

**Town Board Meeting**  
**May 15, 2017**  
**6:00 p.m.**

**Present:** Supervisor Lanning, Councilor Brace, Councilor Howard, Councilor Badami, Councilor Coville, Attorney Smith.

**Also Present:** Doug Clark, Ted Spencer, Tom Hanley, Maryann Baichi, John Baichi, Dan Heinrich, Lisa Conley, Kevin Conley, Rob Howard, Sue Murphy, Bridgett Winkelman, Bruce Holstein, Debi Remaley, Karen Brogan, Jason Slottje, James Adydan, John Cherundolo, Denise Pople, Allan Wellington, Julie Stenger, Karen Barkdull, William Hanley, Joe Southern, Kevin Texeira, Larry Comeau, Michael Kelly, Deb Williams. Tom Trytek, Edward Heinrich, Charles Cargile, Jim Chapkman, Brian Elwell.

**Department Reports:**

*Highway, Water, Transfer Station:* Allan Wellington reported that they milled pavement on County Line Road and Highland Avenue to prepare for repaving. He sent two trucks to the Towns of Tully and Otisco to help them pave. They replaced two driveway culverts and cleaned numerous plugged catch basins. Ditches were also cleaned on Cemetery Road and he contracted with Onondaga County Soil and Water Conservation District to hydro seed these ditches. In the Water Department they repaired a broken water service for the Hilltop Restaurant, repaired two curb boxes damaged by County mowers and repaired lawns due to water systems repairs. In the Transfer Station they sent out the first truck load of cardboard (34 bales weighing over 15 tons) since the start of baling. Both the Town Constable and NYSDEC Officer were checking hang tags and covered loads on Saturday.

*Parks Department:* Sue Murphy reported that a new employee started today. The school would be holding their DWI program for juniors and seniors in the Austin Pavilion parking lot. They removed a tree on the Charlie Major Nature Trail, put up the ceiling in the Austin Pavilion and are doing mowing and weeding.

*Budget:* Bridgett Winkelman reported that she is updating the information on the DASNY grant, submitted payroll 10 and acknowledged the amazing job the Highway crew did on converting two bathrooms to one handicap accessible bathroom. The rest of the Town Board chimed in thanking the crew for their outstanding work.

*Resolution 17-095*

**Minutes:** On a motion of Councilor Howard, seconded by Councilor Coville and with unanimous (5-0) affirmation of the Town Board, the minutes of May 1, 2017 were accepted as presented.

**Public Comment:** Supervisor Lanning asked that any comments regarding the Marina proposal should be held until that item comes up on the agenda. No one came forward on any other subject.

*Resolution 17-096*

**Seasonal Parks Hires:** On a motion of Councilor Badami, seconded by Councilor Brace and with unanimous (5-0) affirmation of the Town Board, the following seasonal employees were

authorized to be hired. PlayDay Counselor: Nathan Wellington; Lifeguards: Natalie Condon, Mia Grasso, Brady Iles, Crocefissa Bianchi; State Boat Launch: Nick Smolinski.

*Resolution 17-097*

**Commercial Use of Tennis Courts:** The Town Board reviewed the updated Tennis Court Use form that sets fees for residential, non-residential and instructor use for reserving the courts. The Town Board agreed to delete the insurance requirement for instructors and to reduce the seasonal rate (May-October) for instructors from \$200 to \$100. Reservations will be limited to two courts at any given time in order to keep 4 courts open for public use. Supervisor Lanning said he checked with other Towns and they are all requiring fees when reserving tennis courts or giving lessons. All reservations would be made through the Parks Department and fees paid at the Town Clerk's Office. The Board asked to have the rules posted at the tennis courts.

On a motion of Councilor Brace, seconded by Councilor Coville and with unanimous (5-0) affirmation of the Town Board the updated Tennis Court Policies and Regulations form was approved that removed the insurance requirement for instructors and lowered the fee from \$200 to \$100 for the seasonal use by instructors and required that policies and regulations be revisited and reviewed again next fall.

*Resolution 17-098*

**Transfer from the Developments Rights Acquisition Reserve Fund:** On a motion of Councilor Howard, seconded by Councilor Coville and with unanimous (5-0) affirmation of the Town Board, a transfer of not to exceed \$100,000 was authorized from the Development Rights Acquisition Reserve Fund to purchase 10 acres of development rights on the Karlik property, subject to the permissive referendum requirements of Town Law.

