

**MEETING MINUTES
AUGUST 20, 2013
TOWN OF SKANEATELES PLANNING BOARD**

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

Chairman Tucker opened the meeting at 7:30 p.m. The Planning Board will be conducting site visits on September 7, 2013. The meeting minutes of June 11, 2013 were previously distributed to the Board and all Members present acknowledged receipt of those minutes.

WHEREFORE, a motion was made by Member Southern and seconded by Member Winkelman to approve the minutes as submitted. The Board having been polled resulted in the unanimous affirmance of said motion.

	<u>RECORD OF VOTE</u>	
Chair	Mark J. Tucker	[Yes]
Member	Joseph Southern	[Yes]
Member	Donald Kasper	[Absent]
Member	Scott Winkelman	[Yes]
Member	Beth Estes	[Yes]

The meeting minutes of July 15, 2013 were previously distributed to the Board and all Members present acknowledged receipt of those minutes.

WHEREFORE, a motion was made by Member Winkelman and seconded by Chairman Tucker to approve the minutes as submitted. The Board having been polled resulted in the unanimous affirmance of said motion.

	<u>RECORD OF VOTE</u>	
Chair	Mark J. Tucker	[Yes]
Member	Joseph Southern	[Yes]
Member	Donald Kasper	[Absent]
Member	Scott Winkelman	[Yes]
Member	Beth Estes	[Yes]

Public Hearing-Special Permit/ Site Plan Review

Applicant: Steven Miron
2987 East Lake LLC
4 Times Square, 23rd Floor
New York, New York 10036

Property:
2987 East Lake Road
Skaneateles, New York 13152
Tax Map #039.-01-18.1

Present: Steven Breitzka, EDR; Jo Anne Gagliano, EDR; Leif Kallquist, HKK; Chris Norris, HHK

No one requested the notice to be read. City of Syracuse commented that modification or demolition of the existing structure should not be initiated prior to OWTS design approval by the Onondaga County Department of Health in their correspondence dated August 20, 2013. The Onondaga County Planning Board commented that the applicant would need to obtain approvals from the OCDOH, City of Syracuse Department of Water, and the NYDEC in their resolution dated July 24, 2013. A site was conducted on July 27, 2013.

An updated site plan and narrative dated August 9, 2013 were submitted reflecting a projected impermeable surface coverage of 10.3%, achieved by the proposed 932SF green roof recommended at the site visit.

The updated proposal is for the demolition of the existing 3043SF dwelling with 426SF-detached garage and a 497SF lakeside patio. The 1419SF guesthouse and dock will remain. The driveway will remain although the width will be reduced to 10', with the proposed primary 2168SF dwelling with a bridge to the attached 967SF 3-car garage replacing the existing dwelling. The pedestrian access consists of a granite edge walkway terracing with stone and grass turf steps that curve around the north side of the dwelling to provide gentle slope access to the patios at the front of the main house. The shoreline patio will be replaced with a 700SF permeable patio, increasing the shoreline structure from 2592SF to 2825SF of shoreline structures.

The turnaround for the neighbor's driveway is located on the property comprising of 62SF of impermeable surface coverage that will remain. The neighbor's driveway had been part of a shared driveway to access the boathouses that was modified 10-15 years ago.

Member Estes inquired why the proposal does not reflect 10% or less impermeable surface coverage instead of the 10.3% proposed. Mr. Kalquist stated that long narrow shape of the lot makes it more difficult to design at 10% impermeable surface coverage as the lot causes the driveway to be long. The proposed dwelling footprint is 900SF less than the existing dwelling and the proposal is including proposed green technology to aid in the control of stormwater runoff. Ms. Gagliano stated that a green roof would be employed with a stone trench around the dwelling draining to a bio-swale in addition to the use of permeable pavers in place of impermeable surface at the shoreline patio. Member Winkelman inquired on the specifications of the proposed green roof. Ms. Gagliano commented that some towns have applied green "credits" for the use of green driveways to reduce the amount of stormwater runoff that goes to the lake, and that green driveways are a viable option for deep lots on the lake that require long driveways. The town of Cazenovia gives a 50% credit on permeable driveways.

The proposed main dwelling consists of three pods that have a flat roof connector with wrapper bars that connect the three elements and garage. The three pods will have traditional metal shed

roofs at 2.5/12 slope ratio and the flat areas of the roof are proposed with green roof system. The shed roofs will drain into the green roof. The discharge and capacity information will be submitted to the Board. Gutters can be added to the metal shed roofs to drain into the bio-swale around the dwelling.

