

**TOWN OF SKANEATELES PLANNING BOARD  
MEETING MINUTES  
March 15, 2016**

Mark J. Tucker, Chairman  
Joseph Southern  
Elizabeth Estes  
Donald Kasper  
Scott Winkelman  
Scott Molnar, Legal Counsel  
John Camp, P.E. (C&S Engineers)  
Howard Brodsky, Town Planner  
Karen Barkdull, Clerk/Secretary

Chairman Tucker opened the meeting at 7:30 p.m. The meeting minutes of January 19, 2016 were previously distributed to the Board and all Members present acknowledged receipt of those minutes.

**WHEREFORE**, a motion was made by Chairman Tucker and seconded by Member Estes to approve the minutes as corrected. The Board having been polled resulted in the unanimous affirmance of said motion. Members Southern and Kasper abstained from the vote.

**RECORD OF VOTE**

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

The meeting minutes of February 16, 2016 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 corrected. The Board having been polled resulted in the unanimous affirmance of said motion. Members Estes abstained from the vote.

**RECORD OF VOTE**

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

### **Sketch Plan**

Applicant: Mark Congel / 5 Fires LLC  
3395 East Lake Road  
Skaneateles, NY 13152  
**Tax Map #041.-01-21.0**

Present: Wayne LaFrance, Architect

The applicant is requesting to remove the existing garage located 4 inches from the north property line and relocated a new attached two story garage that is 799SF and located 12'6" from the north property line. The second floor of the proposed garage would be for the expansion of the master bedroom. The proposed garage is 200SF+/- larger than the existing garage to accommodate the larger vehicles, and the applicant is requesting an increase in impermeable surface coverage from 13.5% to 13.8%. The applicant is also requesting area variances for the increase in non-conforming impermeable surface coverage and for the rear yard setback. The Zoning Board of Appeals will be conducting a site visit on Saturday, March 19, 2016. They will be reviewing some of the impermeable surface coverage that could be removed to bring the property coverage back to its existing level. Member Winkelman commented that there is a lot of driveway on the property. Chairman Tucker commented that the applicant should work with the ZBA right now.

Member Winkelman commented that he would love to see the property down to 10% impermeable surface coverage. Chairman Tucker inquired if the applicant does get the impermeable surface coverage down to the existing coverage, will the Planning Board then be able to work with the applicant on lowering the coverage. Counsel Molnar stated that in terms of the site plan review that is being presented, the Planning Board still has at its discretion to encourage the applicant for the reduction.

Mr. LaFrance stated that there is a large household with a number of daughters that have their license now, there are numerous cars, and unfortunately, it is on the north side to the building that would require cutting across the yard for access. Locating the garage to the south side of the property was not possible.

The main house is a four bedroom dwelling that will be maintained at four bedrooms. Member Winkelman commented that there is a front entrance near the loop driveway to the south where there is a concrete patio/porch. Member Winkelman stated that the loop driveway could be reduced to a turnaround driveway, getting rid of the loop towards the lake. Mr. LaFrance stated that the client is open to suggestions.

Chairman Tucker stated that the applicant is seeking a variance for impermeable surface coverage. Member Southern stated that if they grant the variance then the Planning Board would not be able to reduce the coverage further. A site visit could be scheduled for the application.

Chairman Tucker recused himself as he has easement rights on the applicant's property.

**Continued Review**

Applicant:	John Teixeira	Property:
	3029 East Lake Rd	2763 East Lake Rd
	Skaneateles, NY 13152	Skaneateles, NY
		<b>Tax Map #038.-01-25.0</b>

Present: John Teixeira, Applicant; Debbie Williams, Representative

A site visit was conducted on February 27, 2016. The existing nonconforming lot is 19,984SF with 65.7' of lake frontage and has two seasonal residences on the property. The applicant proposes to construct a 174SF second floor addition to the lakeside dwelling to provide a larger bedroom on the second floor. There will be no increase in the footprint of the dwelling or increase in the number of bedrooms. The lakeside dwelling has two bedrooms and the eastern cottage has one bedroom. The Zoning Board of Appeals had approved the variances for the project including a driveway setback to the south property line.

Ms. Williams stated that part of the driveway has been reduced as part of the conditions of the granting of the area variances. The impermeable surface coverage has been reduced from 20.3% to 17.7%. With the reduction and reconfiguration of the driveway, a variance was created for the driveway setback. The open space has been increased and is now compliant. The driveway has been reconfigured and shortened; there are now three parking spaces that will also be used as the turnaround. The revised site plan dated February 10, 2016 reflects the new proposed driveway. Vice Chair Southern stated that the lawn between the end of the driveway and the dwelling could be tempting for someone to drive on. Ms. Williams commented that the ZBA had conditioned the approval with the end of the driveway being blocked off so that a vehicle could not drive on the grass or septic system.

Member Kasper commented that he had seen bubbling water near the dwelling that was similar to a spring and inquired if there is a spring located there. He continued stating that it might be spring melt but it was clear what it was. Mr. Teixeira stated he was not aware of any natural spring in the area. Member Kasper stated that he also notice a manhole on the property. Mr. Teixeira stated that it was the location of the well pump.

Member Winkelman inquired on the easement located on the south side of the property. Mr. Teixeira stated that as part of the ZBA request to block the end of the driveway, that a gate be placed so that the easement owner can have access to the lake. Ms. Williams stated that the deeded easement that was created in the 1920s, give the easement owner the right to access the lake by buggy, horse, bring his cows to the lake to water, and that the use of the easement would probably be occasional. She inquired if the gate can be placed there. Counsel Molnar stated that the easement owner would need to have access so there should not be a permanent fence placed in the area. The owner and the easement owner could have a key to the lock. Counsel Molnar stated that it would be best to gain the easement owner's consent for the gate.

Mr. Brodsky commented that back in February of this year the Board was only looking at a second floor expansion with no change in footprint of structures on the property. The ZBA has basically changed the site plan and has now placed the application in the realm of redevelopment. Ms. Williams stated that the ZBA was acting like the Planning Board as if it was redevelopment, and has pushed the application into redevelopment without the applicant

knowing. Mr. Teixeira inquired if it was because of the change in the driveway. Counsel Molnar clarified that any change in the footprint of a structure is considered redevelopment and a driveway is considered a structure. Ms. Williams stated that there is a flaw in the zoning code caused by having a driveway considered a structure. Member Kasper commented that if it were redevelopment then the applicant would have to pay into the DRA fund. A special permit for redevelopment that includes a public hearing would also be required.