*Resolution 17-099*

**Authorize Survey of Karlik Property for Development Rights Purchase:** On a motion of Councilor Howard seconded by Councilor Badami and with unanimous (5-0) affirmation of the Town Board, the \$1,500 survey costs submitted by Paul Olszewski that will include the highway boundary determination, and mapping and legal descriptions was authorized.

**Consider Townwide Mailing Regarding Library:** Supervisor Lanning stated that the decision on the library will also impact Town residents and he questioned if a survey should be mailed to all Town residents in order to hear their concerns. Councilor Brace said it would be difficult to determine the questions to ask. She also thought there have been several public meetings and there are future public meetings planned that have been well publicized with opportunities for the public to comment. She said the Town does not have a role to play in this.

Councilor Badami said he sits on the Village Zoning Board of Appeals and would have to abstain from this conversation because if the project moves forward it will likely come before that Board.

Councilor Coville said that the Town has no vote on this and we can't take one side or the other. It is a private entity proposing this.

Supervisor Lanning said he believes that residents outside the Village are not being listened to and that some of their public meetings should be in the hamlets.

Councilor Howard said there has been a lot of open discussions on this with mailings and publications.

The topic was tabled.

**Skaneateles Marina Dock Proposal:** Supervisor Lanning said that in January/February the Marina proposal was submitted to NYS Office of General Services who has jurisdiction over the lake. The Town of Skaneateles does not have jurisdiction over the lake but does own the road and launch next to the Marina. There is an existing encroachment by the Marina on the Town property that the Town and the Marina have a license agreement on. There was an oversight that adjacent property owners including the Town of Skaneateles were not notified of this proposal until April 28<sup>th</sup>. On May 12<sup>th</sup> the Town received a detailed schematic of the proposal. He said the Town's concern is whether the Town residents have sufficient access to the lake from where boats launch out into the waters without being diverted north in front of private property. Based on that concern the applicant has agreed to eliminate a row of docks on the north side to gain greater access for Town of Skaneateles launched boats. The proposal calls for 130 boat slips on a floating dock system. The furthest buoy that exists now is 540 feet from shore and the end of the dock system is 460 feet from shore. It appears that the latest sketch has angled the docks more to the south.

John Cherundolo said he has owned the Marina since 1987 and looking at the operation and the structure, nothing has changed and generally there is the same number of boats. He said about four years ago the wall washed out and was replaced with a steel piling wall in the identical location. The dock can be used by users of the boat launch as well as for Marina business. In 1983-84 Truswells built the original structures and there was a question and litigation in 1985 as to when Lacy Road came in. The owner at the time, Vaughn Lang said that the road came in after the Marina was built and that the Town took over land that was owned by the Marina. The Town contended that the Road was there prior to this. Back when Mr. Truswell owned it he used to charge \$2 for someone to use his property as a turnaround because there was not enough room on Lacy Road to turn around your boat unless you came on Marina property. The dispute was settled and a license agreement was signed in 1985 between the Town and Mr. Lang that allowed the Town to use the turnaround as long as the Marina building that goes along Lacy Road would be left alone and the dock where it was would be left alone. He apologized to the Board for the late notice of the project. They thought the State was handling the notices.

Mr. Cherundolo said that their plan is to get the boats off the land in the summer and into the water. They have a permit with NYS Office of General Services (NYSOGS) since at least 1987 which had lines drawn as shown on the original proposal. They are now making a change and suggesting to NYSOGS that they will remove the one section of dock on the north end to the south end which will be directly in front of the property he owns south of the Marina. They also adjusted the east to west line on the northerly end so that it comes straight down to meet the south border of Lacy Road.

Supervisor Lanning said that the original narrative said that there were 40 boats on moorings and 40 boats on shore and 40 boats on a waiting list. Mr. Cherundolo said that was not accurate. During the peak hours in the summer time they have anywhere from 60 to 75 boats on land. The big concern that the Marina has and everyone in the Town has is after 9:30-10:00 a.m. on weekends the NYS Boat Launch is full. The only other place to launch a boat is at the Marina. Between their 60 to 75 boats on land and the constant line of people waiting to launch their boats, their hope is to eliminate the long line waiting to get on the lake by installing the dock system. The plan is to get the boats on the land in the water and to use that land for parking. He said Tom Trytek who is an engineer with TDK Engineering can tell you that the property can handle 105 cars if you bring cars into the existing pole barn structures. The customers trailers will not be on the property during the summer with the floating dock system.