Counsel Molnar stated that the Board had recently approved a green roof system for another applicant with the condition of the inclusion of the green roof specifications and assurance compliance included in the property abstract. A sample copy of the assurance agreement will be given to the applicant's representatives. This application should be treated that same as the prior approval with the assurance agreement being a requirement of approval. Bob Neumann, Erie Materials and neighbor to the south, stated that he sells green roofs and that they have been successful in New York.

Mr. Wickman recommended more information needed to be included in the proposal such as a cross section of the green roof system should be submitted; differentiate the permeable patios on the plan; the silt fences work best at 200' flowing for erosion control and the plan indicates 400'; take the water from phase two and divert it away from the dwelling to keep the water away from the site and use silt fencing for phase two. There are two storm drains with one on the north with one basin and another storm drain on the south side of the property.

Member Estes inquired about the retaining wall. Mr. Kalquist stated that the retaining wall runs through the dwelling to stabilize the high and low ground.

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 or wishing to speak in opposition or had any other comments.

WHEREFORE, a motion was made by Member Southern and seconded by Member Winkelman to close the public hearing. The Board having been polled resulted in the unanimous affirmance of said motion.

WHEREFORE, a motion was made by Chairman Tucker and seconded by Member Southern to make the Board determination on *Tuesday, September 17, 2013 at 7:30 p.m.* The Board having been polled resulted in the unanimous affirmation of said motion.

WHEREFORE, a motion was made by Chairman Tucker and seconded by Member Southern to establish an escrow account in the amount of \$1000 for engineering review. The Board having been polled resulted in the unanimous affirmation of said motion.

Public Hearing Continuance – Subdivision

Applicant: Banjo's Home Farm LLC
2696 West Lake Road
Skaneateles, New York 13152
Tax Map # 053.-01-05.1

Present: T.K. Greenfield, Applicant; Andrew Leja, Counsel;

The proposal is for a two-lot subdivision with one lot proposed at two acres, and the remaining lot at 13.6 acres. The Greenfield Farm Soil Management drainage plan dated June 13, 2013 has been prepared by the Skaneateles Lake Agricultural program in cooperation with the Onondaga County Soil Conservation District and the Natural Resource Conservation Service to address the drainage on the southeast corner of the lot. Planting strips will be established with a diversion channel and culvert crossing. Mr. Wickman stated that water quality would need to be addressed as the land is further developed. A water quality retention pond should be established at the bottom of the diversion channel in the future plans. The area should be shown on the survey map and marked "potential future water quality area". The area does not need to be designed immediately. The lot should also be pinned except in areas that will continue to be farmed.

Member Winkelman stated that Greenfield Lane was established a long time ago and Mr. Greenfield stated that the section bordering the lake was established in the 1930s with the most recent lot established in 2004. Member Southern stated that under section 148-25 rural siting principles, the Board can set restrictions on lots of new subdivisions but is not required to do so. He continued commenting that there is the potential of de-valuing the lot based on restrictions placed on the lot. Trees can be planted by the property owner that may block views, as trees are not regulated by the Town. Mr. Leja stated that the rural siting principles conflict with the standards of New York law with the courts being reluctant to approve an attempt to implied easements that are of benefit to one and the detriment of another. In the case of Saxon v Zimmerman in the Town of Scarsdale, the Board's denial decision was reversed, as the new lot would not be considered offensive to the eye and there was not substantive evidence to prove material effect to the community or district patterns. He continued stating that there is no substantive evidence to prove material effect to the community and the new lot would not be offensive to the eye, it would not warrant the Board to set an implied easement on the proposed lot. If you wish to preserve your view permanently then you could purchase the lot or obtain an easement to the view shed. Member Estes stated that for every case cited there is a case showing the reverse decision. Mr. Leja state that is not true in this case, and stated that the complainants have cited many cases in there comment letters that do not address implied easements. The courts are unwilling to burden the right of a property owner to subdivide there property and provide an implied easement without the easement being financially compensated.

