

**TOWN OF SKANEATELES PLANNING BOARD
MEETING MINUTES
April 21, 2015**

Mark J. Tucker, Chairman
Elizabeth Estes
Donald Kasper -absent
Joseph Southern
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 March 17, 2015 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 Chairman Tucker to approve the minutes as corrected. The Board having been polled resulted in the unanimous affirmance of said motion.

RECORD OF VOTE

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

Public Hearing –Special Permit/Site Plan Review

Applicant:	Mark Congel	Property:
	Five Fires LLC	
	4584 Bamerick Lane	3395 East Lake Rd
	Jamesville, NY 13078	Skaneateles, NY 13152
		Tax Map #041.-01-21.0

Present: Janice Miller, Architect

An updated site plan, grading plan with elevations reflecting no change in the grading, proposed impervious surface reductions, and the trees on the shoreline remaining. Flood louvers have been incorporated in the design of the foundation level.

Chairman Tucker inquired if there will be an elevation change since the proposed foundation will be raised 2’8”. Ms. Miller stated that there have always been a couple steps up to the front door and that it will remain that way. Mr. Camp inquired if there will be daylighting for the

foundation drains. Ms. Miller stated that the drains will daylight in front of the dock where there is a gravel area, and if needed, they can be trenched out onto the beach.

Member Winkelman stated that the applicant has reduced the impervious surface but have not come into compliance; however, considering the scope of the project the applicant has taken a good step at getting closer to compliance. Member Estes inquired if the property could have the impermeable surface coverage in compliance. Ms. Miller stated that the footprint of the building is not increasing, the floor space of the building, and the applicant is taking down what he feels is appropriate. Member Winkelman stated that the applicant might come back to the board when he will be doing alterations to the dwelling, offering the Board a chance to get the impervious coverage into compliance.

Mr. Brodsky stated that the applicant originally submitted an application in November 2014, and then came back in February. At the same time, the Town made a text amendment to the code to define redevelopment. Based on the definition of redevelopment this applicant is not subject to redevelopment as the structure is not expanding or altering the existing footprint of the shoreline structure. A special permit is still required for the shoreline work within 50' of the lake line. Counsel Molnar stated that the redevelopment definition was added in February 2015. Mr. Brodsky stated that the nonconformity of the impermeable surface coverage stands as is.

The SEQR determination was completed at the last Planning Board meeting where it was determined that the proposed action was a type II SEQR and not subject to SEQR review.

At this time, Chairman Tucker continued the Public Hearing and asked if there was anyone in favor of the project. No one spoke in favor of the project. Chairman Tucker asked if there was anyone wishing to speak in opposition, or had any other comments. No one spoke in opposition or had any other comments.

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

Member Estes commented that she is disappointed in the Zoning Board to continue to add more nonconformity to these properties.

NOW, THEREFORE, BE IT RESOLVED, upon a motion made Member Joseph Southern and seconded by Member Scott Winkelman, 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 its time limit expires without renewal; and
2. That the Site Plan A000, A001, A101, A200, A201, EX A dated April 7, 2015; Site Plan A202 dated April 7, 2015 be modified to reflect the impermeable surface calculations to reflect the A202 plan of March 3, 2015; and Narrative dated March 3, 2015, prepared by Wayne LaFrance,, Licensed Architect, be followed in all respects; and

- That all conditions imposed by the Skaneateles Zoning Board of Appeals, in connection with its approved variance, be fulfilled.

RECORD OF VOTE

Chair	Mark J. Tucker	Present	[Yes]
Member	Joseph Southern	Present	[Yes]
Member	Donald Kasper	Present	[Yes]
Member	Scott Winkelman	Present	[Yes]
Member	Elizabeth Estes	Present	[No]

Public Hearing –Special Permit/Site Plan Review

Applicant	Gazella Dance & Fitness Studios		
	Tiffany Mayer	Property:	
	2680 Shamrock Rd	State Street Road	
	Skaneateles, NY	Skaneateles, NY 13152	
		Tax Map #unassigned	

Present: Tiffany Mayer, Applicant: Robert Eggleston, Architect

No one wished to have the public notice read. The Onondaga County Planning Board commented in their resolution dated March 25, 2015, that the wetlands locations be confirmed on the property, that the project adhere to gas line setbacks, and the permits are in place for the proposed stream culvert. There is a pending NYSDOT permit for the commercial driveway.

A revised site plan dated April 10, 2015 was submitted reflecting the topography of the site. A grading plan has been submitted and a modification of the plan includes a split to the proposed swale to incorporate an additional swale along the eastern side of the structure. The drainage channel at Jewett Road has a 16” culvert and the proposal is for an 18” diameter culvert for the driveway.

Member Winkelman inquired as to the volume of water in the 16” culvert at the time of the snowmelt. Mr. Eggleston stated that when he saw it had a moderate flow and seemed to be passing through it easily. Mr. Camp inquired if the culvert proposed is a smooth-line HTPE culvert. Mr. Eggleston confirmed the culvert proposed.

Mr. Eggleston stated that the applicant has submitted the perm 33 application for the driveway for the initial review and NYSDOT has found it acceptable to have a commercial drive; following Board approval from the Town the NYSDOT permit can be approved. Member Winkelman inquired about the criteria for approval of a commercial driveway. Mr. Eggleston stated that in an email from the NYSDOT dated March 27, 2015 they had approved the initial plan and requested information on the drainage of the area to ensure that it does not drain onto the road. The existing drainage pattern is that the property drains on the property to the north.

