

**TOWN OF SKANEATELES PLANNING BOARD
MEETING MINUTES
April 10, 2018**

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

Chairman Southern opened the meeting at 6:30 p.m.

Discussion

Applicant: Richard Moscarito
120 Madison Street
Chittenango, NY 13037

Property:
2699 East Lake Road
Skaneateles, NY 13152
Tax Map #037.-01-04.0

Counsel Molnar stated that in the matter of the Fords and the Babbles versus the Town of Skaneateles Planning Board, the court reviewed the arguments for the petitioners as well as the applicant to a conclusion that the matter was remanded to the Planning Board for clarification on the reasoning and rationale why the board approved the application last November, with one parking space versus two that is required ordinarily by the zoning code. Including what rationale the board viewed as appropriate circumstances that warranted the reduction provided in the code section 148-32B(2)(b). In consideration of attorney client privileged discussions, the Zoning Board of Appeals variance approval and what they saw as compelling arguments for approval of the variances, permitted the application to come before the Planning Board for its approval. The important and compelling aspects of the record for the Planning Board including the interaction with the applicant, its design, its justification for how the design occurred and what will happen at the overall property, as well as the public hearing and comments from interested parties including the petitioners. A draft resolution was prepared and circulated to the board, which provides a summary. Counsel Molnar recommended that the board review it and provide comment of edits as they see fit.

PLEASE TAKE NOTICE that the following Resolution was adopted by the Town of Skaneateles Planning Board (“Planning Board”) at a meeting held on April 10, 2018, as directed by the Honorable Gregory R. Gilbert, J.S.C. in a Judgment dated March 15, 2018 (“Judgment”) in the action captioned IN THE MATTER OF THE PETITION OF GARY AND LISA FORD AND PETER AND JEAN BABBLES VS. TOWN OF SKANEATELES PLANNING BOARD, et al., Index No. 2017-007911, which Judgment directed the Planning Board to clarify (“Clarification”) why its Resolution dated November 28, 2017 (“Approving Resolution”) approved a Site Plan and a Special Permit to Rick Moscarito, 120 Madison Street, Chittenango, New York 13037 (the “Applicant”) for property located at 2699 East Lake Road, Skaneateles (“Property”) for renovation of an existing dwelling allowing a single parking space thereon instead of requiring two parking spaces, as permitted by Code Section 148-32(B)(2)(b), which

permits the Planning Board to reduce minimum parking requirements when appropriate circumstances warrant a reduction.

WHEREAS, in furtherance of the Clarification, the Planning Board recalled that it made site visits to the Property, has reviewed and considered all of the material contained in the Board's file, has heard and considered submission made on behalf of the Applicant, has heard and considered opposition and public comment at a Public Hearing duly held, and has obtained engineering consultation; and

WHEREAS, in furtherance of the Clarification, the Planning Board recalled the Skaneateles Zoning Board of Appeals (“ZBA”) granted variances on September 5, 2017 to allow the Application, and that the ZBA’s written determination stated the ZBA was persuaded the modifications as proposed will greatly improve the Property and enhance the character of the neighborhood given that the current conditions of the lot and related structures could be described as fairly primitive and in disrepair, with the western shoreline bank and retaining wall collapsing into the lake, stairway access to the existing pump/boathouse dangerously deteriorated, with storm water run-off causing erosion resulting in soil and debris being deposited directly into the lake without mitigation, with a current septic system of questionable integrity, all of which poses a potential health risk to the lake and community; and

WHEREAS, in furtherance of the Clarification, the Planning Board recalled that it reviewed the Application under the special permit and site plan review criteria, and concluded under Code Sections 148-15(f)(2),148-19(d)(2) and 148-12(g)(7)(e), that in its judgment the Applicant has mitigated any impacts of the proposed development, and the result of such development will be to reduce the quantity and improve the quality of the surface and ground water leaving the site, and therefore adopted the following findings (“Findings”):

- (1) The Applicant has proposed improvements to the existing stormwater deficiencies on the Property with re-direction of the stormwater from across the road to the grassed swale on the north side of the property leading to a rock spillway, which will directly benefit the water quality to the lake as opposed to the existing conditions, with the swale to be established prior to commencement of construction; and
- (2) That Application includes improvements to the shoreline including the stabilization of the steep slopes with buffers along the waterfront to mitigate and improve the existing conditions of loose yard waste flowing into the lake; and
- (3) That the impermeable surface coverage will be maintained at 10.7% with the removal of the dilapidated structure on the lakefront that is an eyesore; and,
- (4) The new septic system will replace the existing 55 gallon drum storage tank, with the improved system approved by OCDOH to safeguard lake quality; and

(5) That the parking has been improved to provide parking on the lot for improved safety and reducing the non-conformity of the parking for the lot, subject to DOT agency approval, noting that other properties in the area continue to park in the right of way; and

