

TOWN OF SKANEATELES PLANNING BOARD  
MEETING MINUTES  
March 18, 2014

RECEIVED

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TOWN OF SKANEATELES

Mark J. Tucker, Chairman  
Elizabeth Estes  
Donald Kasper  
Joseph Southern  
Scott Winkelman  
Scott Molnar, Legal Counsel  
Doug Wickman, P.C. (C&S Engineers)  
Howard Brodsky, Town Planner

Chairman Tucker opened the meeting at 7:30 p.m. The meeting minutes of February 18, 2014 were previously distributed to the Board and all Members present acknowledged receipt of those minutes.

**WHEREFORE**, a motion was made by Member Kasper and seconded by Member Winkelman to approve the minutes with minor corrections. 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]

**Public Hearing –Special Permit**

Applicant: Joseph & Renee Lane  
2605 East Lake Road  
Skaneateles, New York 13152  
**Tax Map # 037.-01-22.1**

Present Joseph Lane, Applicant

No one requested the public notice to be read. The Onondaga County Planning Board suggested modifications to the proposal to include OCDOH approval for the existing/proposed septic system, and any additional agency approvals in their resolution dated January 29, 2014. The City of Syracuse Department of Water has deferred comment until a sanitary code violation has been corrected in their correspondence dated December 30, 2013. Members from the Board have visited the site on February 15, 2014. A revised site plan was submitted on March 4, 2014 reflecting a reduction in the driveway on the east and southwest side of the driveway. Also proposed is additional removal of impermeable pavers on the southeast corner, and the basketball

playing area reduction. The driveway turnaround was kept for safe turnaround for the Colony. The southeast corner of the driveway will consist of pavers surrounding a catch basin; an area where groceries will be unloaded. The area narrows and becomes steep making it difficult to drive on. Member Winkelman stated that the hillside garden is a plus for the property. The revised impermeable surface coverage will be 12.3%. The prior owner's site plan calculations indicated that the existing impervious surface was 10.2% with a proposed reduction to 9.9%; however, there were several inaccuracies in the calculations and the proposed reductions were not completed. Gravel driveways were not calculated as impervious and pavers were classified as permeable although they were mortar set.

Member Kasper inquired on the prior variance approval that granted the prior owner 13.6% impervious coverage in 1999. Counsel Molnar stated that approvals in 2001 modified the site plan to reflect a proposed impervious coverage under 10%, and that the 1999 variance approval had expired, nullifying the prior approval of impervious coverage at 13.6%. Member Winkelman inquired whether a DEC permit had been obtained for the lakefront work. Mr. Lane stated that he has obtained the ACOE approval and is waiting for the DEC permit.

Mr. Wickman stated that the lakeshore redevelopment will remove vegetation and subject the bank to possible erosion. A construction sequence including the timing of the construction, erosion controls and remediation of the landscape should be included as part of the approval.

**WHEREFORE**, a motion was made by Member Southern and seconded by Member Winkelman to declare this application to be a Type II action not subject to SEQR review. The Board having been polled resulted in the unanimous affirmance of said motion.

At this time, Chairman Tucker opened the Public Hearing. No one spoke in favor of the project. Chairman Tucker 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.

**WHEREFORE**, a motion was made by Member Southern and seconded by Member Estes 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 Member Scott Winkelman and seconded by Member Joseph Southern, and after an affirmative vote of a majority of Members present, as recorded below, the Town of Skaneateles Planning Board hereby APPROVES the special permit and minor site plan review, with the following conditions:

- A. Before** issuance of a building permit the following conditions shall apply:
1. That Special Permit 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.
  2. That the Applicant establish an escrow account with the Town of Skaneateles in the amount of \$500; and
  3. That \$4,177.95 be submitted to the Town of Skaneateles Land and Development Rights Acquisition Fund; and

4. That a construction sequence including finalized erosion remediation plan be submitted for review and approval by the Planning Board Chairman and Town Engineer; and

**B. After** issuance of a building permit the following conditions shall apply:

1. That the Site Plan LO.01, LO.02 and L1.01 dated March 5, 2014 and the Lot Calculation Sheet dated March 4, 2014 prepared by Fouad Dietz, be followed in all respects; and
2. That the Applicant shall obtain all necessary permits and approvals from the Onondaga County Department of Health, the DEC, Army Corps of Engineers, City of Syracuse Department of Water, and any other approval needed for the Application; and
3. That an as-built survey be submitted to the Codes Enforcement Officer with verification of conformance of all phases of the completed project within (60) days of completion of the project.