Member Estes inquired whether NYSDOT reviews anticipated traffic on the property. Mr. Eggleston stated that information is analyzed based on existing traffic patterns and anticipated traffic patterns. Member Kasper inquired on the elevations for the driveway. Mr. Eggleston stated that the road is 869’ and coming down is 888, with the proposed dwelling at 920’. The ditch is at 885’ elevation.

Member Winkelman asked what the volume of cars is in the area. Mr. Eggleston stated that it was approximately 7000/trips per day on Route 321. Rudy Zona will be finalizing the DOT permit and that the peak hours between 6 am to 7 am is 10 trips per hour; peak hours from 7 pm to 8 pm is 40 trips per hour. Mr. Brodsky inquired if NYSDOT had any issues with traffic turning in/out of the site. Mr. Eggleston stated that they do not. Mr. Brodsky inquired about the level or service rating on the road with level A being excellent with low volume and level F being a failing condition. He continued commenting that the amount of traffic use for the property would probably not be significant from a DOT point of view. Member Winkelman commented that he thinks the speed limit will be changed at some point. Member Estes stated that we would want a lot of traffic there if we want a successful dance studio; a change in the speed limit is a benefit to them but not necessarily a benefit for everyone trying to get to Syracuse. She continued commenting that a change in speed limit is warranted based on this commercial development. Member Southern commented that the speed limit was never reduced for the Welch Allyn facility that has higher traffic. Mr. Brodsky stated that it is not a foregone conclusion that the speed limit would be reduced by the NYSDOT. Member Estes commented that it normally happens after a serious accident.

Mr. Brodsky stated that the proposal is for a permitted use anywhere in the RR district. This location is on a main road with the road designed to accommodate commercial uses. He continued stating that NYSDOT does review the roads and if warranted, does install turn lanes. It is in the Town's interest to maintain that speed, as State Street Road is a journey to work route and a main route for emergency vehicles. Member Winkelman commented that the proposal does not fit the comprehensive plan; is it accessible for pedestrians and bicycles or is it automobile dependent. He continued stating that the driveway off Route 321 was for the residential use of the lot that was created under the O'Brien subdivision that would not have 7000 trips a day. Mr. Eggleston clarified that they traffic projected for the studio is at the maximum 40 trips between 7 pm and 8 pm. Ms. Reem Jishi (co-applicant) stated that the dance classes have approximately 15 students per class with about 6 classes a night. The training classes are about 12 people and very early in the morning at 5:45 am and 9:30 am.

Mr. Camp commented that C&S Engineering could do a traffic study analysis for the proposal for the Board. Member Winkelman commented that the Board needed to determine if the proposal fits the comprehensive plan. Mr. Brodsky suggested that the applicant provide written criteria on how the proposal is consistent with the comprehensive plan. Mr. Eggleston stated that the existing comprehensive plan is not as strong as the proposed comprehensive plan. The applicant has considered a lot of different places and to comply with 10% impermeable surface coverage requires a large lot. Ms. Jishi stated that they have been looking for a location for a year. Mr. Eggleston stated that they have not been able to locate a suitable location in the Village, Hamlets or Gateway areas.

Member Southern stated that in terms of impact, there is no more impact that what exists on Jordan Road. This use was an approved use on Jordan Road with an ophthalmologist with it. The comprehensive plan wants to direct mixed-use development to the north of the Village. It is on a main corridor where it should be. Member Estes stated that it is not assessable for walking or biking. Chairman Tucker stated if you bring it, closer to the Village the people in the Village would not want it. Member Winkelman stated that Willow Glen is a Hamlet place and where it is has other commercial spaces such as the restaurant, and now you are putting it out on a highway at 55 mph. Mr. Eggleston clarified that 50' in front of the property the speed limit is 45 mph and the proposal is right on the edge of where 55 mph begins.

Chairman Tucker commented that the Old Seneca Turnpike at Route 321 has one of the most dangerous turnpikes and the speed limit has not been reduced. He continued stating that the existing location of Jordan Road the applicant is not always in compliance with parking.

Member Estes commented that she felt sucker-punched with the O'Brien subdivision that was for a residential subdivision and then ten minutes after the approval this use was presented that makes this more of a strip development with one commercial use after another. Mr. Brodsky stated that the solution for your concern is to change the zone district and removing this type of land use as permitted use within that zone district. Member Winkelman commented that it is permitted through special permit so it is arbitrary Mr. Brodsky stated that 2005 comprehensive plan established the RR district with a variety of used that are allowed. The special permit does not automatically give you the right to say no, but is a high standard for you to say no. The application has to show that there is an adverse effect and inconsistency with the comprehensive plan, which may prove difficult with the proposed plan.

Member Winkelman read sections 148-1C(8) To integrate different types of housing and different kinds of land uses in traditional village and hamlet centers in order to encourage social and economic interaction and pedestrian activity, and to reduce unnecessary automobile traffic. (11) To locate commercial and other nonresidential uses in a manner that is convenient to residences, reduces use of automobiles and provides freedom for landowners to make beneficial economic use of their land, provided that such uses are not harmful to neighboring properties or the natural environment. And (17) To base such flexible land use regulations on the unique characteristics of the landscape, the needs of the people of the Town of Skaneateles, the impact of proposed land uses on the natural and human environment and the purposes articulated in this chapter, and to avoid suburban sprawl and commercial strip patterns of development.

