

**TOWN OF SKANEATELES PLANNING BOARD
MEETING MINUTES
July 21, 2020**

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

Chairman Southern opened the meeting at 6:30 p.m. The meeting minutes of June 16, 2020 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 Kasper to approve the minutes as submitted. The Board having been polled resulted in the affirmance of said motion.

RECORD OF VOTE

Chair	Joseph Southern	Present	[Yes]
Member	Scott Winkelman	Present	[Yes]
Member	Donald Kasper	Present	[Yes]
Member	Douglas Hamlin	Present	[Yes]
Member	Jill Marshall	Present	[Yes]

Continued Review- Site Plan Review

Applicant:

Martin & Jennifer Nichols
103 Holly Creek Lane
Ithaca, NY 14850

Property:

2708 West Lake Road
Skaneateles, NY 13152
Tax Parcel#053.-01-29.0

Present: Martin & Jennifer Nichols, Applicants; George Breuhaus, Architect

The site plan was been updated to reflect the relocation of the driveway further from the intersection. In doing so it will be 92 feet from the intersection and will reduce the amount of proposed impermeable surface coverage. Retention basin #1 was relocated and the drainage from the driveway will flow to basin #1. There was a concern that the septic system could not support the number of bedrooms proposed, and the space designated as guest/study does not have a closet to be considered a bedroom. The room is now labeled as study. The septic is designed for a four-bedroom dwelling and they are constructing a three-bedroom dwelling now with a future fourth bedroom located in the basement. Mr. Brodsky thanked the applicant for considering his recommendation to move the driveway further east.

WHEREAS, a motion was made by Member Hamlin and seconded by Member Marshall, the Planning Board to classify the application as 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 affirmation of said motion.

Member Kasper suggested that the bio-swales be construction before construction of the dwelling to control any possible stormwater runoff. Mr. Breuhaus said that bioswale #2 could be constructed to manage that;

bioswale #1 could be constructed later to allow space for movement during construction, and Mr. Camp agreed. Member Winkelman suggested that the row of trees along West Lake Road be a mixture of evergreen and deciduous trees.

NOW, THEREFORE, BE IT RESOLVED, upon a motion made by Member 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 minor site plan, with standard conditions and the following additional conditions:

1. That the Special Permit/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 Site-1 and A-1 through A-5 dated July 10, 2020 and the Narrative submitted June 8, 2020, prepared by George Breuhaus. Licensed Architect; be strictly followed; and
3. That the Applicant shall obtain all necessary permits and approvals from the City of Syracuse Water Department and any other agency or authority having jurisdiction over the Property or Application; and
4. That the Applicant fund an escrow to pay for engineering service and review by the Planning Board Engineer of not less than \$250.00; and
5. That the bio-retention stormwater system #2 be constructed prior to commencement of the construction of the proposed single-family dwellings; and
6. The Planning Board recommends that the proposed tree line along West Lake Road be composed of evergreens and deciduous trees; and
7. An as-built survey be submitted to the Codes Enforcement Officer with verification of conformance of completed project within (60) days of completion of the project.

RECORD OF VOTE

Chair	Joseph Southern	Present	[Yes]
Member	Scott Winkelman	Present	[Yes]
Member	Donald Kasper	Present	[Yes]
Member	Douglas Hamlin	Present	[Yes]
Member	Jill Marshall	Present	[Yes]

Sketch Plan- Site Plan Review

Applicant:

Suellen Valley Sager
1650 Old Seneca Tpke
Skaneateles, NY 13152
Tax Parcel #030.-02-03.2

Present: Robert Eggleston, Eggleston & Krenzer Architects

The existing 3.76-acre lot has an existing single-family dwelling, detached garage and three sheds, and is located to the west of the transfer station. The proposal is for the addition of a detached 504 square foot

accessory apartment located to the east of the existing garage and parking area. The gravel parking area will have a designated area for two parking spaces for the proposed apartment. Impermeable surface coverage will increase from 3.2% to 3.5% with open space decreasing from 96.6% to 96.3%.

The accessory apartment will have water provided by the existing well that supplies water to the existing dwelling and will have electricity delivered by a subpanel off the existing panel. The Onondaga County Department of Health has approved the separate septic system that will service the apartment in their letter dated June 8, 2020.