Member Estes expressed her concern for approving projects with impervious surface over 10% and that payment into the Land Development Rights Acquisition Fund does not offset the damage to the lake. Member Winkelman stated that it becomes a balancing consideration with pre-existing nonconforming lots as the lots do get improved drainage and septic systems with these approvals, otherwise the lake can continue to be impacted by degrading systems. Member Estes stated that applicants keep increasing the size of structures on these nonconforming lots.

**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]

**Public Hearing – Special Permit/Site Plan**

Applicant:	Mehdi Marvasti	Property:
	4337 City Lights Terr.	2022 West Lake Road
	Jamesville, NY	Skaneateles, NY 13152
		<b>Tax Map #058.-01-24.0</b>

Present: Mehdi & Kathi Marvasti, Applicants; Andy Ramsgard, Architect

No one requested the public notice to be read. The Onondaga County Planning Board suggested modifications to the proposal to include OCDOH to approve the existing/proposed septic system, and any additional agency approvals in their resolution dated February 19, 2014. The City of Syracuse Department of Water commented that the onsite wastewater treatment system needs to be approved by the OCDOH and the Department of Water in their correspondence dated January 29, 2014.

Mr. Ramsgard requested that the application be continued to next month's meeting as the grading plan and construction sequence needs to be revised based on the recent site visit.

Chairman Tucker inquired regarding the boat shed and asked if there was consideration in reducing the size of the doors as the shed is large enough to accommodate an automobile and there is no driveway access to it. Potentially impermeable surface coverage could be increased by accessing the shed with a vehicle. Mr. Ramsgard stated that it is used to store the temporary dock sections and a boat. He recommended that a bollard could be installed to prevent a vehicle from parking in the shed. He continued that a smaller door opening would inhibit the ability to load a sailboat in for storage. Mr. Marvasti stated that he has owned the property since 1986 and has not driven a car down to the shed.

Member Estes asked if the proposal was for the demolition of the existing dwelling and construction of a new dwelling at the same location. Mr. Ramsgard stated that the proposed dwelling will be very close to the prior location. Member Estes commented that the dwelling could be located closer to the road and reduce the impervious surface further. Mr. Ramsgard stated that the septic system is closer and moving the dwelling further back would place the dwelling significantly behind the dwelling to the north. The driveway will be shortened by 45' and will have a grass strip down the center of the driveway. He stated that the grass strip installation at the Scutari's property has been installed for a few years and is working remarkably well. Member Estes inquired whether the applicant will need a variance for the proposed setbacks. Mr. Ramsgard stated that the applicant has received the variance from the Zoning Board of Appeals.

**WHEREFORE**, a motion was made by Chairman Tucker and seconded by Member Southern to declare this application to be a Type II action not subject to SEQR review. The Board having been polled resulted in the unanimous affirmance of said motion.

At this time, Chairman Tucker opened the Public Hearing. No one spoke in favor of the project. Chairman Tucker 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. A letter of support from the neighbor to the south, Mr. Leverich, in support of the proposal was submitted.

**WHEREFORE**, a motion was made by Chairman Tucker and seconded by Member Southern to continue the public hearing on *Tuesday, April 15, 2014 at 7:30 p.m.* The Board having been polled resulted in the unanimous affirmation of said motion.

**Extension Request- Major Special Permit**

Applicant: Old Seneca Heights LLC  
Marilynn Bonnavier  
1041 Old Seneca Tpke  
Skaneateles, New York  
**Tax Map #028.-01-04.0 & 027.-03-01.1**

Present: Robert Eggleston, Architect

Mr. Eggleston stated that the applicant is requesting an extension to the approval for the 68 apartment/flat development. The sewer district has been established and the applicant is working towards finalizing other conditions connected to the original approval issued in 2010.

WHEREAS, the Planning Board considered the requested amendment, and recalled the Planning Board had previously conducted an extensive review prior to granting the special permit; and

WHEREAS, the Planning Board has determined that the proposed amendment to the Minor Special Permit is consistent with the terms of the Minor Special Permit approval of October 15, 2002, and extension of February 21, 2012, and does not represent a substantial change from the approved site plan; and

WHEREAS, a motion was made by Member Southern and seconded by Member Kasper, with unanimous affirmation of said motion with abstention of Member Winkelman and Member Estes, the Planning Board adopted the SEQR findings of June 15, 2010 determined with a Full Environmental Assessment Form and a negative declaration 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 Member Joseph Southern and seconded by Member Scott Winkelman, and after an affirmative vote of all Members present, that the Skaneateles Planning Board **APPROVES** the Extension Application for an additional twenty-four (24) 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 buildings and improvements not otherwise completed to the date hereof, and that prior resolutions of the Planning Board be followed in all respects, except as extended hereby.