Mr. Brodsky recommended that the RR district needs to be modified to reflect those aspirations if that is what the Town wants. The district itself was not crafted to achieve these goals. Chairman Tucker stated that the Town is looking north for development of the Town and this location is right north of the Town. Member Kasper stated that our zoning requires a minimum two acre lot. Member Southern commented that it existing code is what the Town has put in place. Mr. Brodsky reminded the Board that they had endorsed several commercial uses, contractor yards and service businesses, which have truck equipment. They may not have the same traffic patterns but are certainly non-residential in the RR and RF districts. Member Southern commented that as you go along the road you have Welch Allyn, a farm stand, a restaurant, storage, another restaurant, all along that corridor. Member Estes commented that Skaneateles would begin to look like Camillus with one business after the other. Member Southern commented that then the zoning needs to change but that changes to zoning do not necessarily assist with the applications today. Member Kasper commented that lot 4 next to the proposal will probably end up as a commercial use instead of residential. Member Estes suggested that Board begin to mandate sidewalks on the lots, taking an easement so that sidewalks can be put in at a future date if the Board is going to continue spreading out in that direction. Mr. Eggleston stated that the applicant is amendable to a 10' easement for a future sidewalk that would be located on the eastern side of the right-of-way. Member Southern stated that we should require it on any house that is built. Member Kasper stated that the rest of the lots should have the requirement. Member Winkelman stated that it would be most practical on one side of the street.

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

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

WHEREFORE, the Board declared this application to be an Unlisted Action, and after review of the SEQR short environmental assessment form and determined that the proposed action will not result in any significant adverse environmental impacts.

At this time, Chairman Tucker opened the Public Hearing and asked if there was anyone in favor of the project. No one spoke in favor of the project. Chairman Tucker asked if there was anyone wishing to speak in opposition, or had any other comments. Mark Murray, neighbor to the west, stated that the proposed driveway will intersect with the Herbst driveway where the speed limit is 55 mph. He continued stating that there is a lot of traffic and walking on the road is hazardous. He is unsure on how it will fit with a residential neighborhood and the effect on the value of the homes. He continued stating that the land is wet. Chairman Tucker inquired if the submitted grading plan is sufficient for the project. Mr. Camp stated that he had taken a qualitative look at the drainage program and does not have any comments at this time. Mr. Murray commented that the ditch that runs into the property has a 16" tile and that it cannot handle the drainage.

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

Mr. Eggleston stated that a letter of support from two neighbors was submitted at last month's meeting. Ms. Boyer, neighbor across the street and Ms. Graham, neighbor to the east, had signed that approval letter.

Member Estes stated that the applicant needs to obtain a perm 33 permit from NYSDOT, and inquired if the state will be looking at the level of service. Mr. Brodsky stated that the NYSDOT will be looking at the capacity of the road and if there were any issues they would have requirements for the applicant. Member Estes inquired if the perm 33 is only a NYSDOT review and decision or if the Town can request a turn lane off the road. Mr. Camp stated that the state owns the road and they would typically take input from the Town; however ultimately the decision is theirs. Member Southern commented that the Town can request to have the speed reduced in the area. Mr. Camp stated however if the state did not think it was warranted then they could disallow it.

Member Kasper commented that the Board may want to think about this application as it blindsided the Board so quickly after the subdivision approval. He recommended that the Board take a step back and look at the overall plan for the area before any approval. He continued stating that the Board just approved an office use on County Line Road last year. Member Southern stated that the Board is following the zoning. Member Kasper commented that the proposal is not following the new comprehensive plan. Mr. Eggleston stated that the draft comprehensive plan has not been approved yet.

Member Southern commented that waiting will not necessarily prove anything. He continued stating that the lots are known as well as what can be put there and what is there now, what will be gained by waiting. Member Kasper stated that waiting another month will give the Board a better idea for connecting it. Mr. Eggleston stated that another month will not necessarily change things as it complies with the code and the applicant has built to the limits of the zoning law. Member Estes stated that the Board could also wait for the permit for the driveway. Mr. Eggleston stated that he believes the zoning approval is needed to obtain the driveway permit. Mr. Camp was in agreement with Mr. Eggleston.

Mr. Brodsky inquired when the applicant can expect to have the permit. Mr. Eggleston stated that the applicant's project qualifies for an expedited permit based on the anticipated volume and road conditions. Chairman Tucker commented that C&S Engineers can provide a traffic impact of the proposed project. Member Southern stated that the road is not under the purview of the Board. Mr. Eggleston stated that all the debate is on what you want zoning to be rather than what is in the current zoning and it is unfair to hold the applicant to a standard that does not exist yet. Now you want to prevent an application that is permitted by current zoning because you think there will be a better law coming. You cannot hold an application in anticipation of new zoning. Member Southern stated that this application was submitted under current zoning and would be reviewed under the zoning at time of application even if the zoning was changed.

Mr. Molnar commented that the Board appears frustrated over certain aspects of the project and needs time to consider the discussion this evening in addition to the submitted materials, perhaps consider material submitted by Mr. Eggleston that meets with section 148-16A minor project criteria. (1) That it is consistent with the purposes of the land use district in which it is located and with all applicable provisions of this chapter. Howard's suggestion in that matter is worth advancing. Also, since the public hearing has been closed the Board has 62 days to render a decision so you have time to manage information coming in and look at this again after the Board has had opportunity to reflect on it. If a decision is not made then one by default will be

made for the Board. Mr. Brodsky commented that the Board has an opportunity to see a written rationale for support of their reasoning for the proposal. Member Southern commented that the rationale would be in regard to the zoning code and in light of the comprehensive plan. The comprehensive plan is not legally enforceable but the zoning is. He continued stating that the application has been considered in light of the 2005 comprehensive plan tonight.

WHEREFORE, a motion was made by Member Estes and seconded by Member Winkelman to table the decision until the next meeting in **June, 2015**. The Board having been polled resulted in the affirmation of said motion.