Tom Trytek from TDK Engineering explained that once the boats are in the water the trailers will be stored elsewhere offsite and the intent is to put cars in the two pole barn structures which would add about 42 more parking spaces. He said a typical design standard is .6 cars per mooring slip or 78 parking places. Without utilizing the buildings there are 63 parking spaces and with adding the 42 spaces in the buildings you have a total of 105 spaces.

Debbie Williams said she has been a customer there for 35 years and not everyone uses the Marina at the same time. Some people only use their boats a couple times the whole season. Not every single customer is there at the same time.

Supervisor Lanning said what assurances does the Town have that boats that are coming out of the buildings and put on the lake that those places won't be filled with more boats. Mr. Cherundolo said that the boats from the floating docks will be back on land in November so there has to be room for them in the buildings. During the season that area will be dedicated to customer car parking. Debbie Williams said that they do service boats at the Marina so there may be a few boats on land that are being serviced.

Mr. Cherundolo assured the Town that residents using the boat launch could still tie their boats up to the Marina dock when they are moving their trailer to the Town parking lot.

Debbie Williams said that currently there are two ramps at the launch and the Marina uses one to put boats in and when there is an overflow at the NYSDEC boat launch the public uses the other ramp to get on the lake which creates a long line. With the floating docks the public will be able to use both ramps.

When asked about the height of the docks off the water, Dan Heinrich from Leatherstocking Lake Services who will be building the project said the floating docks sit roughly 22 inches off the water. The boats would sit higher than the dock system.

Mr. Cherundolo confirmed that the turnaround will still be available for the public to use when launching their boats.

Councilor Brace said that the drawing does not show the boundary of the Town's right of way. The centerline of Lacy Road is only marked. The drawing does not show additional properties

south of the Marina to see how far the boat system would extend in front of their property. She said that it is lacking a full picture.

Supervisor Lanning asked about rest rooms because it is an expansion of the existing use. Debbie Williams questioned how is it an expansion? It is the same number of boats. Mr. Cherundolo said currently 40 boats are moored, 15 boats are rentals and 60-75 boats are stored on land. He said they have always had three port a pottys on site that can be used by anyone. That is the only bathrooms they have onsite.

Councilor Coville asked if there was any preference for Town of Skaneateles residents on their waiting list. Mr. Cherundolo said that he believes that the majority of his customers are Skaneateles residents. Mr. Cherundolo said no there is not a preference. Supervisor Lanning questioned if it was even legal to give that preference.

Councilor Brace said that they are parking on public land and questioned if they have a license to do that. Mr. Cherundolo said they are not parking on public land. Councilor Brace said the Town's right of way would be on public land and said this is a change and questioned if part of the license agreement allows for access and parking there.

Mr. Cherundolo said the license agreement has been a nice arrangement over the 30 years that he has owned the Marina. If the Town's needs to amend the agreement to state that the Marina can't put boats in that building during the season, except for those being serviced, he is willing to do that. He believes that they can do this without having any parking on Lacy Road.

Supervisor Lanning said this is not a public hearing but opened it up for public comment.

Tom Hanley said he lives near the Marina and there could be hundreds of cars looking for parking spots on a hot summer day. He does not believe there is enough room for the parking.

Bruce Holstein has been using the Marina for over 13 years and said he uses his boat a lot and he believes that this will help with the congestion and backup at the boat launch because it will eliminate boats being put in by the Marina. He said there is a safety issue because too many boats are going in and out on the weekends and believes that the floating docks will be a huge advantage over the current situation.

Lisa Connolly said the floating docks will make it much less congested and a much safer situation getting in and out of the lake and it will be a much calmer experience for everyone involved.