(6) That the vegetation plan for re-establishing grass swales and throughout the property will encourage water to infiltrate the ground as well as filter the water before it enters the lake; and

WHEREAS, in furtherance of the Clarification, the Planning Board recalled that the Approving Resolution included, among others, the following conditions (“Conditions”):

- (a) That the Planning Board adopted the Findings in connection with its determination of the Application;
- (b) That the Construction Sequence, set forth within the Revised Narrative prepared by Robert O Eggleston, Licensed Architect, last dated October 13, 2017, be amended and modified with the approval of the Town Engineer, to fully establish stormwater and erosion control measures prior to the commencement of and throughout any construction on the Property (as amended the “Revised Narrative”)
- (c) That the Site Plan 1 of 6 through 6 of 6, dated September 14, 2017, prepared by Robert O. Eggleston, Licensed Architect (“Site Plan”), and the Revised Narrative with amended Construction Sequence, be strictly followed; and
- (d) Prior to application to the Codes Enforcement Office for issuance of a demolition and/or building permit, the Applicant shall obtain all necessary permits and approvals from the Onondaga County Department of Health for the Septic System set forth on the Site Plan, and from the New York State Department of Transportation for the driveway and intended curb cut set forth on the Site Plan.

NOW, THEREFORE, the Planning Board, taking into consideration all of the foregoing, hereby fulfils the Judgement by clarifying the appropriate circumstances which warrant a reduction of the minimum parking requirements for the Application, and upon a motion made Member _____seconded by Member _____and after an affirmative vote of all Members present, as recorded below, the Planning Board Resolves, concludes and as clarifies as follows:

i. The Planning Board is persuaded that the modifications in the Application, as proposed, will greatly improve the Property and enhance the character of the neighborhood, given that the Property currently has no parking, no stormwater mitigation, and is a public safety and environmental concern in its present condition, which is entitled to continued use and occupancy as of right; and

ii. Because the Property is entitled to continued use and occupancy without any parking located on site, the Board finds it is a significant improvement and reduction of non-conformity by approving a Site Plan which places a single parking space on site,

which shall improve safety of travelers on East Lake Road, and those accessing the Property; and

iii. The Board determines that the Applicant's design to catch storm water run-off coming from across East Lake Road onto the Property into curb cuts in the single parking space depicted, and thereafter into the drainage swale, will reduce and mitigate erosion which threatens the lake, providing a significant improvement over current conditions by managing storm water in an engineered fashion before it enters the lake, and therefore the Planning Board finds that the single parking space as designed, is significant to storm water management at the Property and a benefit to the community; and

iv. As a result, the Planning Board concludes that approval of the Application, with the Findings and subject to the Conditions, that parking on the Property shall be improved to provide on-site parking where none currently exists, subject to New York State DOT Agency approval, and that these factors constitute appropriate circumstances under Code Section 148-32(B)(2)(b) warranting a reduction of the minimum parking requirements from 2 parking spaces to 1 parking space for the Property.

Chairman Southern commented that the resolution represents an accurate representation of what was considered including the safety aspect and stormwater improvements for the property. Member Hamlin commented that the impermeable surface coverage would maintain the existing coverage including the addition of one parking space. Chairman Southern said that two parking spaces would negatively affect the proposed septic system. Member Winkelman commented that there are no other alternatives other than an iron bridge that would be cost prohibitive. He continued saying that the property is a pre-existing camp and use, that denying the applicant because he does not have two parking space is onerous. Member Kasper commented that there is no other way to reduce the impermeable surface coverage on the property other than tearing the camp down.

NOW, THEREFORE, the Planning Board, taking into consideration all of the foregoing, hereby fulfils the Judgement by clarifying the appropriate circumstances which warrant a reduction of the minimum parking requirements for the Application, and upon a motion made Member Donald Kasper seconded by Member Anne Redmond and after an affirmative vote of all Members present, as recorded below, the Planning Board Resolves, concludes and clarifies as follows listed above.

RECORD OF VOTE

Chair	Joseph Southern	Present	[Yes]
Member	Donald Kasper	Present	[Yes]
Member	Scott Winkelman	Present	[Yes]
Member	Douglas Hamlin	Present	[Yes]
Member	Anne Redmond	Present	[Yes]

Mr. Ford inquired when the resolution would be filed with the judge. Counsel Molnar commented that it would be filed by Friday to the court, Mr. Ford and his attorney.

Continued Review - Subdivision

Applicant: Emerald Estates Properties, LP
3394 East Lake Rd
Skaneateles, New York

Property:
2894 East Lake Rd
Skaneateles, New York
Tax Map #036.-01-37.1

Present: Donald Spear, Applicant; John Delaney, Attorney; Robert Eggleston, Architect; Rudy Zona, RZ Engineering;

Please see the provided transcript.