RECORD OF VOTE

Chair	Mark J. Tucker	Present	[Yes]
Member	Joseph Southern	Present	[No]
Member	Donald Kasper	Present	[Yes]
Member	Scott Winkelman	Present	[Yes]
Member	Elizabeth Estes	Present	[Yes]

Member Kasper commented that he does not believe he is against the project or use but trying to connect it to the community which could be a benefit to the community.

Chairman Tucker inquired regarding the plan for landscaping. Mr. Eggleston stated that the aerial photograph shows thick brush by Route 321 and it was going to be left natural.

Ms. Jishi requested an explanation of what is consistent with the comprehensive plan; where can she go and say here is where I want to build. Member Winkelman stated Fennel Street, on either of the Gateways, and closer to the school somehow. Next to the Family Medical Practice on Fennel, what is there. Mr. Eggleston stated that that area is in the RR district, as the current proposal. Member Winkelman stated that the comprehensive plan is trying to force things down on Fennel Street or these kinds of uses that is not in a residential area. Chairman Tucker stated that there is residential down there now.

Continued Review –Special Permit/Site Plan Review

Applicant

John & Catherine Kane	Property:
137 Park Way	2524 Lakefront Lane
Camillus, NY	Skaneateles, NY 13152
	Tax Map #054.-03-06.1

Present: Robert Eggleston, Architect

The applicant had received approval for the variance requested on April 7, 2015. The site plan was modified to reduce the variances to a lake yard variance; the proposal conforms to the footprint and floor space limitations. The application complies with the granted 12.3% impervious coverage, which would be a net 9.3% with the shared driveway in the calculation.

The applicant is seeking Board approval for conversion of a seasonal cottage to year-round use and disturbance within 200’ of the lake line. Erosion control measures are reflected on the site plan and in the narrative. The OCDOH had given their approval on the existing septic system capacity for a four-bedroom dwelling.

Mr. Eggleston stated that the previous owner had done some site work on the bank establishing a vegetative bank and retaining walls stabilizing the bank. Chairman Tucker commented that he did not have any concerns from the site visit.

Mr. Camp commented that at the site visit he noted that there is an existing cut off swale on the uphill side of the sidewalk that loops around from the south side of the house. He suggested that it be replaced that to the west and then around the south of the house and connect to the existing and making it a permanent feature.

WHEREFORE, a motion was made by Chairman Tucker and seconded by Member Estes to schedule a public hearing on ***Tuesday, May 19, 2015 at 8:00 p.m.*** The Board having been polled resulted in the unanimous affirmation of said motion

Continued Review –Special Permit/Site Plan Review

Applicant	J&A Properties	Property:
	John Pennisi	1250 Minnow Cove
	4435 Dolomite Drive	Skaneateles, NY 13152
	Syracuse, NY	Tax Map #054.-01-14.0

Present: Robert Eggleston, Architect

The ZBA requested to redevelop the design for the dwelling. The revised plan dated April 2, 2015 has the proposed dwelling located on the exact footprint as the existing dwelling, making it no closer to the lake.

Member Kasper commented that the proposed dwelling is larger than the existing cottage. Mr. Eggleston stated that the proposed dwelling conforms to the side yard setback of the prior dwelling making no more nonconforming. He continued stating that the proposed dwelling will be larger than the existing dwelling; however, it still complies with the 6% maximum footprint and 10% maximum floor space allowed.

Member Kasper commented that the dwelling location is in the 100-year flood zone, and inquired on the elevation of the dwelling to the existing ground. Mr. Eggleston stated that the flood plain snakes along the lake line and that some areas will be at three feet above the lake line and some areas will be two feet above the lake line. The foundation level will be a crawl space and not habitable.

Member Winkelman stated that the City of Syracuse had some concerns about the driveway getting too close to the septic fields. Mr. Eggleston stated that they have not changed the location of the proposed driveway. Member Winkelman commented that the edge of the field can be marked during construction. Member Estes inquired if the existing driveway will remain or whether the proposed driveway will be moved closer to the location of the existing driveway. Mr. Eggleston stated that they can accommodate that. Member Estes inquired if the shed will remain. Mr. Eggleston confirmed that the shed will remain.

Member Kasper inquired about any work that may be occurring at the waterfront. Mr. Eggleston stated that the only thing proposed is a 400SF patio; the rocks for erosion control that are in the area are performing the erosion protection. There is also a natural beach area they would like to preserve.

WHEREFORE, a motion was made by Chairman Tucker and seconded by Member Estes to schedule a public hearing on *Tuesday, May 19 , 2015 at 8:15 p.m.* The Board having been polled resulted in the unanimous affirmation of said motion.

Amendment –Special Permit/Site Plan Review

Applicant: Karen Kreidler
1760 Tamarack Trail
Skaneateles, NY 13152
Tax Map # 062.-01-20.0

Present: Andrew Ramsgard, Architect

The applicant has decided to make this property their permanent residence. The plan is to connect the garage by removing the circle drive and shifting the garage down. The project still complies with the setbacks and impervious coverage. The original plan was to do a full circle drive and come in from the south, now they are coming in from the west.

Mr. Camp inquired on the location of the prior cut off swale. Mr. Ramsgard stated that the cut off swale will stay to the high side on the west side of the driveway and will stay. There was a sheeting action coming across the driveway traveling along the western edge around to the north of the existing garage, with the plan to continue that. Mr. Camp inquired if the new proposal is in addition to the prior proposed swale. Mr. Ramsgard stated that it is a very minor modification to the plan for the approved drainage. Chairman Tucker inquired how the water is being managed in another area. Mr. Ramsgard stated that they are curbing the edge of the driveway and the proposed drainage was to bring the residual water that comes here out and around. Right now the driveway is high and the water travels low. Member Winkelman commented that the driveway is more functional. Member Kasper inquired if the dwelling construction has been started. Mr. Ramsgard stated that the dwelling construction has begun.