Mr. Eggleston continued saying that the application requires site plan review as it meets the definition of an accessory apartment and the lot is conforming as it has over 2 acres. Mr. Brodsky stated that as the lot has insufficient acreage (under 4 acres) to provide 2 acres per dwelling unit, it would require a special permit with a public hearing. Mr. Eggleston said that the lot is a conforming lot with the accessory apartment being an accessory use allowed on a two-acre parcel. Mr. Brodsky said that the code reads: "Any lot may contain an accessory apartment by right if it has at least the minimum acreage required for a conventional subdivision. The Planning Board may grant a special permit allowing accessory apartments to be located on lot which does not comply with subsection K(2)(a) provided that the structure is not within 100 feet of the lake and the board finds that such accessory apartments will comply with county health department regulations and with applicable sections of this chapter. The board shall require as a condition of such special permit, that such accessory apartment may not be later subdivided onto separate lots." Mr. Brodsky said that the lot is on the cusp of having the correct lot size. Mr. Eggleston said that if it were 4 acres then it could have two dwelling units on it. Mr. Brodsky recommended that the board review this section of code as it is being interpreted differently. Mr. Eggleston suggested that this is an accessory use that is allowed with a single-family dwelling on a conforming 2-acre lot. Counsel Molnar recommended that in an abundance of caution, this application is waiting to the August agenda due to SOCPA response, scheduling a public hearing on this has no ill effect. Mr. Eggleston said that he does not want to set a dangerous precedent that the review process goes above and beyond the law. Mr. Brodsky stated that of the case history that has been identified, what was found was that if you were less than four acres, there was a special permit approval required. He continued saying that he would welcome any research that Mr. Eggleston may have that proves otherwise.

Mr. Eggleston inquired what is the difference between a lot that has two primary residences versus a dwelling with accessory apartment on a lot and acreage requirements. Mr. Brodsky responded that it is the square footage of the dwellings. Mr. Eggleston said that there is a distinction between them and questioned the rationale as to why you would need four acres to have a house and an accessory apartment. Mr. Brodsky commented that there have been accessory units of varying sizes and it has been a challenge on how to treat them.

Mr. Brodsky recommended that the applicant provide a letter of commentary regarding the special permit criteria. Member Kasper recommended that both Mr. Eggleston and Mr. Brodsky could provide their individual insights on this section of code. The board will drive by the site in place of a congregate site visit.

WHEREFORE, a motion was made by Member Kasper and seconded by Member Hamlin to schedule a public hearing if the application is determined to be a special permit. on ***Tuesday, August 18, 2020 at 6:50 p.m.*** The Board having been polled resulted in the unanimous affirmation of said motion.

Sketch Plan- Special Permit/ Site Plan Review

Applicant:	Property:
Kelly Scalzo	2803 East Lake Road
7108 Thorntree Hill Drive	Skaneateles, NY 13152
Fayetteville, NY 13066	Tax Parcel #038.-01-18.0

Present: Kelly Scalzo, Applicant; Robert Eggleston, Eggleston & Krenzer Architects

The 28,968 square foot lot has an existing three-bedroom dwelling, detached garage, shed, and boat house that has living quarters. The existing dwelling is nonconforming to lot line setback and the garage and shed are nonconforming to side yard and front yard setbacks. The boathouse has 1405 square feet of living space and is nonconforming to the side yard setback and height above the lake line at 25.7 feet. Impermeable surface coverage is 29.5% and open space is at 69.6%.

Proposed is the addition of a second floor to the main dwelling increasing the floor space by 365 square feet and 4,727 cubic feet of volume. The boathouse living space will reduce from 1,405 square feet to 922 square feet with the removal of a portion of the living space area converted to an open deck above the boathouse. Total shoreline structures will be reduced for 1,205 square feet to 1,174 square feet. Impermeable surface coverage will be reduced from 29.5% to 29% and open space will increase from 69.6% to 70%. A new septic system has been installed on the property prior to the ownership change of the property. There is no proposed increase in the footprint of the structures.

Two bioswales will be constructed to control stormwater. The eastern bioswale will control stormwater from the parking area and garage, and the western bioswale will control any additional stormwater from the dwelling and patio before it reached the steep slopes.