**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]

Chairman Tucker recused himself as he leases land from the Kotlarz family for farming.

**Sketch Plan –Subdivision**

Applicant: Terry Kotlarz  
2851 Rickard Road  
Skaneateles, New York  
**Tax Map #035.-04-29.0**

Present: Donna Kotlarz & Terry Kotlarz, Applicants

The applicants are proposing a two lot subdivision dividing 59+/- acres into lot one 31+/- acres with dwelling and lot two 28 +/- acres of vacant land. There is a hedgerow dividing the lot in two that was used to determine the lot boundaries. The proposed two lots comply with required road frontage and are actively farmed. Vice Chairman Southern stated that the map needs to include pinning the lot along the road frontage, that the lot calculations need to be determined

from the Right-of-Way rather than the centerline of the road, and that the existing farm driveway on proposed lot 2 be reflected on the survey.

**WHEREFORE**, a motion was made by Member Kasper and seconded by Member Estes to schedule a public hearing on *Tuesday, April 15, 2014 at 7:40 p.m.* The Board having been polled resulted in the unanimous affirmation of said motion.

At this time Counsel Molnar recommended to the Board that the application be an Unlisted Action and reviewed the short form SEQR with the Board. In evaluating each of the criteria set forth in Part II:

Part II	No or small impact	Moderate to Large impact
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulation?	X	
2. Will the proposed action result in a change in the use or intensity of use of land?	X	
3. Will the proposed action impair the character or quality of the existing community?	X	
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a CEA?	X	
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking, or walkway?	X	
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	X	
7. Will the proposed action impact existing public/private water supplies and/or public/private wastewater treatment utilities?	X	
8. Will the proposed action impair the character or quality of important historic, archeological, architectural, or aesthetic resources?	X	
9. Will the proposed action result in an adverse change to natural resources (e.g. wetlands, water bodies, groundwater, air quality, flora, and fauna)?	X	
10. Will the proposed action result in an increase in the potential for erosion, flooding, or drainage problems?	X	
11. Will the proposed action create a hazard to environmental or human health?	X	

**WHEREFORE**, a motion was made by Member Winkelman and seconded by Member Estes to declare this application to be an Unlisted action, and after review of the SEQR short environmental assessment form and determined that the proposed action will not result in any significant adverse environmental impacts. The Board having been polled resulted in the unanimous affirmance of said motion.

Chairman Tucker rejoined the Board at this time.

**Sketch Plan- Special Permit**

Applicant: Nathan Card  
 Card Mowing LLC  
 Jordan Road  
 Skaneateles, New York  
**Tax Map #023.-02-24.0**

Present: Nathan Card, Applicant; Debbie Williams, Representative

The applicant is proposing development of a 10.9-acre property in the IRO district for his landscaping business. Included in the proposal is construction of a 72’x72’ building for an office, break room, bathroom facility, and heated and unheated truck bays. A second 40’x80’ storage building would be for unheated storage of equipment. Also proposed is a 40’x80’

concrete pad for storage of landscape materials. The property is under contract pending approval from the Town and OCDOH. A driveway permit has been obtained on February 11, 2014 from County DOT. A septic plan has been submitted to the OCDOH for approval. NYSDEC permit is pending for site disturbance of approximately 78,000SF.

A preliminary SWPPP plan is being prepared with the plan indicating contours on the property to determine drainage flows, as requested from the site visit conducted on March 15, 2014. Mr. Wickman stated that contours need to be shown near the driveway and buildings to indicate where stormwater flows so that an erosion control and grading plan can be designed effectively. He continued stating that the parcel is considered class A soil that drains efficiently. The proposed retention pond would assist with the water quality rather than water quantity. The proposed trenches will assist with the drainage from the buildings.

Chairman Tucker inquired on the type of lighting proposed. Ms. Williams stated that the proposed lighting will be LED motion detector floodlights that are used for the security of the building at night to light the entry doors. Mr. Eggleston stated that the proposed LED lighting is night sky compliant. Member Kasper inquired whether the project would be done in phases. Ms. Williams stated the project will be done in one phase beginning with clearing and driveway installation. Member Winkelman inquired about washing of the vehicles. The mowers will be washed inside of the buildings and light service work, i.e. oil changes, will be performed with the discarded oils recycled.

**WHEREFORE**, a motion was made by Chairman Tucker and seconded by Member Southern to schedule a public hearing contingent on submission of additions material submitted by April 4, 2014, on *Tuesday, April 15, 2014 at 7:50 p.m.* The Board having been polled resulted in the unanimous affirmation of said motion.