At this time, Chairman Tucker re-opened the public hearing and asked if there was anyone who wished to speak in favor of the subdivision. Frank Murphy, Fire lane 20, has lived there for over 40 years and the Greenfields have accommodated all of the neighbors and have been great stewards of the land. He supported their proposal and stated that his house is immediately next to the drainage swale that always works. Chairman Tucker asked if there was anyone who would like to speak in opposition or had any other comments. Ed Conan, 1216 Greenfield Lane, stated that he is not in opposition to the proposal and that he is not seeking a right to an unlimited view shed. He continued stating that he believes that 148-25H is limited to new subdivision so that houses do not block the view of the lake. The lot can have a view without blocking his view. He requested that a condition of approval be application of 148.25H. Paula Conan, 1216 Greenfield Lane, stated that the Greenfields have maintained their land for all of the neighbor's enjoyment. She assumes there will be a dwelling built on the created lot and does not want their view blocked. She requested that a condition of approval be application of 148.25H. David Graham, 1212 Greenfield Lane, stated that he has no objections to the two acre lot and noted that the SOCPA comments from June 12, 2013 states that the Town should give consideration to the potential long-term effects of subdivisions to create new residential lots in rural areas; Doug Wickman correspondence dated June 25, 2013 regarding the impact on drainage from the new

lot; that the drainage plan be a condition as part of the subdivision approval and that he supports the Conans view of 148-25H.. There are letters of support submitted from the neighbors.

WHEREFORE, a motion was made by Member Southern and seconded by Member Winkelman to close the public hearing and allow a ten day period for any additional written comments to be submitted to the Board (August 30, 2013). 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	[Absent]
Member	Scott Winkelman	[Yes]
Member	Beth Estes	[Yes]

Although lots created in the Lake Watershed Overlay District are required to have building envelopes per 148-2D(5), section 131-2 in combination with 131-4 allows the Planning Board to waive this requirement. Mr. Brodsky suggested that the survey reflect the areas on the plan that will be continued to be farmed. Mr. Wickman stated that any drainage from potential development of the proposed new lot would be managed by the proposed grass lined channel.

Mr. Leja stated that the language in the rural siting guide states, “avoid citing buildings that block the public view of the lake”, and that the term block is a subjective term. Secondly the term existing refers to any lot that created after the enactment of the law which would not allow anyone to plant a tree, or do any improvement without the Board’s approval to determine if their improvement was blocking someone’s view.

WHEREFORE, a motion was made by Member Winkelman and seconded by Chairman Tucker to make the Board determination on ***Tuesday, September 17, 2013 at 7:45 p.m.*** The Board having been polled resulted in the unanimous affirmation of said motion.

Sketch Plan-Special Permit/ Site Plan Review

Applicant: Thomas & Brenda Parkes
6 Saddles Hill
Honeoye Falls, New York

Property:
2809 East Lake Road
Skaneateles, New York 13152
Tax Map #038.-01-17.0

Present: Thomas Parkes, Applicant; Bob Eggleston, Architect

The applicant has owned the property for several years and received a special permit in 2010 for an accessory structure on a nonconforming lot with 10.8% impermeable surface coverage. The applicant submitted approximately \$800 to the Land and Development Rights Acquisition Fund for the impermeable surface coverage over 10%. The lot is 42,043SF and has 148FT of shoreline with the existing dwelling located 49FT from the shoreline. The applicant is proposing the demolition of the existing structures and construction of a four-bedroom dwelling located 59.7FT from the shoreline consistent with other dwellings in the neighborhood. A detached two-car garage with living space above is also proposed. Impermeable surface coverage will maintain at 10.8% with open space reduced from 88.8% to 85.7%, and shoreline structures

increasing from 73SF to 600SF. A variance is being requested for the proposed dwelling located less than 100' from the shoreline.

The existing gabion basket seawall is failing and the prior owners added large rocks on the slopes near the water that are eroding. Proposed is a modular masonry retaining wall with a 600SF patio. Additional rocks will be placed on the north end of the lake line for erosion control. The steps to the lake will be relocated to the patio. There will be cutting into the bank and soil will be removed offsite during construction.

The septic system for a four-bedroom dwelling was installed ten years ago and approved by Onondaga County Department of Health. The County has re-evaluated the system, determined that the distribution box needs to be topsoiled, and that an alarm needs to be installed in the pump chamber. The alarm has a proposed installation to be completed on or before December 2014. A site visit will be conducted on September 7, 2013.

WHEREFORE, a motion was made by Chairman Tucker and seconded by Member Southern to schedule the public hearing for *Tuesday, September 17, 2013 at 8:00 p.m.* The Board having been polled resulted in the unanimous affirmation of said motion.