Mr. Brodsky commented that there may be potential disturbance by the shoreline with the boathouse modification and any change in grade. Mr. Eggleston said that the western bioswale is relatively flat. He continued saying that the foundation of the boat structure is in poor condition and may need to be demolished and rebuilt. Mr. Camp inquired what site disturbance was expected other than the bioswales. Mr. Eggleston responded saying that it would be the replacement of the lower portion of the boathouse foundation. Mr. Camp recommended that the plan should show erosion control measures around the boathouse and include a revised construction sequence. Member Kasper inquired if the foundation of the boathouse was being repaired or replaced, and Mr. Eggleston replied that it will be replaced. The structure will be removed with new footings constructed before the floor and building is constructed. Jute mesh with plantings will be installed where need to protect the steep bank that is over 30%. The boathouse is a dry storage boathouse.

Member Kasper inquired if the proposal is for the main dwelling taking square footage from the cabana. Mr. Eggleston said that the main dwelling is allowed by right to expand up to 500 square feet. They are removing some of the living space of the cabana to reduce the nonconforming living space on the property. A site visit will be conducted on August 8, 2020.

WHEREFORE, a motion was made by Member Hamlin and seconded by Member Marshall to schedule a public hearing on *Tuesday, August 18, 2020 at 6:30 p.m.* The Board having been polled resulted in the unanimous affirmation of said motion.

Sketch Plan- Site Plan Review

Applicant:

Peter Fleckenstein
3189 East Lake Road
Skaneateles, NY 13152
Tax Parcel #040.-01-19.1

Present: Martin & Jennifer Nichols, Applicants; George Breuhaus, Architect

The property is a 1.5-acre lot with a nonconforming dwelling and detached garage. The existing dwelling is nonconforming only to the southern property line setback. Proposed is the enlargement of the dwelling on the west side, a wraparound porch on the west side, and an attached two-car garage to the north of the dwelling. The garage will have driveway access off the shared fire lane located on the north side of the property. The existing impermeable surface coverage will increase from 7% to 9.9% and include the removal of an existing secondary driveway/parking area. The existing septic system status is being reviewed to determine if any improvements are required. The existing detached garage will be maintained, with the associated driveway off East Lake Road. Member Hamlin inquired about the shape of the existing curb cut off East Lake Road and whether it is shaped that way to allow additional parking. Mr. Eggleston said that although he is not familiar with the history of the curb cut, the detached garage could be used for storage of the applicant’s boat and the shape would allow for easier access. Member Kasper inquired if the dwelling has always been year-round use and Mr. Eggleston stated that it has a history of year-round use.

Mr. Eggleston said that the expansion will not increase the nonconformity of the dwelling, and there is no limit on the amount of expansion as the nonconformity is only related to side yard setback. Mr. Brodsky commented that section 148-12C2 stated that a variance and/or special permit is not required for a nonconforming structure that is only nonconforming as to setbacks. 148-12C3 and 148-12C4 have limitations on expansion. He continued saying that this section could be read as all sections together or each section independently. Mr. Eggleston said that the code reads that if you are nonconforming only to lot line setback, you can build what you want if the structure does not become more nonconforming.

148-12C3 is if you are nonconforming to other things such as building footprint, living space, watercourse setbacks and the like. Mr. Brodsky said that this section of code could be looked at as the structure is nonconforming so 148-12C3 and 148-12C4 would apply. Chairman Southern requested that Counsel Molnar provide a legal opinion on this application and on the Sager application. A site visit will be conducted on August 8, 2020.

WHEREFORE, a motion was made by Member Marshall and seconded by Chairman Southern to schedule a public hearing if the application is determined to be a special permit. on **Tuesday, August 18, 2020 at 6:40 p.m.** The Board having been polled resulted in the unanimous affirmation of said motion.

Continued Review- Major Subdivision

Applicant Chris Graham
4302 Jordan Rd
Skaneateles, NY 13152

Property:
County Line Rd
Skaneateles, NY 13152
Tax Parcel #018.-02-29.1

Present: Chris Graham, Applicant; Robert Eggleston, Eggleston & Krenzer Architects; Cory McWilliams, GZA GeoEnvironmental of NY;

The applicant and his team had met with Alan Wellington and John Camp regarding the street design and drainage. A revised site plan dated July 8, 2020 reflects the relocation of the northern stormwater retention pond to the northeast corner of the lot, and a 10-foot easement for a walk path along County Line Road has been added. An alternative plan for the street design is the removal of the hammerhead at the intersections of Street A and B to street C. The corners of street A and B connection to Street C will be radius turns as an alternative design per the request of Mr. Wellington, although the final decision has not yet been finalized.