**Sketch Plan- Special Permit**

Applicant: Chacea Sundman  
Prague 4 LLC  
1695 Stump Road  
Skaneateles, New York  
**Tax Map #020.-02-14.0, 020.-02-15.1 & 020.-02-42.0**

Present: Jeremy Dinghy, Representative

The applicant would like to re-establish a riding academy with clinics involving 5-10 horses and small shows with 10-15 horses. Member Winkelman commented that it was difficult to enter the property with all of the snow present and with the parked cars. Parking was not clearly marked on the plans. Mr. Dinghy clarified that parking for events would be in the form of the pasture along the road with events only held in the summer. He commented that half of the entry gate was blocked by piled snow and that the driveway is normally twice the size the Board had seen. Chairman Tucker stated that the impermeable surface coverage needs to be indicated on the survey as the survey is reflecting three parcels with all of the structures located on one parcel. Mr. Dinghy stated that the three parcels total 46 acres and the surveyor, Paul Olszewski, did not feel that the calculation was necessary. The dwelling and barns are located on 14± acres and there are no additional proposed structures. The prior barns were constructed prior to zoning in Skaneateles with a barn addition added last year.

The Board stated that the three parcels will need to be merged and the merger can be made a condition of the approval. The plan should be updated to reflect proposed parking, the traffic pattern on the lot, number of horse and size of shows. Mr. Dinghy stated that the barn capacity is for 20 horses and for the small competitions, there are horse brought in for the day's event. The competition is usually for 5-10 horses at any given time. Mr. Brodsky stated that the plan needs to demonstrate that you will have sufficient parking for the events.

Member Winkelman inquired on the material of the existing tennis court. The tennis court material will need to be determined by the surveyor to determine the permeability status. Chairman Tucker inquired of Mr. Eggleston on how the event parking on the grass was handled for his wife's dog event business. Mr. Eggleston stated that it was acknowledged but not included in the calculations as his impervious coverage was 4.2%.

**WHEREFORE**, a motion was made by Member Winkelman and seconded by Member Estes to schedule a public hearing on *Tuesday, April 15, 2014 at 8:05 p.m.* The Board having been polled resulted in the unanimous affirmation of said motion.

**Amendment Request- Special Permit**

Applicant: Brad Wirth  
2590 Nunnery Road  
Skaneateles, New York

Property:  
1382 East Genesee St  
Skaneateles, New York  
**Tax Map #042.-01-08.1**

There was no one present to represent the applicant.

**Sketch Plan- Site Plan Review**

Applicant: Greg Weaver  
2888 East Lake Road  
Skaneateles, New York  
**Tax Map #036.-01-37.3**

Present: Claude Weaver, Representative; Robert Eggleston, Architect

The applicant owns a six-acre lot in Hidden Estates with 1157FT of road frontage on a shared driveway. The property being developed is located within 1500' of the lake line and proposed is a 2800SF two-story barn with 997SF one bedroom apartment included on the second floor. The barn will house the applicant's automobile collection with the apartment available for overnight guests. The proposed barn complies with setback guidelines.

There will be a 132Ft deck off the second floor living quarters facing the lake and the barn designed as a dairy barn to be in harmony with the rural countryside. Proposed are two driveways, a 12' wide driveway leading to the north side of the building and a 15' wide proposed rear driveway.

The Onondaga County Planning Board suggested modifications to the proposal to include OCDOH to approve the proposed septic system, and any additional agency approvals in their resolution dated March 11, 2014. The OCDOH has provided conceptual septic design approval on March 3, 2014. The City of Syracuse Department of Water has received a copy of the OCDOH conceptual approval and will be sending their comments shortly.



Water quality management will engage the use of two rain gardens located to the east and south of the structure and driveways, and a gravel ditch along the drive to drain to the rain gardens. A list of plants chosen for the site has been emailed separately and the applicant's landscaper, who manages Mr. Weaver's dwelling on his lakeside property, will be maintaining the property.

Member Winkelman stated that the rain garden next to driveway may be impacted by snow banks in the winter and may need to be moved further away from the driveway. Mr. Eggleston stated that the snow removal will be for general access and the driveways will not be completely plowed. Member Winkelman complimented Mr. Eggleston on the architectural style of the building fitting in with the rural community. The building will also have night sky compliant lighting.