WHEREAS, Member Southern made a motion that was seconded by Member Estes, the Planning Board adopted and ratified its prior SEQRA determination for the Application, which was a determination that the Application constitutes a TYPE II single-family residential project, not subject to further SEQRA review.

NOW, THEREFORE, BE IT RESOLVED, upon a motion made by Chairman Mark Tucker, seconded by Member Donald Kasper, and upon a vote thereon as recorded below, , the Town of Skaneateles Planning Board **APPROVES** amendment of the Prior Approvals, with the following conditions:

1. That the Revised Site Plan Z-1.1 dated April 15, 2015 and Narrative dated April 15, 2015, prepared by Licensed Architect, Andrew Ramsgard, be followed in all respects; and
2. Except as modified hereby, the conditions set forth in the Prior Approvals remain in full force and effect.

RECORD OF VOTE

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

Sketch Plan –Site Plan Review

Applicant

Lakelawn Properties LLC
1 Winthrop Square
Boston, MA

Property:
3384 West Lake Road
Skaneateles, NY 13152
Tax Map #049.-02-03.0

Present: Robert Eggleston, Architect

The owners of Lakelawn purchased the property last fall, and would like to re-establish the original grand single family home. The property has a three-bedroom gatehouse that will be maintained, a two-bedroom boathouse that will be maintained and in the future will be renovated.

The existing stable barn had been converted into five apartments with a total of nine bedrooms, and the owner's intent is to convert the building to a service building for storage of maintenance equipment and for the service staff to assemble. The existing loop road comes through the gates. The applicant's would like to maintain the existing gates with the proposed dwelling located in the original house location. There will be an outside-detached building with a garage and office above it, and a recreation building and a tennis court. The existing tennis court located on the north side of the property would be moved to the south side of the property.

Final plans have not been completed as they are waiting to hear about other issues with the property. The stable barn will not be maintained as a dwelling and the gatehouse and boathouse do not calculate over 2500SF, so it does not constitute multiple dwelling greater than 2500SF.

The proposed driveway is 15' wide and as such, is being located outside of the tree-lined existing drive to protect the existing trees, with proposed mature trees lining the northern side of the new drive. The existing north drive would become a stone walkway to allow a walking path from the main house down to the gatehouse. A loop driveway would be added to connect the north and south driveway that would circle behind the gatehouse. The southern driveway would be used as a service driveway that would be used seasonally and have a three-foot grass strip down the center. The service driveway would connect to the service building and then connect with the auto court.

The existing boathouse driveway runs along the northern property line and proposed is the relocation of the boathouse drive to 25'3" from the property line leading to a parking area in front of the boathouse. The driveway would wind to work with the slopes in the area and the boathouse drive would also be used seasonally with a grass strip down the center of the driveway. The grass strip would reduce the observability of the driveway from the lake.

There is a watercourse running through the property with a culvert crossing by the service barn and a six-car parking lot located directly south of the barn adjacent to the country club service building. A berm and vegetation will be added along the southern property line and a proposed solar field will be located along the southwest property line between the berm and other shrubs designed to conceal the solar field. The goal of the applicant is to design the property as close to net zero as possible using geo-thermal and the solar array. A new stone bridge will be placed for the northern driveway. A SPDES permit will be required for disturbance of more than an acre of

land. Site plan review is required due to proposed disturbance of land within 200FT of a watercourse or the lake and a dwelling greater than 2500SF.

From the site visit there was a question of whether the boathouse will be for seasonal use. The boathouse has been used on a year-round basis, which will continue. There has been concern regarding the use of the 3' grass strip in the center of the driveway and this application has been used on other properties. One in particular used a snow blower to remove snow from the grass strip without causing damage to the strip. The grass strip does help to filter any stormwater. There is an existing gas pump by the lake and there will be an investigation with the DEC regarding the allowance of such a use.

Member Southern inquired about the septic plan for the development. Mr. Eggleston stated that they have two possibilities with the property. There have been preliminary tests done for the potential septic system location and a mound system can be designed and approved if the Village denies the property owner the ability to transfer the sewer usage from the existing stable barn with nine bedrooms, to the proposed seven-bedroom dwelling.

Member Winkelman inquired on the stormwater plans for the property. Mr. Eggleston stated that stormwater retention locations are provided to manage the stormwater from the structures on the property. Member Estes inquire if the grass strip on the driveways were included in the impermeable surface calculations. Mr. Eggleston stated that the calculations include the tire strips only and that the entire property is at 8.5% impervious surface, under the 10% maximum allowed. Member Estes stated that the service building will be used year-round and that the applicant should not use grass strips. Mr. Eggleston inquired if the concern is that the grass strips will be an added filtration for stormwater or is the concern over maintenance. Member Estes stated that her concern is with the maintenance of the grass strips with snow plowing, the upkeep of the grass strips and emergency vehicles. Member Southern stated that he has no concern with the grass strips as long as they are properly designed.

Member Kasper inquired if the project will be completed in phases. Mr. Eggleston stated that Rudy Zona is preparing the work and will provide how the work will be completed in phases. Member Estes inquired about the tarvia area by the boathouse. Mr. Eggleston stated that it is existing parking for the boathouse will be addressed with another application after the other site work has been accomplished.