There will be a walk path that would connect from the end of street C to the walk path for the Lauder Lane development. Removal of the hammerheads is a consideration for the street design as the development would probably not connect to any other streets. Although there may be a connection to the walking trail to the east off street A, the walking trail is not a public walking path.

With the proposed modification to the location of the northeast stormwater retention pond, the subdivision has reduced the number of proposed lots to 33. Mr. McWilliams stated that he had participated with the discussions and had a question regarding the proposed permeable shoulders along the streets that would have underdrains. He continued saying that if that was utilized, then the bio-retention basin could be removed. He continued saying that the other area of concern is the water service throughout the property. Mr. Camp stated that he agreed with Mr. McWilliams regarding the edge of the road treatment. The applicant originally proposed a tip up gutter and what has been constructed recently in other towns and cities is shallow grass swale with underdrains that connect to the catch basins, and C&S has experienced good luck with it. Mr. Wellington liked this possible design and they are working on the design with the applicant's team. The residents of the subdivision would be able to mow right up to the street as it would be shallower than a ditch. The tip up gutters can have maintenance issues as they can be damaged by snowplows. Due to technicalities in the stormwater regulations, the stormwater retention ponds may not be required.

The other issue regarding water service, there has been discussions with the water department on different ideas on how the interior lots in the center of the subdivision would be served. Mr. Camp stated that the waterline design can come at the end without too much trouble.

Member Kasper inquired if the black top surface is now proposed at 24 feet wide and Mr. McWilliams confirmed the proposed width. Member Kasper commented that the width would allow sidewalk area on the sides of the streets. He continued saying that the snowplow probably would not plow the full width of 24 feet. Member Kasper said that he was in support of the grass swales for drainage and inquired on the stormwater controls would be for the dead-end private lots. Mr. McWilliams said that the stormwater would sheet flow with catch basins extending from streets A and C; the shared driveway would flow down to streets A and C. Mr. Camp stated that that is one of the details that will need to be worked through with the grading shown.

Mr. Camp said that lot 6 has a portion of the neighboring property owner's walking path on the applicant's lot. Whoever owns lot 6 could have an issue with the trail located on this lot. Member Kasper inquired who the owner of the property behind the applicant's would be. Mr. Eggleston commented that it is Derek Grassman who had purchased the former Welch Allyn property. Mr. Graham said that he had spoken with Mr. Grassman regarding the walking trail although he did not realize that a portion of the trail is located on this property. He continued saying that he will contact Mr. Grassman regarding this. Mr. Grassman has not committed to the property owners of this proposed subdivision using the existing walking path. Member Marshall inquired if Mr. Grassman would not let the homeowners use the path, would the applicant consider putting in a walking path behind all those lots. Counsel Molnar suggested that the applicant have a

discussion with Mr. Grassman to cure the encroachment and have the walking path completely on his property so as not to burden any property owner of lot 6.

Member Marshall asked as the hammerheads have been removed from streets A and C, if the area is being left that that the streets could be extended in the future. Mr. Eggleston stated that at the southeast corner of the property north of the retention pond would be the least likely to be developed and the area to the east has the Lauder Lane septic system and a road could not be located in the area. The area south of the northeast retention pond could be connected; however, it is a very narrow piece of property owned by Mr. Grassman. Next to it is the DeMarco property and it is unknown what the future might be for that property. There is a grade change and watercourse behind there. Member Marshall recommended that somewhere on the plans a note that the property could be used for connection to other streets were things to change. Mr. Camp noted that if the plan moves forward with the green gutters there would be space left for that. He pointed out with the hammerheads removed from streets A and C, lot 12 would not have any access.