The ZBA had recommended and approved the revised site plan based upon alterations to the driveway. The applicant had found the alterations acceptable and is before the Planning Board with that plan that now is subject to redevelopment. Member Estes commented that the Board can not change the site plan once it has been approved by the ZBA. The ZBA resolution was conditioned to Planning Board approval and if the Board takes it back to the existing driveway condition then it would need to go back to the ZBA for their approval. Mr. Brodsky stated that there was an implication there that the ZBA did not recognize.

The application would need to have a public hearing if it proceeds as a special permit for redevelopment, or conversely, the applicant could request an amendment to the variance to rescind the revised site plan and approve the original site plan with the driveway modification. In that case, a special permit for redevelopment would not be required. Ms. Williams suggested that the application move forward with a request for special permit for redevelopment.

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

Chairman Tucker returned to the Board.

**Continued Review – Site Plan Review**

Applicant: Patrick Danial  
3285 East Lake Rd  
Skaneateles, NY 13152  
**Tax Map #041.-01-47.1**

Present: JoAnn Gagliano, Diane Burkard, EDR

The Onondaga County Planning Board, in their resolution dated February 24, 2016, recommended modifications to the proposal including that the driveway must be located opposite the Pork Street intersection as per the NYSDOT direct, than any work in the right-of-way will require a NYSDOT permit, and that approval be obtain from the City of Syracuse Department of Water. The City of Syracuse Department of Water had not commented on the project. A site visit was conducted on February 27, 2016.

Ms. Gagliano stated that alterations to the drainage plan that were requested by Mr. Camp have been submitted to the Town. Member Estes commented that the existing driveway has two locations where they are turnaround areas from the driveway and as she had not attended the site visit, the proposed driveway does not have them. Ms. Gagliano stated that the areas in question were remnants of a circular driveway reduction that may have been done in a previous application. The driveway turnaround area is included in the proposed motor court. She continued stating that the grade will be better on the new driveway plan.

Mr. Camp stated that phasing has been added to the plan for the completion for the driveway. Ms. Gagliano stated that the City of Syracuse Department of Water will comment on the project after the DEC approvals have been obtained.

**WHEREFORE**, a motion was made by Chairman Tucker and seconded by Member Southern to consider the proposed action as a Type II SEQR action pursuant to 6 NYCRR617.5(c)(10) and not subject to SEQR review. The Board having been polled resulted in the unanimous affirmance of said motion.

**NOW, THEREFORE, BE IT RESOLVED**, upon a motion made by Member Joseph Southern and seconded by Member Elizabeth Estes, and after an affirmative vote of all Members present, as recorded below, the Town of Skaneateles Planning Board **APPROVES** the minor site plan approval, with the following conditions:

1. That the Site Plan Approval shall expire if the Applicant fails to comply with the conditions stated within 18 months of its issuance or if it's time limit expires without renewal; and
2. That the Site Plan dated March 4, 2016 with the Narrative dated February 4, 2016 prepared by Environmental Design & Research, be followed; and
3. That the Applicant shall obtain all necessary permits and approvals from the NYSDOT, DEC, and any other jurisdiction or authority needed for the Application; and
4. 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	Mark J. Tucker	[Yes]
Member	Joseph Southern	[Yes]
Member	Donald Kasper	[Yes]
Member	Scott Winkelman	[Yes]
Member	Elizabeth Estes	[Yes]

**Sketch Plan-Site Plan Review**

Applicant:

David & Beth Conley  
270 Locust Ave  
Rye, NY 10580

Property:

2591 East Lake Rd  
Skaneateles, NY  
**Tax Map #037.-01-24.0**

Present: Christy Conley, JoAnn Gagliano, Architects

The application is for the replacement of the failing shoreline steps to the lake. The property is part of the Colony with members of the Colony having common ownership of the driveways, tennis court, lake access, etc. There will be no changes to the body of the property. The stairs will be replaced in kind and have a slight modification to the design to make the tread deeper. Disturbance will be minimal for just the postholes for the decking. The slope is steep and all

work will be completed by hand, as no machinery will be employed. Impermeable surface coverage will remain the same.

The permanent deck will be replaced and is regulated by NYSOGS and not under the jurisdiction of the Town. Materials for the deck will be barged in rather than brought down the steep slope. The slope is heavily vegetated that helps to support the slope and control runoff. As the beach area is all shale and rocky, there will be no need for the silt fencing.

**WHEREFORE**, a motion was made by Chairman Tucker and seconded by Member Southern to continue the application, on *Tuesday, April 19, 2016 at 7:40 p.m.*. The Board having been polled resulted in the unanimous affirmation of said motion.

**Continued Review –Site Plan Review**

Applicant	Theodore & Nancy Norman	Property:
	8665 Duarte Road	1992 West Lake Road
	San Gabriel, CA 91775	Skaneateles, NY 13152
		<b>Tax Map #058.-01-17.2</b>

Present: Robert Eggleston, Architect; John Langey, Legal Representative

Mr. Eggleston stated that there are no new submittals for the Board.

Chairman Tucker commented that in the revised narrative there are neighboring properties in the area listed for comparison, that very few met the size of the acreage that the applicant has, and queried how the applicant justified the size of the dwelling to the acreage he has.

Mr. Eggleston stated that the Normans has 1.4 acres of actual land and 3.8 acres of conservation land, making it effectively 5 acres of land. Jason Slottje has less than an acre of land, Hanley has an acre, a 1.2 acre, Jason Slottje at 2036 West Lake Rd has 3.11 acres of land. I think considering that this is an open space subdivision, it does has the other land associated with it. We have more land than any of the others associated with it. I am not following your question that this does not compare.

Chairman Tucker stated that he was looking at what you have on the east side of the road, like you said 1.4 or 1.38 acres.

Member Estes inquired on why the applicant gets to use the 3.8 acres that is on the other side.

Mr. Eggleston stated that it is part of the property. Land that cannot be developed and was the condition of the open space subdivision.

Member Estes inquired if the 3.8 acres gets to be used on all of the other properties as well.

Mr. Eggleston stated that there is one other property. There is the other one acre. You have two properties for a total of 6 acres. That is 3 acres average that is exactly the same as every other property, if you look at Scuderi, it is 3 acres; Slottje large lot is 3 acres. So it is consistent with that. There was a comment that was made that there are no houses that are this big in the area, which is wrong. Here are six houses that are quite large. They are all within a quarter mile of the

property. That was the point of pulling this out because there was a comment that was not backed up by the Board and we went out and found this.