Jason Slottje presented some photographs and said his property is just north of the Marina. He said he has no interest in seeing the Marina harmed. He is concerned for the lake and about the values of lake properties north and south of the Marina and the enjoyment of these properties. In referring to one of the aerial pictures he said that the Marina's dock was rebuilt outside the footprint of the original dock and that it was angled to the north. That happened about 4 years ago and at the same time 4 moorings were added to the north side of the mooring field. He noted that there are no engineered drawings of where the Marina property lines are and believes the

Marina dock is sitting in the Town boat launch. This causes boats launching to go north in front of his property. This is a life and safety issue plus the enjoyment of his property. He finds it hard to believe that putting 55 - 240 pound tanks with concrete, rust covered (some are plastic) and putting 60 tons of steel and concrete into our lake could be good for the environment. He also noted that there is nothing in the proposal that improves the property, with paint or beautification. He believes the only thing this project does is improve Mr. Cherundolo's bottom line. He said there are 60 boats on the property today and that is an average, and while Mr. Cherundolo said there are 15 rentals when he believes there are never more than 7 motorized rentals and 4 are always stored on moorings in front of the Marina. He is concerned that the Town Code calls for no more than 10% impermeable space for parking on a property. He said the Town does have a say if the property is now going to be turned into a parking lot and he believes the Town does have jurisdiction. There is no SEQRA on this property. He would like to see the drawing of the project include the property lines of the survey. He is also concerned about what happens after hours and the environmental issues with boats sitting in the water, gases, pollutants and oils.

Joe Southern, Chair of the Planning Board said that this is a pre-existing non-conforming lot dating back to when there was no zoning.

Attorney Smith said that with all the comments, the applicant should have a right to respond at the end.

William Hanley said he lives north of the Marina and his family has enjoyed that property for 27 years which he bought from his parents in 2011. He believes the dock proposal will be a life changer for him and that the peace and quiet of our lake will be gone forever. He is concerned about the increased activity plus the ability for users of the Marina to party on their boats.

Supervisor Lanning said one of the Town's main concerns is to have unfettered access from the end of the dock into the water. Removal of the section of dock that Mr. Cherundolo did certainly has helped. Mr. Cherundolo presented pictures of before the dock was repaired and after it was repaired. He believes it is identical. He also commented on Mr. Hanley's comments saying he lives at 1916 West Lake Road and does not like to see the boats on the moorings. They have done their best to keep the boats within their license with NYSOGS and have tried to shrink the boats within the license area. He honestly believes the docks are the answer. From an environmental issue the boats whether in or out of the water will still be in the Skaneateles watershed. He believes it takes care of the huge traffic and parking issue. The docks will be on a gangplank so that the dock can be lifted up during evening hours. They have 24x7 cameras and solar lighting. He can't remember ever having an issue. Supervisor Lanning questioned the gangplank. Mr. Cherundolo said that it will go from land to the dock system.

Edward Heinrich said that he formerly held the position of Regional Director of NYS Parks & Historic Preservation which has the jurisdiction for all the moorings in all the lakes in NYS. He suggested that probably only 5% of the moorings on Skaneateles Lake are legally licensed. He said tonight brings back memories on a park parcel that was donated in Cazenovia that created hysteria similar to that comments tonight. He said that NYS Lakes belong to everyone within the State of NY and not the landowners who reside on the lake. He lives directly across from the

Marina and he is there all summer long until late fall and said there are very few occasions where he would ever complain about the boat traffic on Skaneateles Lake.

Bruce Holstein said having to walk up Lacy Road to the Town's parking lot can a safety issue and this will reduce the number of people that will have to do that. He said few people use the Marina during the week and on weekends about 30 people use their boats. He doesn't believe there will be hundreds of cars. He said he is not partying and is respectful of the lake.

Karen Brogan said that she lives on West Lake Road in the Town of Skaneateles and has used the Marina for 16 years. The traffic at the public boat launch has increased and she said it is not so much from the Marina but from people discovering there is a public boat launch there and they don't know the rules, they don't know where to turn around. Another big addition is the kayakers. She said she is not unsavory, does not party or harm the lake. She believes this proposal addresses the safety issues currently at this site. This is a beautiful lake and you can't stop people from wanting to use it.

Al Cappuccilli said he believes the lake property line goes to a point at the water where your property stops and the rest is owned by NYS. He said dock system is in line with the Town road and the Town does not own beyond a certain point.

Councilor Coville wanted clarified if parking on the Marina property is for customers only. Mr. Cherundolo said that is correct, customers only.

Supervisor Lanning said there are very passionate feelings about the lake. The Town understands the late notification was an oversight. He thanked everyone for coming.

**Stauffer:** Supervisor Lanning said that he and Attorney Smith, NYSDEC, and representatives of Astra Zeneca will be meeting on May 24<sup>th</sup> to discuss the possibility of the property being donated to the Town.

**Randall Arendt's Report:** Supervisor Lanning noted that Randall Arendt's report has been received and referred to the Eastern Gateway Committee and is on the Town website.