Mr. Eggleston said that the bioretention areas are connected as a contiguous lot with the streets and would be dedicated to the town and owned by the town. In the Butters Farm subdivision, the bioretention ponds are owned by the HOA. The town may want them owned by an HOA, maintained by an HOA with supervision by the town. Mr. Camp commented that his recommendation to the town would be for the retention ponds to be owned by an HOA and maintained by the HOA, with the town having the right to come in and repair them later if needed. In other municipalities, it could be owned by a property owner that, as an example, could be for lot 12's lot to encompass the area of the retention basin A with an access easement granted to the town. Mr. Eggleston said that they could be part of a lot with an easement or they could be a separate lot owned by the HOA. Mr. Camp recommended that the basins should be part of existing lots with an easement. Mr. Eggleston commented that doing that would give those property owners more opportunity for impermeable surface coverage. Member Marshall inquired what the merging of the acres would do to any future connectivity potential. Mr. Camp recommended that the public right of way access should be connected all the way to the end of the parcel for streets A and C. Member Kasper inquired why a drainage district isn't formed for the HOA to own the ponds, with the drainage district maintaining them. Mr. Camp said that it would be part of the suggestion for the town to establish a drainage district, the HOA pays into the district, and basins be part of the adjoining lots with town access easements. Member Kasper inquired why an HOA would need to be formed as HOAs are usually formed to manage common lands. Mr. Camp said that if the drainage district were formed and nothing else to be maintained that is owned in common, then maybe the drainage district would be enough to satisfy the financial requirement of the neighbors. Counsel Molnar commented that the drainage district might be the best method. Member Hamlin inquired what the burden would be for having the retention ponds on their lots for lots 5 and 12. Mr. Eggleston commented that it would depend on the easement language.

Mr. Eggleston reiterated that the goal of the subdivision is for market rate homes and not high-end dwellings, so they would like to keep the development costs down. Mr. Brodsky inquired if either of the detention ponds benefit the surrounding properties. Mr. McWilliams explained that they only serve this property. He continued saying that there is a ditch on the south side of the property that bisects this property from the farm field; on Phillips Street there is a ridgeline that runs along the north property line. Mr. Eggleston said that it benefits the property owners on Phillips Street as they are taking away drainage that spills onto the area today.

Mr. Camp said that the town of Clay has grown exponentially, and this is the approach C&S Engineering has taken over the last four decades. Set up a drainage district, have the retention ponds on property owner's lots, and set up a maintenance agreement with access easement. Most of the houses in the area are market rate houses.

Mr. Graham stated that he had been in contact with Mr. Wellington tonight regarding the revised street layout of the curved streets rather than the hammerhead and he had said that he preferred the curves streets site plan. Mr. Eggleston said that they would like to continue to develop the engineering with the next step going to the Town Board to discuss water and drainage districts, that are under their purview. The board will immediately send it back to Mr. Camp, water department, and the highway department for their comments and recommendations. Member Kasper inquired if the applicant is also going for a lighting district. Mr. Eggleston commented that he thinks the property is in a lighting district and they would want streetlights at the intersection of the streets connecting with County Line Road. They may want to add light at the interior intersections of streets A and C with B. Generally, the interior of the subdivision is kept more night sky like Butters Farm.

Member Marshall inquired when the board might see a planting plan. Mr. Eggleston stated that Mr. Wellington does not want trees in the right of way; however, they were going to create a list of native species of trees that would be appropriate with a standard of spacing and placement on the individual lot frontages.

Mr. Brodsky inquired if Mr. Wellington objects to the front yard and Mr. Eggleston responded that he does not want any trees in the right of way. Mr. Graham said that there is a note on the plan that each lot would receive a 3-inch caliper tree to be located outside of the road right of way. Member Winkelman commented that the trees do not necessarily need to be native trees, but the list should exclude invasive trees.

Mr. Brodsky inquired if there will be overhead wires in the subdivision and Mr. Graham stated that all the wiring will be underground. Member Kasper inquired if the board was ready for an information meeting prior to doing SEQR and Chairman Southern stated that more detail will need to be provided to the board prior to scheduling an informational meeting. Counsel Molnar recommended that the board consider a working session in September to accomplish a dry run of the SEQR to determine the completeness of the submission and answer any additional questions. He reminded the board that this project would dually track like other major projects in that the SEQR and preliminary plat plan public hearings must occur together.

Mr. Camp suggested that an escrow account be established for continued engineering and legal review.

WHEREFORE a motion was made by Member Kasper and seconded by Member Hamlin that the applicant establish an escrow account in the amount of \$5,000 for engineering and legal review. The Board having been polled resulted in the unanimous affirmance of said motion.

Member Winkelman inquired on the applicant's preference on the streets. Mr. Eggleston stated that he prefers the hammerhead design. Member Kasper said that the road still could be plowed without the need for the equipment to back up. Mr. Graham said that access to lot 12 could be accomplished with a private drive off the hammerhead.

WHEREFORE, a motion was made by Member Kasper and seconded by Member Winkelman to adjourn the meeting. The Board having been polled resulted in the unanimous affirmance of said motion. The Planning Board Meeting adjourned at 8:00 p.m. as there being no further business.

Respectfully Submitted,

Karen Barkdull, Clerk