Counsel Molnar stated that at the time of the open space subdivision, the two lakeside lots were created, the 1.4 acre and 1-acre lots, which were less than dimensional requirements, were created in connection with an open space subdivision in exchange for the 3.8-acre lot across the street with its conservation easement and its values. Some of the dimensional limitations of the three-acre lot across the street were transferred to the 1.4 acre and 1 acre lots. It was in exchange for creating these two lots, the lot across the street was preserved.

Mr. Eggleston stated that if you want to talk about raw lot, then you have the 1946 West Lake Road, which is less than an acre, the Hanley lot that is 1.16 acres, the Hamlin that is 1.4 acres, the same size.

Chairman Tucker stated that you have a proposed larger structure on the lot than Hanley, which is 1.16 acres with 3,700SF and you are proposing 4,486SF dwelling and there is nothing on the plan for the basement area.

Mr. Eggleston stated that he does not know what Hamlin's basement is either. The point is that the area is not made up of 1,500SF ranches, there are houses over 4,000SF down the road.

Member Estes stated that her concern is with the size of the house on the property and had some other concerns based on the letters received. If we are looking at the character of Skaneateles, you have to look at the character to begin with. Each time we are adding another 500SF, another 1,000SF on 1.5 acre or 1.4-acre lots, each time it becomes one incremental step farther from what the character was initially. We are incrementally making very substantial changes to the character of the lake and the neighborhood. So we say we have a couple of them that are pretty close that are on bigger lots or that they are larger and on bigger lots. It is not in the intent of our planning to preserve the character to match what the neighborhood looks like, but changing what the neighborhood looks like one house at a time by saying this one is a little bit bigger than that one and it is okay. Then saying this one is a little bit bigger than last week so it is okay. We are incrementally changing the whole look of the lake.

Counsel Molnar stated that to that point he recommends that the Board consider the site plan criteria carefully, when determining this application, either approving the application or not. If acceptable, I would be pleased to carry through with Bob's comments on where we were and where we are and where I would recommend where the Board would go. I agree with Bob that the application began June of last year, awaited the approval of variances that did not occur. The Board restarted its examination of the application in September. Reviewing it in September, October, November, with a brief pause after the applicant requested a brief meeting with Chairman Tucker, myself, I and Karen available to discuss proposed modifications. The applicant's position on New York State law requiring that once the Codes Enforcement officer has made a determination, that any aggrieved party, including this Board, has 60 days in which it has to file an appeal with the ZBA. That did not occur, but nonetheless, the application was moving forward. Then in December there was a submission, the Board met on the record and reviewed comprehensively this application. Then through January and then in February we met, and at the February meeting the Planning Board decided to review Mr. Eggleston's final narrative that included similar properties that he has suggested are representative of larger homes on lots in the area as well John Langey's additional correspondence that had just previously come in. Since that point in time in February, Mr. Langey had submitted an additional

memorandum on point for the Planning Board for consideration. To advance that forward I have a few suggestions and comments to that additional memorandum submitted. Here are points to Mr. Langey's March 3, 2016 memorandum.

Mr. Eggleston stated that Beth made a comment I would like to respond to before we lose track of it. She said some stuff that was unsubstantiated. I am not sure it states anywhere in the comprehensive plan that the intent is not to change the character of Skaneateles, but to have orderly development. You are suggesting by your statement that no one should add anything to their house and we want to keep it exactly the same. I take offense to that. We are not trying to preserve this as Williamsburg. We recognize that people's needs, people's desires and what they look for in their property change and they update it. Most people, especially lakefront properties, want to improve their property and I do not see this being inconsistent with that.

Member Estes stated that she appreciated that comment and did not mean that we do not change the houses, that we do not improve the houses. We have an existing home on the property, we had a subdivision with a building envelope that provided an acceptable location and size for that property. It is my feeling that those were designed with the fact that they were part of what was originally there, the existing house, the original character there. When thought was put in to the new subdivision and how it was going to be if ever that was going to be torn down how it would be redeveloped. It was going to be in keeping with the same size, same sort of building envelope, and the same character of setbacks and restrictions on the property, and we are exceeding that. We are doubling that up and that is why I am making that comment. By taking each of these steps forward we are changing the character a little bit at a time.

Mr. Eggleston stated that again about the last sentence or two I have trouble with you creating thought that was not recorded or matter of fact that we want to keep the house the way it was or whatever.

Mr. Langey stated that one of the points in the letter that Scott mentioned was that I did look at the 2010 approval. What was clear to me was that the creation of that building envelope at that time was conditioned on some language that the building envelope was placed there for "informational purposes only" and went on to say that it anticipates that there could be future Board approvals of changes to that configuration. That makes all the sense in the world. One of the issues Bob would have is that some of the comments of the Board. I represent a lot of Boards and I hear what you folks are saying and my Board members feel the same way often. It is up to us to put a record in front of you to convince you to sometimes put aside your strong feelings when we talk about change the character of an area or neighborhood or corridor. It gets extremely subjective. Often times we need more than the subjective comment from a Board member, we need something based on fact and driven by data. At this point Bob has put in front of you a set of numbers and criteria to consider and evaluate. He has had arguments how he believes that this particular application will not change the character of that corridor or area and I think that is the evidence in front of you. The question back to perhaps a single Board member is how is it or does it change the character of the area. We have not heard yet how it does that.

Member Estes stated that that is the lead in to what Scott's responses are.

Counsel Molnar stated that with all due respect to Board members, comments on point as to what is or isn't changing, with all due respect to what Bob comment on what is permitted to change and John's on the character, we are all bound by and governed by site plan review criteria. Those criteria are the only criteria that matter to this application. I can venture through them and we can



see that they are indeed on point. They encompass all three sets of comments with varying positions. What I did want to address in terms of John's March 3, 2016 memorandum to the Board recapping where we are and where we have been, including comments regarding the building envelope being included on the subdivision map in 2010. Let me take you through a few of John's comments and my reaction to them. John states on page 4 that because the building envelope was placed upon the subdivision map in 2010 "for informational purposes only", this limitation permits the applicant to simply ignore the building envelope because of the limitation was set up as John characterized. I brought a copy of that with me. I believe that the reason for and why it was placed was much different than that. If you look at the approved minutes and resolution from that March 24, 2016 meeting it states, "Discussion-Maher-Open Space subdivision/site plan. Mr. Eggleston requested the Board consider revising the resolution approved on February 23, 2010. A condition of approval was building envelopes be removed from the subdivision map. Mr. Eggleston stated a requirement of an open space subdivision is future development must be described, in this case it was done with the building envelope. He continued by saying a member of the Board was concern if the envelope was left it would be an implied approval for a structure to be built on the site. Mr. Eggleston assured the Board due to the location within 200 feet of a watercourse, a site plan would be a requirement to build on the lot. Plus the building envelope was designed to encompass all setback requirements. He would like to leave the building envelope and add a note to the subdivision map stating any development or redevelopment of either lot 1 or lot 2 may require site plan review by the Planning Board." The determination that the building envelope "for informational purposes only" was limited to and protecting against implied site plan approval being granted at that time as opposed to now when the applicant is proposing a series of structures, which need site plan review. That was a clearer interpretation of what happened on that day.