**Miles Property:** Attorney Smith said that the Donation Agreement has been submitte to Mr. Miles for his review and signature.

**Transfer Tag Reminder:** Supervisor Lanning said both the Town Constable and NYSDEC Officer were at the Transfer Station on Saturday. The Constable issued 3 dozen permits and the DEC Officer issued 15 tickets for uncovered loads.

*Resolution 17-100*

**Changes in July Meeting Dates:** On a motion of Councilor Brace, seconded by Councilor Coville and with unanimous (5-0) affirmation of the Town Board, the July 3<sup>rd</sup> meeting was changed to 6 p.m. on July 10<sup>th</sup> and the July 17<sup>th</sup> meeting was changed to 6 p.m. on July 13<sup>th</sup>.

*Resolution 17-101*

**Sims Building:** Supervisor Lanning said that Janice Miller submitted a proposal from Rae Butler of Building Energy Solutions to provide specifications for the plumbing, mechanical and electric work as requested by the Town Board. He also said that Janice has found different tile that will reduce the cost of the building.

On a motion of Councilor Brace, seconded by Councilor Howard and with unanimous (5-0) affirmation of the Town Board Supervisor Lanning was authorized to sign the proposal submitted by Roe Butler of Building Energy Solutions in an amount not to exceed \$4,200 plus reimbursable expenses not to exceed \$200.

**Announcements/Correspondence/Updates**

- *Update on Transfer of Austin Park to the Town:* Attorney Smith said the Cy Pres was filed with Judge Greenwood.
- *Update on Time Warner Cable Negotiations:* Nothing to report.
- *Update on the Comprehensive Plan:* Nothing to report.
- *Letter from Skaneateles Nursery School:* Supervisor Lanning said it was nice to receive a letter from the Nursery School reporting on a successful year at the Austin Pavilion and thanking the Town Board for their generosity in sharing the space with them. Councilor Howard thanked Councilor Brace for shepherding the Board through this project. The Board agreed.
- *Mandana Hamlet Meeting: 5/24/17 at 6:30 p.m. at Skaneateles Fire Dept. 77 W. Genesee St.*
- *Update on Recreation Easement – Mill Road/Old Seneca Turnpike City of Syracuse Property*
- *Veterans Memorial Committee invitation to Town Board – New Veterans Memorial*
- *Senator DeFrancisco’s letter re: Funding Opportunities:* Supervisor Lanning said he was working with Mark Burger from the Soil & Water Conservation District who also notified him of this funding through the Water Quality Improvement Project (WQIP). It is his intent for the Town to apply for a grant for stream bank erosion project near the Hidden Estates property. There are a number of switchbacks that are putting silt and erosion into the lake from the Hidden Estates development. Councilor Brace questioned spending public monies on private land. Supervisor Lanning said we get the permission and the blessing of the property owner. He likes this property because it is a visual from East Lake Road and you can see what they are doing in order for other properties to consider doing it as well. Councilor Howard said she went with Supervisor Lanning to look at these properties last fall and talk to both property owners, Mr. Anderson and Mr. Pajak and they were both just begging for help. Supervisor Lanning said it is not limited to this and there are several other projects that could be considered.

Councilor Brace questioned Attorney Smith if this can legally be done. She said it is a concern for the quality of the lake but it is not the Town’s property. Attorney Smith said it is always a concern when you are using public resources to improve private land and whether you are providing an unconstitutional gift. If it is to solely benefit a private property owner then it would certainly be an unconstitutional gift. If the Town Board can articulate a public use or benefit then it could possibly be permissible. Supervisor Lanning questioned whether it is private land because streambanks, lakes, are all natural bodies of water. He said the creek below the dam is owned by the City of Syracuse and that the State of New York would own the stream. Councilor Brace disagreed, saying the State owns navigable waterways. Attorney Smith said the nature of ownership of waterways varies widely depending on whether it is navigable and the



history of the conveyances. He would have to look at the individual stream to make a determination.

Joe Southern said he likes the idea but he could see it as being a problem. Many, many of the Planning Board's projects include protecting streambanks within their property in the watershed. He said if the Town is going to do a giveaway to these property owners you need to do a giveaway to these other properties as well. He said be prepared for other people to come in and request this for their property. He said people go to great expense to protect their streambanks which protect the lake. Attorney Smith asked if it is normally a condition to site plan approval. Joe said yes. Councilor Brace questioned what conditions were placed on these property owners by the Planning Board. Joe said none that he I aware of. He said they normally don't require work in the streambed. It is a suggestion. Most people want to do it because it is an erosion problem on their property. He said there are a lot that need to be done and a lot that have been done.

