.

The narrative has been revised to include the applicant responses to the site plan standards and criteria, and the rural siting principles guidelines. In addition, there are similar property listings of dwellings within ¼ mile that have 4,000-7,000SF dwellings.

Member Winkelman inquired on the acreage of the subdivision. Mr. Eggleston stated that the total acreage of lot 1, 2 and the conservation lot is 6.2 acres. Member Winkelman inquired on the square footage of the structure. Mr. Eggleston replied that the living space consists of 4,486SF of living space, 1,225SF of porches and deck, and 624SF garage. Member Southern inquired on how much of the proposed dwelling is located outside of the building envelope. Mr. Eggleston stated that the design had not changed since the last proposal.

Chairman Tucker inquired of Mr. Camp if the swale should be proposed or if it might be better to allow the stormwater to sheet across the grass. Mr. Camp commented that sheet flow almost always provides better treatment for stormwater rather than concentrating it. Mr. Eggleston inquired if it would be better to put any swale further out or eliminate the swale. Mr. Camp commented that any time water can go through natural cover it will be better in terms of water quantity and quality. Mr. Eggleston inquired if the swale should be removed. Mr. Camp stated that the suggestion of the swale was made to mitigate what was proposed with the concerns expressed by some of the members with the proposed dwelling's proximity to the watercourse. Chairman Tucker stated that he would prefer to have it sheet. Member Winkelman suggested that a middle ground might be to have gutters on the house and pipe the stormwater to the rain garden. Member Kasper commented that the driveway area has already been designed to capture the stormwater. Mr. Eggleston agreed and stated that the applicant has Rudy Zona/RZ Engineering assisting with any drainage improvement that may be necessary for the project. He continued stating that the stormwater can be captured from the roof through a gutter system and directed to the rain garden.

Member Estes inquired if the issue of the type of review the application should have concerning section 148-12 with redevelopment and the tearing down of the dwelling, proposed rebuilding in the same location, and there is a building envelope on the same lot. Counsel Molnar stated that it had been addressed and that the application is subject to site plan review and not special permit and site plan review. He continued stating that a special permit is not required as the proposed project does not exceed the threshold or dimensional limitations of the section being cited. He continued that the lot is a conforming lot and advised that the Board may want to enter attorney advise session if a discussion would like to continue from last month's attorney advice session on this same topic.

### **Attorney Advice Session**

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

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

The Board returned at 8:10 pm.

Mr. Eggleston inquired if there were any additional questions regarding the site plan criteria from the Board. Member Kasper stated that in his opinion, the Board cannot act on the proposal as submitted because the existing structure is being torn down and rebuilt outside of the approved building envelope, and the Board does not have the authority to approve construction outside of the building envelope. He continued stating that the applicant can build inside of the approved building envelope if the existing structures are being torn down, or ask for a variance from the Zoning Board of Appeals to build outside of the approved building envelope.

Counsel Molnar stated that since the existing dwelling is a pre-existing conforming dwelling, if it would stay then additions to it within the approved building envelope could be reviewed by the Planning Board under site plan review; but because it is a proposed teardown it makes a difference. Member Estes stated that as we have mentioned before, we would like to see the proposed dwelling designed to be in the approved building envelope as it is laid out on the plat plan, or re-submit with the existing building in place, and not tearing it down, with proposed additions subject to site plan review. Counsel Molnar stated that it is an existing open space subdivision with an existing dwelling that is conforming according to the subdivision that was created and approved making conforming lots. Any addition to the approved dwelling would have to be in the approved building envelope and is subject to site plan review criteria due to its proximity to the lake and size of dwelling.

Member Southern stated that the applicant always has the option of going to the Zoning Board of Appeals for a variance. Member Kasper reiterated that the Board does not have the authority to approve building outside of the approved building envelope if the existing dwelling is torn down.