Member Winkelman stated that he has a concern with the location of the solar panels as golf balls could come in that direction and hit the panels. Chairman Tucker stated he was told that the golf balls will bounce off the panels. Member Winkelman commented that there is a proposed buffer between the lot and the golf course whereas most people like looking at a golf course. Member Kasper stated that the proposed house is on a hill, which will afford those views.

Chairman Tucker commented that the proposed parking by the stable barn is where the existing parking is located. Mr. Eggleston stated that it is buffered by the country club building making it the most logical location. Member Kasper inquired what the prior dwelling looked like. Mr. Eggleston shared photographs of the prior dwelling that was a three-story Italianate design dwelling that was approximately 9,000-10,000SF.

Continue Review – Hidden Estates 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, Representative; John Delaney, Attorney; Robert Eggleston, Architect;

Mr. Delaney stated that in view of the resolution of March 17th that was passed adopting the findings of the conservation analysis for lot 3 and inquired if it was adopted. Member Winkelman replied no. Mr. Delaney corrected his statement to say that it was submitted but not adopted. He continued stating the he and Mr. Molnar are attempting to come to agreement on the language that would incorporate into an easement granted by Emerald Estates properties to the Town of Skaneateles that would reflect the findings of the conservation analysis as well as the restrictions and limitations based on those findings. The concern of the property owner is that the conservation density subdivision is really focusing on the 49 acres of the 81-acre parcel. In connection with the 49 acres, the property owner is looking to develop eight additional lots on that parcel that would leave 31 acres that would not be subject to development at this point pursuant to the application by the property owner. However, understanding the provisions of the conservation density subdivision ordinance, the entire 81 acres is subject to a conservation easement. With some of the provisions the conditions and limitations being more stringent and applicable, and having more specific aspects as they relate to the 49 acres and those eight lots as opposed the 31 acres that does not have any present development plans. Attorney Molnar and I are discussing whether we have one omnibus grant of an easement based on the conservation analysis findings for all of the 81 acres or should be split into two different easements because one has more of an impact with 81 acres versus the 49 acres , and the 31 acres has less impact.

Mr. Molnar stated that at last month’s meeting the Board was frustrated with the presentation by the applicant that the conservation subdivision in its totality would be subject to two different conservation easements, one for the proposed lot X and one for balance of the lots in the conservation subdivision. The law requires under section 131-6 Conservation density subdivisions A(2) A permanent conservation easement is placed on the land to be subdivided, to maintain its natural and scenic qualities, to restrict building of homes to building envelopes deemed by the Planning Board to be least environmentally or visually sensitive, and to ensure that the land will not be subdivided to a density higher than that permitted in Subsection A(1) above., which is the criteria that the lots are three time the normal size or six acres. The question is whether or not a conservation easement as required by the Planning Board to meet the code, can be adapted for the lots that are going to be developed for single family residences versus a different language or restriction for the individual lot X for whatever it is entitled. A conservation easement has been provided to the applicant’s counsel that had been found acceptable to the Board previously and previously recorded. I thought it was an outstanding model if you will. The deed of conservation easement from Edward and Linda Lavery to the Town of Skaneateles did an excellent job of summarizing what a conservation density subdivision and the requirements of the subdivision in terms of what a conservation easement should be. Mr. Delaney has that document and is adapting that at present, and will be presenting it to the Board. My recommendation is for one unified document because as I read the section 131-6, a permanent conservation easement is placed on the land to be subdivided. We have land that is being subdivided under a conservation density subdivision, and the conservation easement should be one unified document because though a reasonable reading of the code section, that is

what it reads. Now a question is can you bifurcate the language with separate language for separate lots.

Mr. Delaney stated that it would because the findings of the conservation analysis by Appel and Osborne finds different levels of high, medium, and low conservation values on the two parcels. The findings restrictions will be based on the prepared conservation analysis.

Mr. Molnar stated that the conservation findings have to take into consideration the entire lot to be subdivided, and that is the whole thing as the new lot does not exist without the subdivision.

Mr. Delaney stated that Map 8 is the governing document for the entire parcel. The applicant does not dissent from that concept at all. Map 8 governs all 81 acres, but there are different elements and restrictions based on the findings of high, medium and low conservation values with the easement reflection those findings, restrictions and conditions. The Lavery easement that was given to the Town in 1996 was not in the context of this whatsoever.

Mr. Molnar stated that the Lavery conservation easement was no completed in the context of a conservation subdivision but had great controls, which are required by the findings for the conservation analysis. The outcome of the conservation analysis, section 148-9G(1)(c) The outcome of the conservation analysis and the Planning Board's determination shall be incorporated into the approved sketch plan showing land to be permanently preserved by a conservation easement, as well as recommended conservation uses, ownership, and management guidelines, so we have the controls.

Mr. Delaney stated that whether it is one document or two, we feel it is two different parcels because the 40 acres will have 8 lots on it with unique attributes than the remaining 31 acres.

Mr. Molnar inquire if there was also a discussion at the last meeting was an issue that needs to be resolved that is the intent of the applicant to dedicate the development rights to lot X in order to permanently restrict development by way of USDA or some other eligible program. Can we resolve what their criteria versus our criteria are so that if the Planning Board determined that we have a conservation easement and it needs to say a, b, c, and d to reflect the code section of 131-6, can we understand what the USDA or other similar entities requirements are.

Mr. Spear stated that he is working with the Finger Lakes Land Trust, NYS Agricultural Land Trust, and USDA Public Trust for Lands, and it is all the same criteria. It is really reflected by the grant of easement by Lavery to the Town. It is those conditions, scenic, walking, sight, no single-family residential dwellings except for maybe one or two houses.