Chairman Tucker stated that the drainage has never been corrected in the Hidden Estates subdivision. Mr. Eggleston stated that the stormwater is being generated by the neighbors to the north and flowing over the parking area. Chairman Tucker stated that the draining should be directed to the southern culvert and that the stormwater is draining to the north culvert. Mr. Eggleston clarified that his applicant is proposing the control of the stormwater generated on his property that will be managed on his property. Mr. Wickman stated that the drainage pattern has changed from no water issues to heavier water flow north of the Woodruff property. The subdivision was approved with the understanding of compliance to all conditions of the approval. Mr. Eggleston stated that the neighbor to the north has done extensive landscape site improvements including reduction of the natural hedgerow that helps to manage storm water, and that the neighbor's stormwater is coming onto the Hidden Estates property. Member Winkelman stated that there are two issues, the drainage from the northern neighbor's property and the impact to drainage from the new subdivision road draining to the northern culvert rather than the proposed path to the southern culvert.

The drainage for the Hidden Estates subdivision was constructed at the time of the development of the road; however, the contractor had taken liberties with the design and construction sequence in the creation of the drainage facility.

Chairman Tucker stated that the drainage needs to be addressed now rather than putting it off as a later discussion. There were discussions regarding the drainage six to eight months ago and that the conditions of the subdivision have not been met. Chairman Tucker stated that NYSDOT has been part of the discussions regarding the drainage. Member Winkelman recommended that the Board move forward on the Weaver application and write the Hidden Estates developer a letter of concern regarding the drainage. Counsel Molnar stated that as the prior conditions of the approved subdivision have not been met, it jeopardizes the entire subdivision and any improvements proposed. The developer owns lot three of the subdivision consisting of 78 acres that includes the drainage basin. The driveway cut is on the Goldmann property and all property owners in the subdivision have a right of way for access to their lots.

Mr. Wickman recommended that the proposed rain gardens be designed linear and downstream from the driveways, as the stormwater runoff from the driveways would be better managed by the rain gardens with the new placement. A 15-foot grass strip between the pavement and the rain garden on the east will provide a filtering buffer before the water reaches the rain garden and provide an area for snow banks. The driveway should also be tilted towards the rain garden to reduce any potential icing problems. The southern rain garden should also be linear along the driveway to manage the water from the secondary drive.

Counsel Molnar stated that one condition of the subdivision was that the drainage design was completed to adequately manage the drainage and that was not fulfilled. As such, Counsel Molnar stated that no approval can be given until there is resolution of the drainage. He recommended that the developer be contacted to provide a solution to the drainage issues in the subdivision. Chairman Tucker recommended that Counsel write a letter to the developer addressing the Board concerns and requesting the developer to provide a resolution to the drainage issues to the Board by April 15, 2014.

Mr. Weaver stated there has been some changes where the retaining pond has been changed based on recommendations from last year. Mr. Wickman stated that in a discussion between Larry Hazard, NYSDOT, and Rudy Zona, design engineer, Mr. Hazard stated that based on an old survey of the property, the south culvert is at a higher elevation than the north culvert. Mr. Zona stated that the north culvert is higher than the south culvert. The topography was never verified to determine the elevations of the two culverts. Mr. Eggleston stated that the State of NYDOT changes the contours every time they clean the ditches and this affects the drainage.

Mr. Eggleston stated that the site plan will need to be revised based on the discussion tonight and with the proposed recommendations from Mr. Wickman, the applicant can come back in April with the updated plans.

**WHEREFORE**, a motion was made by Chairman Tucker and seconded by Member Southern to continue the review to *Tuesday, April 15, 2014*. The Board having been polled resulted in the unanimous affirmation of said motion.

#### **Discussion**

The Critical Environmental Area discussion will occur at a future date after the Comprehensive Plan has been approved with any potential zoning changes impacted.

#### **Discussion**

Recent case law supports the legislation that structures beyond the mean high water mark of 865.02 NGVD Datum 1929 are under the jurisdiction of the State of New York.

#### **Discussion**

A board member may Skype into a meeting if the public hearing notice is posted at the venue where the member is accessing through Skype and that the Skype connection be made public to anyone interested in listening at the Skype location.

#### **Escrow**

Applicant: Marc Pietropaoli  
791 W. Genesee Street  
Skaneateles, New York

Property:  
Route 20 East  
Skaneateles, NY 13152  
**Tax Map #042.-01-13.0 and 042.-03-06.1**

There is an outstanding invoice for legal services rendered that will required additional funds from the applicant to process.

**WHEREFORE** a motion was made by Member Southern and seconded by Chairman Tucker that the applicant increases the escrow account in the amount of \$500. The Board having been polled resulted in the unanimous affirmance of said motion.

**WHEREFORE** a motion was made by Member Estes and seconded by Member Kasper to adjourn the Planning Board Meeting as there being no further business. The Board having been polled resulted in favor of said motion.

Respectfully Submitted,



Karen Barkdull, Secretary/Clerk