Sketch Plan- Special Permit

Applicant: Daniel & Agnes Robert
2707 East Lake Road
Skaneateles, New York
Tax Map #037.-01-01.0

Present: Daniel Robert, Applicant: Robert Eggleston, Architect

The 15,232SF nonconforming lot had received a variance in 1999 for an addition of dormers to the house. The applicants were not able to do the project at that time and are now requesting the same project. The application is for a dormer on the east side of the dwelling to create a 6' height in the bathroom and to raise the height of the west roof dormer to allow better head room in the master bedroom. The existing impermeable surface coverage is 24.1% on the small lot and the applicant is prepared to contribute \$4,939.94 in the Town's Land and Developments Right Acquisition Fund. The site is well vegetated to assist with water filtration prior to flowing to the lake. The applicant is also seeking a variance from the Zoning Board of Appeals as the lot is under 20,000SF. A site visit will be conducted on September 7, 2013.

WHEREFORE, a motion was made by Member Winkelman and seconded by Chairman Tucker to schedule the public hearing for *Tuesday, September 17, 2013 at 8:15 p.m.* The Board having been polled resulted in the unanimous affirmation of said motion.

Sketch Plan- Site Plan Review

Applicant: Suzanne Paul
1580 Pork Street
Skaneateles, New York
Tax Map #035.-01-03.0

Present: Suzanne Paul, Applicant: Charles Chernoff, Representative

The 32.6-acre property is currently vacant and farmed. The applicant would like to improve the farm access driveway for a 12' wide future single-family driveway. The access is located 20' from the property line and complies with Town code and has received a driveway permit from the Onondaga County Department of Transportation. The DEC has issued a permit for the work and the Skaneateles Lake Watershed Ag program will install the culvert over the intermittent stream that feeds into Skaneateles Lake. The proposal includes two grass swales with check dams along the driveway.

The proposed future dwelling will be tucked near the hedgerows in the back on the lot. The septic system design has been approved by the Department of Health in 2007. A site visit will be conducted on September 7, 2013, with the review continuing on ***Tuesday, September 17, 2013 at 8:25 p.m.***

Amendment Site Plan Review

Applicant: Ed Brennan
3024 West Lake Road
Skaneateles, New York
Tax Map #052.-01-15.1

Present: Shane O'Connor, TDK.; Representative

The applicant is seeking an amendment to the Major Site Plan Approval granted on December 18, 2012. The approved plan enlisted the use of a cast in place weir and cast in place drive-able bridge, which proved to be cost-prohibitive for the project. The revised application is for the restoration of the original capacity of the existing pond through modification to the embankment and construction of a new spillway. An integrated headwall will be tied in with the existing stonewall, and the access-way over the pond will consist of a private drive.

Mr. Wickman inquired why the applicant wished to have the water diverted through the channel instead of allowing the stormwater run over the top of the land. He continued that the pipes may be problematic, as one will probably stay open with the remaining four becoming clogged. Mr. O'Connor stated that the water would run over the driveway without the five proposed pipes. The ACOE is reviewing the revised plan and the DEC will wait to take the lead from the ACOE although they have been mailed the revised plan at the end of June. The prior proposal reviewed by the DEC had a stipulation that the proposal be reviewed by NYS Parks and Recreation. Excess fill will be staged on the adjacent parcel also owned by the applicant, and will comprise approximately one acre of land one foot thick. A site visit will be conducted September 7, 2013.

WHEREFORE, a motion was made by Member Winkelman and seconded by Chairman Tucker to continue the review to ***Tuesday, September 17, 2013 at 8:35 p.m.*** The Board having been polled resulted in the unanimous affirmation of said motion.

Sketch Plan- Subdivision

Applicant: Darryl & Agnes Meiers
1945 Stump Road
Skaneateles, New York
Tax Map #020.-04-04.0

Present: Darryl & Agnes Meiers, Applicants; Tom Seller, Representative

The applicants has approximately 37 acres and is proposing a three-lot subdivision comprising of Lot 1 with the existing dwelling with improvements and some wetlands on 7.5 acres, Lot 2 21.6 acres and Lot 3 of 7.4 acres with a pond. The parcel is located on the corner of Stump Road and NW Townline Road.

Chairman Tucker stated that the subdivision map needs to be updated to reflect the wetlands, location map, address, name of subdivision, comment stating “not approved building lots”, and pins on the corners of the lot that are not actively farmed.

Lot 3 will need proposed driveway cut approval from the Onondaga County DOT and the County should give approval to use the farm access as a driveway for lot 2. A site visit will be conducted on September 7, 2013.