The second issue I had with Mr. Langey's memo is that John mentions that there is no express provision in the 2010 approved resolution prohibiting redevelopment partially outside of the building envelope in support of the applicant's position. I think that that characterization is incorrect. It is a broad characterization that extended you could say that because there is no provision expressed saying that you cannot build a structure greater than 35FT, it would be permitted. I would recommend to the Board that they review that comment in context.

The third issue I have is that John concluded that a determination of the Planning Board to deny the site plan request merely because portions of the building exists somewhat outside of the prior building envelope, to be arbitrary and capricious, as well as unsupported by the plain language of the Code, the record before it and most importantly, in conflict with the prior written and filed determination of the Codes Enforcement Officer. I disagree with that conclusion as well, and I would like to break it apart in pieces. First, the building would be somewhat outside of the building envelope, in my observation the most recent narrative from Mr. Eggleston, the building envelope somewhat outside of the building envelope is equal to the existing house. In the narrative it says, the existing house has three bedrooms. Is 2,045SF of floor space, and 789SF of decks and porches. I do believe that what exists is going to be removed entirely and increased. So we are talking about approximately 2,800SF outside of the building envelope. It is not somewhat outside of the building envelope but I will leave it to the Board on determining how much it is or is not outside of the building envelope.

Let us also look at the code that existed in 2010 and what exists now concerning building envelopes. Refresh your recollection that in connection with the building envelope, it is helpful in determining what is and what is not a building envelope. If you look at Chapter 131, Subdivisions, and Chapter 131-7-Definitions: Building Envelope – An area of land shown on a

subdivision plat as an acceptable location for the construction of buildings and other structures. If you look also at

#### Chapter 131-2-A General Requirements

(4) Preservation of Existing Features (b) The Planning Board may impose restrictions designed to preserve such features, including the limitation of structures to design building envelopes, or the delineation of areas where building or site alteration is prohibited, as a condition of subdivision approval.

#### Chapter 131-2-D Lots

(5) Building Envelopes. Within the Lake Watershed Overlay District and in conservation density subdivisions, the Planning board shall require building envelopes on all lots to restrict the location of structures, grading and other disturbance activities.

Therein lies the Code requirement for the building envelope.

Whether or not the determination of the Planning Board is to deny the site plan request merely because portions of the building exists somewhat outside of the prior building envelope, to be arbitrary and capricious as well as unsupported by the plain language of the Code, the record before it and most importantly, in conflict with the prior written and filed determination of the Codes Enforcement Officer. Let us look at the written determination from the Codes Enforcement Office just for context in connection with this application. You will see that it was attached to John's memo of January 27, 2016, and that is what struck me for two reasons. One is at the last meeting I asked are we even talking about the same application that was before the Codes Enforcement Officer at the time the determination was made. I believe the representation was yes it is. I am looking at the exhibit A to John's memo, he identifies and adds a copy of the pre-application worksheet is dated June 25, 2015 attended by KB and RO Eggleston, and includes the description of the project. Conservation subdivision lot 60,510SF with 217FT of lake frontage. Variance required for driveway setback 10' from north property line and 64' from watercourse to the south. Proposed 3,179SF dwelling with 19.7% ISC whereas 20% is allowed and open space of 78.1%. Detached impermeable patio of 599SF allowed within 100' of a watercourse proposed 81' setback. In total it is a 3, 778SF proposal that is being reviewed by the Codes Enforcement office at the time of the preliminary evaluation is made. So my confusion lies in the fact that the current proposal is for 6,335SF and the preliminary review was for 3, 778SF. Something changed over time unless this is inaccurate.

The determination itself is exhibit B, it's the letter prepared by Codes Enforcement Officer, Todd Hall. It is dated June 26, 2016 and it cites the two reasons why it needs variances concerning the driveway and parking area shall be setback at least 20 feet from the side and rear lot lines, and also no principal structure and no accessory structure 600SF or larger shall be located within 100 feet of a wetland or watercourse. The variances were resolved by alteration of the project, but at the bottom it stated that site plan approval is required as per 148-8B and 148-29. That is the site plan review criteria because of the disturbance of 200SF within 200FT of the lake line and construction of a dwelling greater than 2500SF cumulative footprint. The site plan review criteria is clearly noted on the determination of the Codes Enforcement Officer. Mr. Langey is his memorandum states that any interpretation by the Planning Board that the applicant is not allowed to build outside of the prior established building envelope is not supported by the Code, and certainly, was not acknowledged by the Codes Enforcement Officer in his written and filed decision. So that essentially means, and John's recommendation, is that the Board determine that if the building Codes Enforcement Officer didn't call it out and determine a deficiency because it is being proposed for construction outside of the building

envelope, that that determination stands. I think that is inaccurate given that the Codes Enforcement Officer states clearly, and I think we all agree, that site plan approval is required under section 148-8B and 148-29.

If you look at the site plan review criteria, Mr. Eggleston had gone through them at length at the last meeting so they are in the record, for purposed of this application for ease and efficiency, we have other applicants waiting in the crowd, there are three elements of site plan review criteria that are germane to this application. They are in Bob's narrative. You see that it is 148-18D site plan standards and criteria. In reviewing site plans, the Planning Board shall consider the standards set forth below.

(1) Layout and design.

- (a) All structures in the plan shall be integrated with each other and with adjacent structures and shall, wherever practical, be laid out in the pattern of a traditional village or hamlet.

I think that is what gets to what is or is not the character of the area. But more importantly, review section (b).

- (b) Structures that are visible from public roads or Skaneateles Lake shall be compatible with each other and with traditional structures in the surrounding area

Not the character of the community or a quarter mile away but the surrounding area.

in architecture, design, massing, materials and placement and shall harmonize with traditional elements in the architectural fabric of the area.

In addition, is item 1(d),

- (d) Where appropriate, setbacks shall maintain and continue the existing setback pattern of surrounding properties.