Mr. Molnar stated that he had review one from the county clerk's office and it is a deed of conservation in favor of the City of Syracuse with respect of a conservation easement over farmland with criteria that included no development on the property that is not already doesn't presently exists. They are different, it is a 30-page document concerning controls on what can or cannot be done in terms of the conservation easement that is employed and governs the subdivision.

Mr. Delaney that one was completed by his office for Duty Farms with a 50 page conservation easement where the state paid them two million dollars to keep the property as farmland. Since this is somewhat new to all of us in regard to a conservation density subdivision we need to develop document that is in the mutual benefit of both parties.

Mr. Molnar stated that the starting point from here is in terms of the Planning Board is the recommendation that the Planning Board needs to complete the conservation analysis and develop the written findings. Part of those written findings is the controls which conservation value will be preserved and that includes the conservation easement contemplated by section 131-6. We need to get to the point where we have a working model or document with restriction that work with both sections of the code, zoning code and the subdivision code, The conservation findings then can be completed, reduced through written findings with the controls in place and then it can be moved forward.

Mr. Delaney stated that the Board wants to defer a determination on the findings, conditions and restrictions of the conservation analysis until you get an opportunity how those findings, restrictions and conditions would be implemented in an easement document grant thereof.

Mr. Molnar stated in a way. The conservation analysis shall describe the importance of, showing the land to be permanently preserved by a conservation easement as well as recommended conservation uses, ownership and management guidelines for such land. That is in the conservation analysis section. The Board is nearing their conclusion to complete the conservation analysis but in order to do so it needs to articulate what the restrictions and controls are and they are going to be the way by the document you are going to suggest for the conservation easement.

Mr. Delaney stated that you propose restrictions and conditions in a resolution itself that has been proposed and submitted to us for review.

Chairman Tucker stated that the draft resolution has not been discussed with the Board.

Member Estes inquired why there would be two different easements and what the difference would be. Member Winkelman commented that the developer wants to retain some extra value in the residual area for other possibilities.

Mr. Delaney stated that the conservation density subdivision function of the conservation analysis as to what is high, medium and low conservation value, and the easements would reflect those determinations and findings on that analysis . The property has different uses and values.

Member Estes stated that when you look at a whole piece of property you are looking at the whole mix, not just specific parts.

Mr. Delaney stated that in development you are because you are saying 49 acres will have 8 additional lots on it.

Member Estes stated that the lot is 81 acres, so that is the gist of the problem. It seems to me that we have one parcel and one easement.

Mr. Brodsky recommended that you might say in the control section of the easement that the eastern portion can be used for x, different form the western portion which must be preserved with vegetation or whatever. You can distinguish it as part of your management strategy, but it is all on a single easement on the entire parcel.

Mr. Molnar stated that although there was a draft conservation easement document, the Board did not have a chance to review and discuss it and it may not have addressed the interest in addressing the controls differently on various areas of the parcel.

Mr. Delany stated that the draft resolution addressed the 81-acre parcel .

Mr. Molnar stated that the Board does not have the flexibility to move off of that given the code section.

Mr. Delaney stated that they are not interested in doing that. He continued stating that they have to tend to their homework of the terms of the conservation easement based on the analysis and findings based on 131-6B of the code.

Member Winkelman inquired if the Board can continue their conservation analysis findings before that.

Mr. Molnar stated that it might be incomplete if it does not ascertain the controls and how you would want to implement them.

Mr. Eggleston stated that where we are at is the finding map of the high, medium and low conservation value that the Board is in agreement with. Now it is what to do with it and that gets into the conservation easement that we have to write that will be acceptable to both parties.

Mr. Brodsky commented that none of the conservation analysis maps are dated and recommended that dates be added.

Member Winkelman stated that the flat portion of the land at the top of the hill should be low conservation value and ideal for the cluster of houses.

Mr. Spear stated that the Pork Street view scape placed it into a medium conservation value although the view was a winter view.

Mr. Eggleston stated that they do not have a desire there as the intent was to have the houses all have lake views from their home sites. We have positioned them at different elevations so they look over each other.

Mr. Delaney stated that in order to draft an easement, we need to know the acceptance by the Board of the conservation analysis and findings because that is going to drive what the conditions and restrictions will be.

Mr. Eggleston stated that is where we went to the modified map 8 of March 24th and we are saying where we came to that conclusion. That is pretty much where we are at.

Chairman Tucker stated that the conservation analysis does not need to change however, you can still build in this area but you can move the dwellings back. We have more control looking at different angles.

Member Winkelman stated that the proposed houses are clustered in the steep slopes area and I think that would have higher conservation value than the flat meadow on top of the hill that is hidden.

Mr. Molnar commented that up to twelve dwelling may have use of the conservation road. We will have 11 plus one existing.

Mr. Eggleston stated that we will have 11 plus X.

Mr. Spear stated that 11 include the 31-acre residual lot.

Mr. Molnar inquired if the 31-acre lot will have a building envelope.

Mr. Spear stated that it would be very small. Are you referring to the USDA, it would probably be two acres.

Mr. Molnar stated that because it is being served by the conservation road that will become the twelfth lot. He inquired that it would become a building lot that would only accommodate one unit.

Mr. Spear stated that he is pretty sure that that is what USDA is going to say.

Mr. Molnar stated that it is the equivalent of the other lots in the subdivision, it just happens to be 31 acres.

Mr. Brodsky inquired why it is being called a residual lot.

Mr. Eggleston stated that it is not part of the building lots that we are proposing at this time.

Mr. Molnar stated that it will have a building envelope.

Mr. Spear stated that you have to have a building lot on it someday.