WHEREFORE, a motion was made by Chairman Tucker and seconded by Member Winkelman to schedule the public hearing for ***Tuesday, September 17, 2013 at 8:45 p.m.*** The Board having been polled resulted in the unanimous affirmation of said motion.

Amendment- Site Plan Review

Applicant: 1808 West Lake LLC
1808 West Lake Rd
Skaneateles, New York
Tax Map #062.-01-09.2

Present: Scott Freeman, Architect; Stephanie Webster, Landscape Design; Representatives

Mr. Freeman and Ms. Webster from Keplinger Freeman Associates are representing the applicant Cosmos Zavaglia. The applicant is requesting an amended site plan to bring the existing residence into compliance. The existing impermeable surface coverage is 12.4% with open space of 78.6%. The proposal is for modifications to the paly area to permeable surface; restoring plantings and natural areas, restore the beach area, continue the grass strip on the driveway, replace concrete paths with permeable pavers, and re-grade the lawn around the dwelling to achieve 35’ in the height of the dwelling. The impermeable surface coverage will be reduced to 9.9% and the open space will be increased to 82.3%. A site visit will be conducted on September 7, 2013.

Counsel Molnar disclosed that his firm represents Mr. Zavaglia in his business endeavors and does not feel there will be a conflict as there is not direct involvement of himself with Mr. Zavaglia.

WHEREFORE, a motion was made by Member Winkelman and seconded by Chairman Tucker to continue the review to ***Tuesday, September 17, 2013 at 8:55 p.m..*** The Board having been polled resulted in the unanimous affirmation of said motion.

Sketch Plan- 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

Present: Brad Wirth, Applicant

The applicant recently acquired the Bobbett property and would like to add a third 54'x108' storage building located between the two existing buildings. The existing loading dock has been removed and the site has been cleaned up. Also proposed is outdoor boat storage at the south end of the property on a gravel and grass area. There are wetlands located on the adjoining property behind the proposed boat storage area. The wetlands also include the ditch on the edge of the property that runs underneath the Chase Design building and continues to Shotwell Brook. There are large trees in the back of the building that shield the view from Sachem Drive. The impermeable surface coverage is over what is allowed and the addition of the boat storage will increase the impermeable surface coverage. 30% impermeable surface coverage is the maximum amount allowed for the property that is also located in the lake watershed. The applicant has sold his boat storage building in Otisco and would like to provide boat storage at this location.

Mr. Brodsky stated that the calculations will need to be revised to accurately reflect the impermeable surface coverage existing and proposed. The existing retail store will remain and the lawn mower repair service is the only service occurring. There will be no service of the boats occurring on-site. A site visit will be conducted on September 7, 2013.

Merger Request

Applicant: Mr. & Mrs. Tardiff
4127 O'Neil Lane
Skaneateles, New York
Tax Map #027.-01-07.0 & 027.-01-08.0

The applicant is request the merger of his two adjoining properties with one of the lots consisting of vacant land.

WHEREFORE, a motion by Member Joseph Southern and seconded by Chairman Mark Tucker to notify the Town of Skaneateles Tax Assessor that this Board has no objection to the request of Mr. & Mrs. Tardiff to merge tax parcels 027.-01-07.0 and 027.-01-08.0 into one tax parcel.

Discussion

The drainage from the Hidden Estates subdivision has not been directed to the southern Rt. 41 culvert as required. A meeting was held at Town Hall, including Mr. Wickman, Debbie Williams, Mark Tucker, and Larry Hazard from NYS DOT to discuss solutions. It was agreed the approved drainage plan will work when the drainage is directed as required. Mr. Hazard and Ms. Williams will contact the Goldmanns and Mr. Spear.

Discussion

A site visit will be conducted on September 7, 2013 of the Alabar LLC/Skaneateles Meadows property on Lauder Lane.

Escrow

Applicant:	Loveless Farm Development LLC	Property:
	PO Box 866	East Lake Road
	Miami, Fla. 33145	Skaneateles, NY 13152
		Tax map #

The Loveless Farm Development LLC application will need additional escrow for continued engineering review for the project.

WHEREFORE, a motion was made by Member southern and seconded by Member Estes to request an additional \$6000 to the escrow account for engineering review. The Board having been polled resulted in the unanimous affirmation of said motion.

There being no further business the Planning Board meeting adjourned at 11.00 p.m.

Respectfully Submitted,

Karen Barkdull, Secretary