Not this property, not this property's setbacks but surround property setbacks. Those are the three guiding site plan criteria that I would recommend to the Board to consider in determining whether or not this application is to be approved for its site plan review. While Bob had presented to the Board a list of similar properties on West Lake Road that the applicant suggests bear resemblance to these. In terms of 1(b) surrounding area, I would recommend to the Board that it is each and every lot contiguous going both ways for at least a good distance, which is the surrounding area using the plain meaning of that term. You will see in the neighborhood properties research of the ten properties north to the applicant's property and eight properties south of the applicant's property. This includes the Normans property immediately to the south that is a 1 acre lot with a 1,000SF dwelling on it with a 328SF patio. The property immediately adjacent to it is 1,328SF of development. My recommendation is for the Board to take into consideration these surrounding properties when determining the site plan review.

Going south from that is the Killian 1.76 acre lot with 1,719SF and a garage of 728SF with a 384SF deck. The next going south is the Macklin .98-acre lot with 384SF structure upon it and nothing else. The next going south from that is the Moxley .53-acre lot with 1,476SF structure plus a garage of 794SF and a porch of 240SF. Next going south from that is Vosso, former Walton 1.27 acre lot with 2,297SF and a 676 garage, and a 600SF deck. Going south of that is the McAvoy .96-acre lot with floor space of 5,914SF and 484SF garage. Next south is Hanley 1.16 acre lot with 3,760SF and 624SF garage. The next south of that is .88-acre Slottje lot across

from the marina with 4,229SF and 500SF garage.

Going from the Norman property heading north, 1998 West Lake Road, .58 acre parcel owned by Fish with floor space of 2,732SF and a garage of 647SF and porch of 56FT. Next is 2002 West Lake .37-acre parcel also owned by Fish with a 768SF floor space and 120SF porch. Next north of that is Brown 1.12 acre parcel with 900SF floor space and 484SF garage. Next north of that is Gebo, former Vlassis, .99 acre lot with 3,117SF floor space and 883SF deck, 383SF boathouse, and 130SF shed, no garage. Next north of that is Kuhlman .86 acre lot with 1,056SF of floor space and 544SF porches. Next north of that is Leverich 1.1 acre parcel with 1,638SF of floor space and 529SF garage. Next north of that is Marvasti .78 acre parcel with 2,287SF of floor space with 526SF garage and 370SF deck. Next north of that is Masterpol 1.52 acre parcel with 2,328SF floor space, no garage, no other. Next north of that is Leigel 1.6 acre lot with 1,633SF of floor space and 400SF garage. Next north of that, which was on Mr. Eggleston's list, is Slottje 3.1 acre lot with 7,195SF floor space, the garage I believe is included in that overall calculation. I have just read you the list of parcels going ten north and south to the Marina for what is in the surrounding area. My recommendation for the Board is to review the site plan review criteria for this application prior to that.

Mr. Eggleston stated that we are in an extreme disadvantage because we do not have a copy of any of that you have talked about and it has been a little difficult to follow. Going through this for the tax rolls and I know there is a lot of missing information. The Walton garage has a 676SF bonus room on top of it. The Fish property is missing the finished room over the garage, and also missing the totally finished basement. There is a lot more finished space than what shows on the tax rolls. You have to be careful when you are looking at it. What you do make clear is that the neighborhood is made up of big houses and small houses right next to each other. That is how the whole Skaneateles community is. It is not like everything is exactly the same house like in Parkside, where it is all developed at the same time. It is an organic thing that grows and you have small houses and large houses and they seem to co-exist just fine. The only other comment I wanted to make is earlier you were saying that the original application was 3,778SF and now it is 6,000SF, and that is an excellent apple to orange comparison because the 6,000SF includes the porches, decks and garage. That statement cannot be taken at face value because you are comparing two different things. I did not have that information to verify or explain at this point. Have there been changes to the plan, there have been de minimis changes to the plan, the footprint has stayed pretty much the same.

Mr. Langey stated that one thing I will defer to Bob once again I would ask Scott to consider, there was a pretty extensive list provided tonight and Bob probably knows all of those properties as well as anybody here. Normally I would ask for a chance for Bob to look at the data that the Board has to consider as a validated process for the decision they have to make. I would like to ask on behalf of the client for Bob to have an opportunity to look at it and the figures, presumably taken from tax rolls. I do a lot of tax search too and find that sometimes those numbers do not match what the clients actually have. So we would like to take a look at that. The other piece is Scott's comments in regards to the sections of the code, what lies outside of the building envelopes. My only reaction to that I presume because of my code officers are allowed to do this, if something, if the building envelope creates that absolute bounds and limits of where construction can be, then presumably the codes officer should have also added his list that you can't build this because it is outside of the previously establish building envelope, cite the sections Scott's talking about. He elected not to do so, presumably. Which is also the same argument that we make which is Bob comes in and goes over these things so that he can go ahead and spend tens of thousands of his clients' money to create these plans, it is good to know

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what he can and can't do, presumably the Codes Officer did not have an issue with this construction partially outside of the building envelope. Those are two comments that I am still trying to take in from Scott's very thorough comments made.

Counsel Molnar stated that as a result just following up on John's comment, the Codes Enforcement Officer, when reserving to the Planning Board the site plan review comment included placement and massing of the project to the Board for its review and approval. It is all part of the site plan review and criteria 1(b) and as a result I don't think it can be concluded that the Codes Enforcement Officer relinquished that or otherwise resolved it at the time of that the determination was made.

Mr. Langey stated that he does not disagree with that Scott. Just for the record, obviously you folks have the power to control the site plan approval to shape the project the way it should be. It would be silly not to dispute that because that is your power. How you exercise that is really a function of how it is put in front of you and the reaction you have to the record that was created.

Counsel Molnar stated that in addition to the applicant requesting a copy of the tax map data that was prepared and that I had read to you for consideration on what is surrounding the area and John's request, my recommendation to the Board would be to put this off for a determination of site plan review for the next month. Prior to doing that, my recommendation also to the Board is to determine that this project is a Type II under SEQR insofar as it is reconstruction or redevelopment of a single family dwelling, before it makes any determination concerning the site plan just so we have that issue concluded for the record.

Chairman Tucker stated that he has a few things he would like to discuss and thinks Beth would like to discuss something. One thing I was also looking at are projects on the west side near watercourses. The Teller lot is fairly good size one that is further down there. They are on 2.5 acres, with 7,209SF of floor space located 150FT from a watercourse. The Jackson lot is in Wave Way a little further to the north, .7 acres with floor space of 496SF located 45FT from the watercourse. That structure is only seasonal use. The other one we had was Altmeyer lot at .76 acres with 2,184SF floor space 20FT from watercourse. They are other ones that are looking at watercourses.