Chairman Tucker stated that it is dependent on how it is written. It usually restricted from building something like that.

Mr. Molnar stated that the conservation easement will govern the areas, which will not approved building envelopes by the Board to preserve and protect the balance of the property. If there is a building envelope on that lot, instead of calling it residual, why not call it lot 12. Was not it previously one of the numbered lots.

Mr. Eggleston stated that it would be lot 11. Lot D is 12.

Mr. Spear stated that the road supports 12 with three existing lots, leaving 9 and we are proposing 8 building lots and one residual.

Mr. Molnar stated that it really is a building lot with a building envelope so it is 9 lots, it just happens to be 31 acres.

Mr. Spear stated that it is not the way he sees it.

Mr. Molnar stated that there does not need to be a change if the conservation easement is going to preserve and protect the conservation value of the property and we are assigning controls for

high, medium and low, I do not see where we have to consider two different sets of controls, you can do it in one document.

Mr. Spear stated that he agrees with that.

Mr. Molnar stated one document with one set of controls attributable to high, medium and low.

Mr. Delaney stated which would designate the areas attributable to high, medium and low.

Member Estes stated on all 9 lots of the whole 81 acres.

Mr. Molnar recommended to the Board and the applicant that we look at the resolution that was prepared in draft and try to work out what will be prepared and finalized. Presented in the resolution is what areas that have been identified as what is high, medium and low based upon the revised map 8 supplied by the applicant that seems to be solid. The overall subdivision can be considered a 9 lot subdivision because that one lot is being created but for the subdivision.

Mr. Delaney stated and the road restriction of what it can serve as it cannot be more than 12.

Mr. Molnar continued saying that suggestion from Mr. Delaney for the crafting of the easement restrictions for the resolution for the next meeting and hopefully finalize it.

Chairman Tucker agreed and stated that the Board needs to review the draft resolution document.

Mr. Molnar stated that he will re-circulate the document. There were some submitted modifications submitted the day of the meeting.

Mr. Delaney stated that they were more clarifications.

Mr. Spear stated that it included some acreage numbers that were updated..

Mr. Molnar stated that it had the distinction of eight lots plus one, but we are getting back to 9 lots.

Member Kasper inquired how you would be able to sell off development rights on that ninth lot.

Mr. Molnar stated that it still has a value that can be appraised. That appraised value would be used as what they would appraise for purposes of whatever they are doing.

Mr. Spear stated that it has the valuation for the best and highest use as opposed to farmland.

Chairman Tucker stated that whatever is in the agreement will tell them what they can do on that lot.

Mr. Delaney stated that the conservation road will limit the number of lots off the road. It limits what can be done off East Lake Road.

Member Estes stated that if it is part of the conservation subdivision and we are putting easements and controls on the 81 acres, why would it be okay to access it from somewhere else and build on it.

Mr. Molnar stated that it will be one of the nine lots, which will be served by the conservation road together with the other three that had previously existed in the subdivision, for a total of twelve which is the limit allowed by code. That one 31-acre lot will be lot number 9 and will have rights and a building envelope.

Mr. Brodsky stated that it will be just like all of the other lots up there in green.

Mr. Molnar stated that it will be like all of the other lots in green and be subject to a conservation easement, which meets the code sections for controls for high, medium and low conservation value. We need to adapt the resolution prepared to meet all that and employ a conservation easement agreement to get to the controls then the Board would be in a position to be comfortable with both.

Member Winkelman commented that the 31-acre lot can only have one house on it ever.

Mr. Molnar stated that is what the subdivision approval will reflect.

Mr. Spear stated not ever.

Member Estes stated yes, ever.

Member Southern stated in perpetuity.

Member Winkelman stated that the zoning is two acres out there and a conservation subdivision has to be three times that, so that six acres is a minimum.

Mr. Eggleston stated that it is a six-acre average. You can have two acres and you can have larger ones, which is what we have.

Member Kasper stated that you have 30 acres and the most you can do is 5 lots.

Mr. Spear stated that is right.

Mr. Eggleston stated if you have access.

Member Southern stated that if the easement permits it.

Member Estes stated that not if we put controls on it that keeps it from further development.

Member Southern stated that if it does not restrict further development in that area then you can, but if it does then you cannot even with another road.

Member Winkelman stated that is why that last lot is integral with the rest of it.

Mr. Delaney stated that when Scott stated integral, is the ninth lot to the conservation findings and analysis.

Member Estes stated and to the whole subdivision.

Chairman Tucker stated that written comment can be taken at any time and recommended to the Board that a public information meeting be scheduled. Mr. Brodsky recommended that the conservation easement draft be completed prior to the public information meeting.

WHEREFORE, a motion was made by Member Southern and seconded by Member Kasper to schedule a public information meeting for Hidden Estates ***Tuesday, May 26, 2015 at 7:30 p.m.*** The Board having been polled resulted in the unanimous affirmation of said motion.

The Hidden Estates application will continue on the May 19, 2015 Planning Board meeting.

Attorney Advise Session

WHEREFORE a motion was made by Chairman Tucker and seconded by Member Southern to enter an attorney advice session. The Board having been polled resulted in favor of said motion.

WHEREFORE a motion was made by Chairman Tucker and seconded by Member Winkelman to return from attorney advice session. The Board having been polled resulted in favor of said motion.

The Board returned at 10:35 pm.

As there was no further business, a motion was made by Chairman Tucker and seconded by Member Estes to adjourn the meeting. The Board was in unanimous affirmance of said motion and the meeting was adjourned at 10:36 pm.

Respectfully Submitted,

Karen Barkdull

Karen Barkdull, Secretary/Clerk