Supervisor Lanning said it is important to note that this is a state funding opportunity which requires a 25% match. There are others that they are considering. The application is due in July. Attorney Smith said that it is absolutely true that streams are often stabilized by individual property owners using their own money, but there are all sorts of situations where there are erosion or storm water problems where the Town will take an interest such as downstream impacts and sometimes Towns take drainage easements and do projects like this to prevent flooding in the Town. That could be an option here. Councilor Brace said that drainage easements make really good sense. Joe said that in the past the Town Board has talked about forming a drainage district in the watershed and everyone pays.

Supervisor Lanning said the DeFrancisco letter also has \$112 Million for water infrastructure improvement. He would like to continue to apply for grants to improve our water infrastructure.

*Resolution 17-102*

**Budget Adjustments:** On a motion of Councilor Badami, seconded by Councilor Coville and with unanimous (5-0) affirmation of the Board the following budget adjustments were authorized:

General Fund

|             |          |                  |                    |
|-------------|----------|------------------|--------------------|
| \$ 1,750.00 | Increase | 016201.01.001.00 | Building – P/S     |
| \$ 800.00   | Increase | 016202.01.002.00 | Building Equipment |
| \$ 2,550.00 | Decrease | 019904.01.004.00 | Contingency        |

Cost associated with renovations to meeting room and Bath Room

|             |          |                  |                                  |
|-------------|----------|------------------|----------------------------------|
| \$ 3,500.00 | Increase | 016802.01.002.00 | Cent. Data Proc. – Equip         |
| \$ 3,500.00 | Decrease | 016802.01.002.93 | Cent. Data Proc. – Equip Reserve |

Cost of Equipment to upgrade Internet service

*Resolution 17-103*

**Abstract #17-10:** On a motion of Councilor Coville, seconded by Councilor Badami and with unanimous (5-0) affirmation of the Town Board voucher #17-0597 to #17-0694 were authorized from the following funds:

|               |              |              |            |
|---------------|--------------|--------------|------------|
| General Fund: | \$123,548.05 | Part Town:   | \$2,102.84 |
| Highway:      | \$ 2,830.63  | Highway P/T: | \$4,295.92 |
| Water:        | \$ 62,653.30 | Sewer:       | \$1,571.80 |
| Sewer #6:     | \$ 264.10    | T & A:       | \$4,877.71 |
| Lighting:     | \$ 1,409.98  |              |            |

Total: \$203,554.33

**Public Comment:** Janet Aaron thanked Bridgett Winkelman for the great job she did ordering the equipment and overseeing the accessible bathroom renovation. The Town Board agreed and thanked Bridgett as well.

*Resolution 17-104*

**Executive Session:** On a motion of Supervisor Lanning, seconded by Councilor Badami and with unanimous affirmation of the Town Board the meeting was adjourned to Executive Session at 7:53 p.m. to discuss a personnel issue.

**Return to Open Session at 8 p.m.**

**Marina Proposal Discussion:** Supervisor Lanning said after weeks and weeks of asking they finally received a site plan last Friday and it shows the Marina's property line being in the middle of the road. He said that was disingenuous.

Councilor Brace questioned if the Town can require more information. Attorney Smith said that the letter that is being drafted requests more time. The Town can request up to 40 days. The Town can also request a hearing. He said the scope of the Town Board's comments could include navigation and recreational use. Supervisor Lanning asked to clarify the right to enjoy the lake in front of your property and the other issue of being able to put a mooring anywhere you want but you just can't access it through private property. How far do the rights of lakefront property owners extend out into the lake. Attorney Smith said that they don't. He said NYSOGS gave the Marina a license to moor boats there and that is why they can. Supervisor Lanning said that the mooring field extends beyond Mr. Cherundolo's properties. Councilor Coville said that property lines end at the lake.

Attorney Smith believes that the navigation laws that matter in this case are 1) Interference with navigation 2) Interference with public recreation; 3) Interference with neighboring uses; 4) Interference with natural resources. NYSOGS will weigh all of these. Councilor Brace said that it should include water quality and traffic issues. Attorney Smith said that the Board gave a lot of feedback at the last meeting and wanted to know if the Board had changed their mind after hearing the comments tonight. The Board indicated they had not.