Mr. Eggleston stated that that was a valid point as to what are the sizes of structures in distance to a watercourse.

Member Estes stated that she heard Scott's listing and the dates of when we started this review, and the number of times we have met on it and talked about it. I understand that the feelings the Normans must have of the process that is taking place, but I feel like almost if not, without going back and looking at the minutes, almost from the very beginning we started this we said that we had a building envelope. Scott has listed the codes well here, for making sure that we limit the structure to the designed building envelope, the delineation. We have the code he has talked about, asking the applicant to go back and put this inside of the building envelope. I just mention that because I feel like we have done our due diligence in looking at this project and spending a lot of time on it. We have repeatedly talked about it that we had a building envelope. It was put on the property and I feel like we have been basically ignored. We have been requesting this for a number of months and I don't want to feel like the Board is now being pressured or put upon by the applicant. You have been doing this, you have been dragging us on for all of these months and I don't feel that is the case. We have requested for you to come back to us, without taking a vote for a definite denial, we have asked for them to look at putting it in the building envelope.

Member Southern stated that one of the claims that I hear is that the problem exists because the

Codes Enforcement Officer, your claim not our counter claim, did not require a variance from setbacks to the watercourse let alone being outside of the building envelope. Any approval of an application getting a zoning permit has to comply fully with the provisions of this chapter. If we enact something that doesn't, then the conditions set by the Codes Enforcement Officer, which would be in violation of the chapter, would be set to be void. On those grounds I don't see how your project can advance under its current situation exceeding the setback limits specifically to the watercourse.

Counsel Molnar stated that the applicant has brought this up, and I don't disagree, that there is Town law on point. The Codes Enforcement Officer, which is charged with the responsibility to administer code and review applications, and make determinations daily. Many of which never make it to the ZBA or Planning Board. Determinations are made frequently because he is charged with the responsibility to do so. Those determinations, under state law, are subject to challenge only within 60 days by any aggrieved party, including a Board of the Town, to the ZBA to appeal the determination. To the extent that no appeal occurred, and I think rightly so, as at the time these lots were created, the Planning Board created conforming lots not non-conforming lots. As a result it cured setback to watercourse and other ills that would otherwise need a variance. The Codes Enforcement Officer is charged with the responsibility to make determination whether the immediately following section of code is employed or not. There is case law on point that requires a challenge to the Codes Enforcement Officer's determination to be timely brought within 60 days, regardless of the very next section of our Town code that says that no determination that that doesn't reach the requirements is valid.

Member Southern inquired that this provision in our code is superseded by State law.

Counsel Molnar stated yes.

Member Southern inquired if Town code was more restrictive or less restrictive than State code.

Counsel Molnar stated that the Town's is probably more restrictive and we have municipal home rule. We have a situation that I think that issue is somewhat muted by what is the true focus of the application for the Planning Board. That is to determine this applicant on site plan review criteria. My recommendation is that we all stick to that, both the applicant and the Board forming a determination. Because if we are off in the weeds we are not efficiently spending our time. My recommendation to the Board is to determine this application to be a type II action SEQR action not subject to further review because it is a single-family residence being rehabilitated or reconstructed. With that determination we may continue on and further deliberate and bring about a resolution at either the next meeting or whenever it is acceptable to the applicant and the Board.

**WHEREFORE**, a motion was made by Chairman Tucker and seconded by Member Winkelman to consider the proposed action as a Type II SEQR action pursuant to 6 NYCRR617.5(c)(9) and not subject to SEQR review. 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 Kasper to continue the application, on *Tuesday, April 19, 2016 at 7:50 p.m.*. The Board having been polled resulted in the unanimous affirmation of said motion.

Mr. Eggleston stated that the Normans have been extremely patient and understanding that there is a process so I don't want you to think that they have put a gun to our heads that you have to

come back with a determination. They have allowed us to continue in an efficient manner than most clients that we have. Again, they determined that this is what they want to pursue and they are looking for the appropriate process.

### **Continued Review-Site Plan Review**

Applicant: Gennaro Bruni  
Kathleen McCarthy  
27-20 27<sup>th</sup> St  
Astoria, NY 11102

Property:  
Lot 1B Longview Shores  
Skaneateles, NY  
**Tax Map #054.-01-08.3**

Present: Robert Eggleston, Architect

The Onondaga County Planning Board, in their resolution dated February 24, 2016, commented that approval be obtained from the City of Syracuse Department of Water. The City of Syracuse Department of Water commented that the tax map number is not correct in their correspondence dated February 4, 2016. The Onondaga County Health Department has approved the septic system for a five bedroom dwelling on July 9, 2014.

This is a site plan review for developing a house greater than 2500SF within 1500FT of the lake line. An engineering plan dated March 11, 2016 prepared by RZ Engineer was submitted. The plan addresses the drainage issues in the area just west of the driveway location that tends to pond. The area naturally collects and sheets across the driveways. It was determined that a simple solution that shows the enhancement of the natural area where it collects making it larger. Rain gardens will be employed with help with the filtration of the water collection. There are two rain gardens located off the driveway, one located to the northeast of the proposed dwelling and one located south of the naturally pooling area located to the west of the proposed driveway. John Camp has reviewed the proposed drainage plan. The driveway access will be off the existing private road. There is no requirement to make improvements to the fire lane, however, they have given a 33FT right of way at this time for the future should improvements need to be made.

Chairman Tucker commented that the City of Syracuse letter stated that the tax number of the OCDOH letter is not correct. Mr. Eggleston clarified that the septic plan was developed as part of the subdivision approval and the tax map number reference is the number from the original giving parcel. Chairman Tucker inquired if the narrative has been revised to reflect the addition of the rain gardens. Mr. Eggleston stated that that is part of the final grading plan and that Rudy Zona had included it on the grading plans.

Mr. Camp stated that what the applicant has proposed is generally what was discussed at the field visit. We asked that the drainage divide be maintained, the drainage that goes to the west and then the north, the drainage that goes to the north and then the east, down from that. We asked them to have the contours pulled back to make that area wider and longer which they have done. There are measures proposed to mitigate the increase in runoff for a single home development. The idea was generally maintain the drainage pattern that is there now. While it is not ideal, it made more sense to than to put in down the road to the east for example. There will still be water that ponds up like it does now, it will still flow north to the nearest watercourse and that is a condition that exists currently. Generally speaking they are not going to be making it worse but conversely a little bit better.