FEIS Discussion- Major Subdivision

Applicant: Tim Green/owner Loveless Farm Development
1194 Greenfield Lane
Skaneateles, New York 13152

Property: 2783 West Lake Rd
West side 051.-02-18.1
Vacant land:
East side 053.-01-39.1

Present: Jeff Davis, Attorney

Mr. Davis commented that based on the number of comments received regarding the project, the applicant is taking time to rethink the project that may affect the response to the FEIS. The application involves two separate tax lots with the east and west side under different tax map numbers. The applicant is considering the withdrawal of everything on the east side from the subdivision plan in response to concerns over steep slopes, conservation analysis, and construction. 95% of the comments submitted concern the east side of the proposed subdivision. Member Winkelman commented that Andy Leja stated that it was one parcel early on and now segmentation. Mr. Davis clarified that there will be no project on the east side, so it is not be segmented. They are also not going to be removing any trees on the east side and it will stay as an 18-acre lot to be used however, the application want to use the lot where it is farming, etc. Mr. Brodsky commented that it would not be considered as part of the west side plan. Mr. Davis commented that it would not be part of the open space calculations. He continued saying that it was considered as one at the beginning of the application as it is under single ownership and across the road from each other, which allowed the town to consider both lots under one application at that time.

On the west side, the applicant is considering the road on the west side to be considered as a private driveway to provide access to four dwelling units. The barns will stay where they are without dwelling units. There will be five lots with conforming two acre lots located at the back of the property, with the wooded area preserved along with the wetlands. The applicant has three weddings this year and would like to get some houses built for the couples. The original seventeen-lot subdivision would now become a five-lot subdivision with four dwelling units. There would be no steep slope construction. Member Kasper commented that he likes the modification. Mr. Davis commented that there would be no construction in the wetlands.

Mr. Brodsky inquired about the two barns and the potential future uses. Mr. Davis commented that the barn to the south could become a veterinarian office and the northern barn would be for personal storage, with both barns on one lot, with the private drive crossing it. Mr. Davis continued saying that the veterinarian business would be a large animal veterinarian business not including cats and dogs. Mr. Brodsky stated that the code specifies maximum dwelling units on a private driveway and is silent on a

non-residential use. Mr. Davis commented that the entry of the road if it is needed to be brought up to town road standards to accommodate larger vehicles that could potentially be carrying larger animals for the veterinarian business, then they would bring it up to those standards.

Mr. Davis stated that they still need to respond to 22 pages of comments and in doing this the bulk of the comments would be that this has been addressed and is not applicable as that portion of the project has been removed and is no longer proposed. The other comments related to the west side were concerned with urban sprawl, that Mr. Davis does not agree with nor the opponents plan for the west side. Their plan shows the homes along the road that is more sprawl like. Member Winkelman commented that it is cluster development, and that the applicant's proposal was scattered clusters which is sprawl.

Mr. Davis said that the other comments were fragmented open space and with the possible new plan that would connect all of the open space, by minimizing the number of lots from six lots in the back of the property down to three lots. Member Kasper inquired if the contemplated plan would require a new application. Chairman Southern said that as there is a reduction in the number of lots proposed, it would be considered a modification of the existing application. The Hidden Estates is the opposite as it is a major increase in the number of lots warranting a new application. Mr. Davis stated that their contemplated plan is a reduction in the overall development proposal in response to comments made by the public and the Planning Board concerns with the conservation analysis with the request for the town engineer to evaluate the conservation analyses. Member Winkelman commented that the plan is much more appropriate for the old Loveless farm.

Mr. Davis requested an additional forty-five day extension to the existing extension for the responses to the comments to be prepared and the potentially development of the sketch plan. The existing requirement for the Loveless Farm Development timeline to complete the filing of the FEIS was extended to May 30, 2018 to provide additional time to include answers and comment developed in response to questions, comments and responses of the public. Counsel Molnar recommended that 60 days may be more appropriate to keep the deadline on a month end basis. Mr. Davis commented that if it was sixty days then it could be part of the regular meetings rather than special meetings.

WHEREFORE, a motion was made by Member Kasper and seconded by Chairman Southern to grant a 60 day extension to the applicant to complete the responses to the DEIS and for the board to complete the FEIS filing by July 27, 2018. The Board having been polled resulted in the unanimous affirmation of said motion.

Member Winkelman suggested that one of the lots could be moved down to the road to obtain some beautiful views of the lake. Mr. Davis commented that the applicants are trying to design the dwellings away from the road noise.

WHEREFORE, a motion was made by Member Hamlin and seconded by Member Winkelman to adjourn the meeting. The Board having been polled resulted in the unanimous affirmance of said motion. The Planning Board Meeting adjourned at 7:27 p.m. as there being no further business.

Respectfully Submitted,

Karen Barkdull, Clerk