Supervisor Lanning said with any planning or zoning application you try to get the applicant to scale back their proposal. He doesn't buy the Marina's argument that this is an existing business. He can't do any math that comes up with 130 boats. He said what is to stop the Marina from putting another 40 boats on land once they move the current boats to the water. There is nothing binding. Then they don't have parking and all the cars end up in the Town's parking lot.

Councilor Brace said that the Marina wants to park in the right of way of Lacy Road. The Town should take an objection to that. Supervisor Lanning said that parking seems to be one of the rising concerns.

Councilor Coville said that Joe Southern said it was an existing non-confirming business but it was for boat storage not for a parking lot. They are changing non-confirming use. Attorney Smith said they are expanding the non-confirming use.

Supervisor Lanning questioned that with Mr. Cherundolo owning the middle parcel and parking boats on it even though he is not supposed to, can he petition to combine those two properties and have the parcel be the Marina and remove the encroachment. Councilor Coville said the easement said he can't park boats on that property but then he bought the property and the easement merged with the land and it is not an issue anymore. Attorney Smith said he believes Supervisor Lanning wanted to know if he merged the properties then he could move his building off of our land.

Councilor Brace said she would like to cover parking, traffic and right of way all together as an issue. And she said NYSOGS should know that half of their building is on Town property. She said they also should be aware that their plan also includes the use of public lands for overflow parking; that the Marina's parking is insufficient for the number of boat slips that they are proposing because she believes that there will be more than one car coming to use the boats. The Board agreed that with the dock system it will be much easier for people to get to their boats and they may use them more often. Councilor Brace said if you were building the Marina from new then parking would need to be provided by the Marina not by public lands. Just like a restaurant has to have their own parking.

Supervisor Lanning said it is a grey area with the parking lot because if they are Town residents and Marina customers you can't tell them they can't use the parking lot.

Supervisor Lanning said that ultimately we want them to scale back their proposal to something less than 130 boats. He said that clearly is an expansion of the business. He said Mr. Cherundolo is being dishonest by not saying this is an expansion of the business.

Councilor Brace said if Mr. Slottje is correct and there are 40 boats in the water and 60 on the land and the rest are rentals then there should only be 100 boats slips. Attorney Smith suggested letting Attorney Molnar be advised that there would be that many parking places and expanding a non-confirming use.

Supervisor Lanning said if NYSOGS holds a hearing where would it be held. Attorney Smith said he would check into that.

Councilor Brace said if the plan was scaled back the Marina customers would still have what they were looking for.

Councilor Badami agreed with an earlier comment that the kayakers have only one way to go when they launch and that is north because once the docks are in they can't go through them like they could the moorings.

Attorney Smith said that they did not place the property line where it was supposed to be but more important they then took the property line and tilted it twice and used it for justification of parking but several parking spaces are actually on Town property. Supervisor Lanning said that we acknowledge the existing encroachment but not the additional parking on Town property next to the Marina.

Councilor Brace asked if the Town could let NYSOGS know how the docks may impact the property south of Mr. Cherundolo's properties. Attorney Smith said that he could add that. He also said he would add information about the noise impact. He also suggested that the Board may want to check with the Country Club to see if there are any issues with their floating docks.

Supervisor Lanning said that the difference with the Country Club is that they have thousands of feet of frontage and it is all within their site line.

Councilor Brace questioned about the piers being installed. In reviewing the plan it looked like 60 anchors are holding the docks in place but there is no detail. Supervisor Lanning asked to add to the letter that that there are no details on the structural supports shown on the drawings.

Supervisor Lanning also asked to have the letter revised to state that we received the plans on Friday May 12<sup>th</sup>. We were notified by letter on April 28<sup>th</sup> but there were no plans submitted with the letter. He said we have to make it crystal clear that this is a major expansion of an existing business. Councilor Brace added that it is a major threat to the quality of the lake.

Councilor Brace questioned if the Planning Board had a role in responding to NYSOGS on this project because they do have something to say about what happens on land with this project. Supervisor Lanning said that the Planning and Zoning Boards have been asked to respond.

Supervisor Lanning suggested a separate letter from Attorney Molnar commenting on the parking issue and how the existing nonconforming use would be effective to NYSOGS. He asked Attorney Smith to coordinate this with Attorney Molnar.