Member Kasper inquired about the spillage from the state ditch and commented that he thought the ditch does spill over the culvert and onto the road. Member Winkelman stated that he believed the increase in size in that area will handle it especially with the rain gardens. Mr. Camp stated that they are not changing any overflow that might occur from that cross culvert by the road.

Member Estes inquired if the structure will be sitting on top of the crest. Mr. Eggleston confirmed that it will be on the crest. Member Estes inquired if it will be visible from the lake. Mr. Eggleston stated that the upper area will be visible above the trees. Member Winkelman stated that it will be away from the road. Mr. Eggleston stated that the concern was from the state road and that is why there is a 175FT setback from the road. Chairman Tucker commented that the elevation drops from the road down the hill. Member Kasper commented that the house won't block any view from the highway of the lake.

**WHEREFORE**, a motion was made by Chairman Tucker and seconded by Member Kasper to consider the proposed action as a Type II SEQR action pursuant to 6 NYCRR617.5(c)(9) and not subject to SEQR review. The Board having been polled resulted in the unanimous affirmance of said motion.

**NOW, THEREFORE, BE IT RESOLVED**, upon a motion made by Member Scott Winkelman and seconded by Chairman Mark Tucker, and after an affirmative vote of all Members present, as recorded below, the Town of Skaneateles Planning Board **APPROVES** the minor site plan approval, with the following conditions:

1. That the Site Plan Approval shall expire if the applicant fails to comply with the conditions stated within 18 months of its issuance or if it's time limit expires without renewal; and
2. That the Site Plan 1-6 of 6 dated January 8, 2016 with the Narrative dated February 1, 2016 prepared by Robert O. Eggleston; and Green Infrastructure Plan GI-1 prepared by RZ Engineering, PLLC be followed; and
3. That the installation of the retention pond be installed at time of the driveway installation; and
4. 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	Mark J. Tucker	[Yes]
Member	Joseph Southern	[Yes]
Member	Donald Kasper	[Yes]
Member	Scott Winkelman	[Yes]
Member	Elizabeth Estes	[Yes]

**Sketch Plan- Site Plan Review**

Applicant	Mark & Theresa Potenza	
	4822 Manor Hill Drive	Property:
	Syracuse, NY 13215	3125 East Lake Road



Present: Mark & Theresa Potenza, Applicants; Robert Eggleston, Architect

The property is located on East Lake Road and they would like to tear down the existing dwelling and rebuild a new dwelling. The existing dwelling is nonconforming to setbacks and the proposed dwelling will conform to all setback requirements. The proposed dwelling will be in approximately the same location and the septic system has been approved for a six-bedroom dwelling. The applications requires site plan review for reconstruction of a house greater than 2500SF within 1500FT of the lake line. The dwelling is also 200FT from the watercourse on the north side. A silt fence will be put up for the project and most of lake front work has already been completed with the exception of one patio that has not been constructed. The topsoil stockpile has been indicated on the site plan and will be protected against any potential runoff. The proposal maintains the existing impermeable surface coverage at 14.4% that was granted in 2014. A grading plan has been submitted to show how the water will be directed to the swale around the house and then sheet out onto the backyard lawn. The dwelling is 130FT from the lake line with the decks located 114FT from the lake line. The application has been referred to the County Planning Agency and the City of Syracuse Department of Water had no comments.

Member Estes inquired about the open space calculation and asked for clarification as there are references to it that differ amongst the submitted documents. Mr. Eggleston confirmed that the proposed open space calculation is 81.8%. He continued stating that there were a few modifications to the site plan made after the pre-application meeting.

Member Winkelman stated in November 2014 the applicant had some minor thing and the applicant paid into the conservation fund because you couldn't reduce the impermeable surface coverage any more than that then. Now you are tearing the house down and starting from scratch and you are not obligated to be held to the 10%. Mr. Eggleston stated that that is how the law works. Member Estes inquired if Mr. Eggleston is comfortable with that and the applicant understands the meaning of 10% and what it does to our lake. Mr. Eggleston stated that the applicant is totally informed, they have made a substantial contribution to the Land Rights Acquisition Fund, which in turn the Town will go out and help save conservation land elsewhere. He continued stating that I don't break the law that is how the law is. Member Estes stated that you could help to enforce it and educate to help improve and save our lake and not constantly bringing applications like this. Mr. Eggleston stated that we have a differing opinion when the Potenzas paid \$4300 into the conservation fund.

Member Estes stated that we have water quality letters coming to all of us because the water quality of our lake has become damaged. If we have to start putting in a treatment plant for the lake, all of us will be paying for that. She continued saying that each time we have 14.2%, 4.2% over 10%, over and over and over again, I hate to say it, many of them at your hand for design, you are not doing our lake any favor. Mr. Eggleston stated that he doesn't think that a well maintained property like what the Potenzas have, currently now or will have afterwards, contributes to the turbidity that is fouling up the lake. He continued stating that it comes from other sources that haven't necessarily been addressed. When you have a property that is well maintained and has vegetative barriers along the sea wall, you have fewer problems than properties that are vacant, not maintained or farm fields that are not properly taken care of.

Member Winkelman stated that 10% is our standard and what we base things on. Mr. Eggleston commented that if we could turn back time before any development was done and any subdivisions. Who would do 100FT wide by 400FT long lots, you wouldn't subdivide that way, and we do not have control over the shape of this lot. Member Estes stated that you do have control over doing everything in our power to keep to 10% when you can. She continued stating that when you tear down an existing house and bring forth an application at 14.2%, especially someone who is on our comprehensive plan committee who is working supposedly to help us protect that lake, it seems irresponsible. She continued stating that I know that it is not part of this application but it merits saying because it happens too many times. Mr. Eggleston stated that he doesn't think the number is the solution but how the whole property works. Member Estes interjected that there are numerous studies that show the studies. Mr. Winkelman stated that it is up to the Board to decide and not for you to circumvent the site plan review process.

Mr. Camp inquired what the plan was for the roof leaders. Mr. Eggleston stated that they will spill out onto the ground. Mr. Camp commented that he didn't know if there were any roof leaders that would lead directly to the lake. Member. Winkelman suggested a green roof.

Member Estes inquired if the trees along the lake are going to remain. Mr. Eggleston stated that they will remain. There are some Austrian pines that have been removed as there are past their peak and had become safety concerns. A site visit was conducted on February 27, 2016.

**WHEREFORE**, a motion was made by Chairman Tucker and seconded by Member Southern to continue the application, on ***Tuesday, April 19, 2016 at 8:10 p.m.***. The Board having been polled resulted in the unanimous affirmation of said motion.