Mr. Eggleston requested Mr. Langey's comments on the project. Mr. Langey, attorney for the applicant, stated that he is just hearing these comments for the first time and would like to consult with the applicant and Mr. Eggleston. He continued stating there is some engineering that was previously discussed that will need to be addressed concerning runoff at the site and the Board's concerns. He suggested that the application be continued to the next meeting. Mr. Eggleston stated that he was surprised by the comments and thought they were passed this. Mr. Langey stated that he represents a lot of Planning Boards just as Counsel Molnar, that it is difficult when the Board is wearing one hat and they get into interpretation of the code itself and sometime the code is handled in a different way. He continued stating he will have a more formal response at the next meeting. Mr. Eggleston confirmed that re-submittals would be 10 days before the next meeting.

**Merger Request**

Applicant: Hobbit Hollow Farm LLC/Michael Falcone  
 3061/3075 West Lake Road  
 Skaneateles, New York  
**Tax Map #051.-02-08.2 & 051.-02-09.0**

The applicant is requesting the merger of his two adjoining properties. The principal property that surrounds the second property on three sides, is 99 acres with a dairy farm, Hobbit Hollow Bed & Breakfast, and two dwellings under 2500SF. The second property, the Whitmore cottage, has a small dwelling located on .66 acres. The two dwellings on the Hobbit Hollow property and on the Whitmore property are used by family members occasionally. Member Kasper commented that is a positive move to merge them. Mr. Eggleston stated that the Whitmore cottage needs a new septic system that would encroach on the existing property line and this is one of the motivating factors to merge the two properties. The requests complies with section 148-11K. Mr. Brodsky stated that the advantage of the merger is that if the Whitmore property were subdivided in the future it would be required to be a conforming lot.

**WHEREFORE**, a motion by Member Kasper and seconded by Member Southern to notify the Town of Skaneateles Tax Assessor that this Board has no objection to the request to merge the two parcels. The Board having been polled resulted in the unanimous affirmance of said motion.

**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]

**Discussion- Local Law C Abandonment**

The Planning Board discussed the proposed draft legislation--Abandonment. There were minor adjustments to the wording and after a full discussion, it was decided that the time frame for minor and major projects would stay as proposed in the draft.

**WHEREFORE** a motion was made by Member Scott Winkelman and seconded by Chairman Mark Tucker that the Town of Skaneateles Planning Board is in support of adoption of

Local Law C- Abandonment with the suggested modifications above. The Board having been polled resulted in the majority affirmance of said motion.

**RECORD OF VOTE**

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

**WHEREFORE** a motion was made by Chairman Mark Tucker and seconded by Member Joseph Southern that in the event that the proposed abandonment law is adopted by the Town of Skaneateles, that the Town of Skaneateles Common Application form be modified to include abandonment language. The Board having been polled resulted in the unanimous affirmance of said motion.

**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]

**Attorney Advice Session**

**WHEREFORE** a motion was made by Member Estes and seconded by Chairman Tucker to enter an attorney advice session. Member Winkelman was absent from the vote. The remaining Board members having been polled resulted in favor of said motion.

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

The Board returned at 9:10 pm.

**Discussion- 148-12G(1)(a)[6] recommendation**

The Planning Board discussed the DRAF Fund research from it's inception in 2007 and the report of unimproved land that has sold in Skaneateles since 2010. Modification to the DRA Fund was proposed with a recommendation letter to be sent to the Town Board for consideration.

**WHEREFORE** a motion was made by Member Estes and seconded by Member Winkelman that the Town of Skaneateles Planning Board send their recommendations to modify the DRA Fund valuation.. The Board having been polled resulted in the unanimous affirmance of said motion.

**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]

**Discussion**

The Board discussed reappointment of Scott Molnar for Legal Counsel, Howard Brodsky for Town Planner, and John Camp/C&S Engineers for Planning Board engineering counsel for the year 2016.

**WHEREFORE** a motion was made by Member Joseph Southern and seconded by Member Elizabeth Estes to re-appoint Scott Molnar as Planning Board Attorney, re-appoint Howard Brodsky as Town Planner, and re-appoint C&S Engineers as Planning Board Engineers for the 2016 calendar year ending December 31, 2016. The Board having been polled resulted in favor of said motion.

**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]

As there was no further business, a motion was made by Member Winkelman and seconded by Member Estes to adjourn the meeting. The Board was in unanimous affirmance of said motion and the meeting was adjourned at 9:20 pm.

Respectfully Submitted,

Karen Barkdull, Secretary/Clerk