\*Councilor Coville left the meeting.

*Resolution 17-105*

**Executive Session:** On a motion of Councilor Badami, seconded by Councilor Brace and with unanimous (4-0) affirmation of the Town Board the meeting was adjourned to Executive Session to discuss a personnel issue at 8:27 p.m.

The meeting returned to open session at 8:55 p.m.

*Resolution 17-106*

**Codes Enforcement Appointment:** On a motion of Councilor Brace, seconded by Councilor Howard and with unanimous (4-0) affirmation of the Town Board, R. Curtis Coville was appointed to the position of Codes Enforcement Officer effective May 16, 2017 for 30 hours a

week at an hourly rate of \$21 hour requiring that he also attend one Town Board meeting a month and attend Zoning Board meetings as requested by the Zoning Board Chair.

Meeting adjourned at 9:03 p.m.

Respectfully submitted,

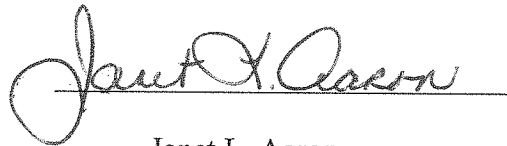
A handwritten signature in cursive script that reads "Janet L. Aaron". The signature is written in black ink and is positioned above the printed name.

Janet L. Aaron  
Town Clerk

AFFIDAVIT OF POSTING

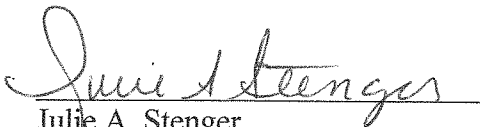
STATE OF NEW YORK )  
COUNTY OF ONONDAGA) ss.:  
TOWN OF SKANEATELES)

JANET L. AARON, being duly sworn, deposes and says that she resides at 840 Franklin Street, Skaneateles, New York and that on May 16, 2017 she posted on the sign board, maintained by the Town Clerk of the Town of Skaneateles at the Town Office Building, 24 Jordan Street, Skaneateles, New York, a notice of transfer from the Development Rights Acquisition Reserve Fund, subject to the permissive referendum requirements of Town Law.



Janet L. Aaron  
Town Clerk  
Town of Skaneateles

Subscribed and Sworn to before  
me this 16<sup>th</sup> Day of May 2017



Julie A. Stenger  
Notary Public

**JULIE A. STENGER**  
Notary Public, State of New York  
No. 01ST5073025  
Qualified in Onondaga County  
Commission Expires February 10, 2019

TOWN OF SKANEATELES  
PUBLIC NOTICE

NOTICE IS HEREBY GIVEN that on May 15, 2017, the Town Board of the Town of Skaneateles authorized the transfer of not to exceed \$100,000 from the Development Rights Acquisition Reserve Fund to purchase development rights on the Karlik property, subject to the permissive referendum requirements of Town Law and General Municipal Law.

Dated: May 16, 2017

Janet L. Aaron  
Town Clerk

AFFIDAVIT OF PUBLICATION  
State of New York  
County of Onondaga }SS.:

Shannon Christian being duly sworn that she resides in the  
Town of Westport, County of Essex, New York and that she  
is the Agent of the SKANEATELES PRESS  
a weekly newspaper published at Skaneateles in the  
County of Onondaga, and that the notice, a printed copy of  
which is hereto attached, was printed in said  
SKANEATELES PRESS  
on the following dates:

05/24/2017

Signed this 25th day of May , 2017

Shannon Christian  
Agent

Sworn to before me this 25th day of May , 2017

Gayle M. Alexander  
Notary Public

Gayle M. Alexander  
Notary Public, State of New York  
No. 01AL4977709  
Qualified in Essex County

Commission Expires 02/11/2019  
152632

**TOWN OF  
SKANEATELES  
PUBLIC NOTICE**  
NOTICE IS HEREBY GIV-  
EN that on May 15,  
2017, the Town Board of  
the Town of Skaneateles  
authorized the transfer  
of not to exceed  
\$100,000 from the De-  
velopment Rights Acqui-  
sition Reserve Fund to  
purchase development  
rights on the Karlik  
property, subject to the  
permissive referendum  
requirements of Town  
Law and General Muni-  
cipal Law.  
Dated: May 16, 2017  
Janet L. Aaron  
Town Clerk  
SP-152632