**Sketch Plan-Site Plan Review**

Applicant Christopher Graham  
4302 Jordan Rd  
Skaneateles, NY

Property:  
4331 Jordan Road  
Skaneateles, NY 13152  
**Tax Map #024.-02-01.2**

Present: Chris Graham, Applicant; Robert Eggleston, Architect

The applicant is in the process of acquiring a 5.7-acre parcel at the intersection of Railroad Street, Sheldon Road, Jordan Road and Vinegar Hill Road. The existing large dwelling has a four-car garage, and the applicant is proposing the conversion of the existing single family dwelling to a two family dwelling providing two potential rental units. A small deck addition and the roof will be raised on part of the dwelling are also proposed and there will be an approved septic system installed. There is a grass driveway off Railroad Street that will be converted to lawn with the driveway off Jordan Street maintained as the single access. Parking in front of the garage will be delineated. A site visit was conducted on February 27, 2016.

**WHEREFORE**, a motion was made by Chairman Tucker and seconded by Member

Winkelman to consider the proposed action as a Type II SEQR action pursuant to 6 NYCRR617.5(c)(9) and not subject to SEQR review. 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 continue the application, on *Tuesday, April 19, 2016 at 8:20 p.m.*. The Board having been polled resulted in the unanimous affirmation of said motion

### **Informal Discussion**

Applicant: Rick Moscarito  
1601 US Route 20  
Skaneateles, NY 13152  
**Tax Map #032.-03-17.1**

Present: Rick & Debbie Moscarito, Applicants; Robert Eggleston, Architect

The applicants have a purchase offer on the properties conditioned on zoning approval. The 43.6-acre property has a large pond that intersects the property. There was a subdivision completed in 2005 to create a separate 2-acre parcel that has the single-family dwelling located on it with access easement from the driveway entrance to the Bird's Nest Motel. The existing motel has 31 rental units that will be maintained. The applicant hopes to develop a master plan for the next five years for the property. Proposed are two phases to the project with the first phase consisting of the addition of eight one to two bedroom cottages tucked into the forested area between the existing motel and the pond. There would be a one-way driveway that would loop behind the existing motel with small drives and parking off the driveway for each cottage. The cottages would offer visitors more of a family style accommodation. A walking path would be created around the pond on the portion that is on the property would be made available.

There is a conservation area created as part of the prior 2005 subdivision approval that borders the pond. The proposed cottage would lay outside of the designated conservation area. Septic and stormwater plans have begun and the wetlands will be inventoried for delineation. The Federal wetlands is the pond itself and the state wetlands will need to be delineated to determine how far the wetlands extend. The site plan will be finalized after the final wetlands termination is made. The septic systems are being developed with the initial plan of having each septic system to service two to three cottages each. The master plan for the property has not yet been fully developed as the plan would be influenced by the eastern gateway design.

Member Kasper commented that the project water usage will have to be determined as the area is serviced by Town water. Fire department access would also need to be considered. Mr. Eggleston stated that since the buildings are transient occupied the buildings will require a sprinkler system.

Member Winkelman inquired about the drainage of the pond. Chairman Tucker commented that it flows to nine-mile creek. Mr. Eggleston stated that the stormwater flows from the south to the north with drainage from the culvert by Grace Chapel flowing to the Richards eventually north to Nine Mile Creek.

Chairman Tucker inquired on the amount of clearing that would need to be done for the project. Mr. Eggleston stated that it is the applicant's intent to keep as much of the vegetation and trees as possible to maintain the woodsy nature, as the cottages would be a woodsy style. Mr. Camp

stated that there would be clearing for the septic systems and a stormwater treatment facility. Mr. Eggleston stated that the stormwater solutions are being developed by Rudy Zona. Mr. Camp suggested that the drainage of the existing property use could be treated in lieu of treating the stormwater from the newer development. A discussion should be had when the drainage plans are created so both the proposed development and the existing development drainage is directed away from the existing pond.

Member Southern inquired where the boundaries are for the conservation area. Mr. Eggleston stated that there is a straight line on the map that shows the conservation line that varies in setback from the pond. It was the intent for the boundary to be approximately 100FT from the pond and the boundary line is greater in most of the area. Mr. Brodsky inquired on the regulation regarding the conservation easement. Mr. Eggleston stated that there is no specific language to the restrictions, but left to the Board to determine what can and can't happen in the easement. The applicant would like to develop recreational use of the pond. It would not be a swimming pond but more for canoeing, kayaking, and fishing. The pond extends onto the eastern property and the applicant would own the land north of the pond.

Member Winkelman inquired on how much land is in conservation as he thought he read 13 acres. Mr. Eggleston stated that he did not know the number off hand. It was the first conservation subdivision, when the two-acre parcel was created, as a flag lot could not be created since the property is in the IRO district. The conservation easement and a conservation road to allow access to the single-family dwelling was established then.

Member Winkelman stated that the proposal fits with the character of the area. Mr. Eggleston stated that the comments have been helpful and as the plans are developed by Rudy he will reach out to John to discuss the stormwater solution. The most critical information is the delineation of the wetlands, which we may not have ready for the April meeting deadline. Member Winkelman inquired if the wetlands were State or Federal jurisdiction. Mr. Eggleston stated that the federal wetland is strictly the pond and adjacent areas, the state has some check areas that will need to be done. He continued stating that the areas of interest in his mind are the two low spots on the property. Counsel Molnar stated that when Mr. Eggleston discusses the plans with Rudy, the action is neither a Type I nor Type II under SEQR, but rather an Unlisted action. Mr. Eggleston stated that they have anticipated going there and have already made contact with SHPPO and have started a number of things they have to do for the SWPPP.

### **Discussion**

Next week there will be work sessions with Joel Russell. Please confirm your attendance to the various sessions on Monday.

### **Discussion**

The Board discussed the idea for having lawn signs on properties that are pursuing Planning Board or ZBA approvals. The Board discussed that contiguous neighbors are mailed notifications by the Town for all projects, and if the Town Board wishes to pursue lawn signs that the Board was silent on the issue.

### **Discussion**

The Wilson shoreline project was approved in 2014 and work has commenced. There has been some ground failure due to the recent storms and the proposed removal of one of the docks will be completed after the shoreline is stabilized.

**Discussion**

There is a Terrace Lane Association escrow invoice pending.

**Discussion**

The Town Board wants to move forward with the DRA Fund legislation revision with a potential increase in the rate charged.

**WHEREFORE**, a motion was made by Chairman Tucker and seconded by Member Southern to recommend to the Town Board to consider to amend the multiplier for determining contributions in the DRA Fund at \$1.09/SF. 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 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