

**TOWN OF SKANEATELES PLANNING BOARD  
MEETING MINUTES  
November 21, 2017**

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. The meeting minutes of October 17, 2017 were previously distributed to the Board and all members present acknowledged receipt of those minutes.

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

**RECORD OF VOTE**

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

**Public Hearing –Subdivision**

Applicant:	Kenneth Karlik	Property:
	1341 West Lake Road	1837 West Lake Rd
	Skaneateles, NY 13152	Skaneateles, NY 13152
		<b>Tax Map #061.-01-16.1</b>

Present: Gail Brewer, Representative, Williams Realty

The applicant is proposing the creation of two 2-acre lots along Heifer Road, the last of the lots that can be considered as a minor subdivision at this time. The septic designs have been developed and applications have been submitted to the Highway department for driveway location approval. A well will be required for each of the lots.

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? Small impact as the views have already been compromised	X	
2. Will the proposed action result in a change in the use or intensity of use of land?	X	
3. Will the proposed action impair the character or quality of the existing community?	X	
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a CEA?	X	
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	X	
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	X	
7. Will the proposed action impact existing public/private water supplies and/or public/ private wastewater treatment utilities?	X	
8. Will the proposed action impair the character or quality of important historic, archeological, architectural or aesthetic resources?	X	
9. Will the proposed action result in an adverse change to natural resources (e.g. wetlands, water bodies, groundwater, air quality, flora and fauna)?	X	
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems? Small, not as proposed, it can be handles as part of site plan review	X	
11. Will the proposed action create a hazard to environmental or human health?	X	

**WHEREFORE**, a motion was made by Chairman Southern and seconded by Member Hamlin, and after review of the SEQR short environmental assessment form and determined that the proposed action will not result in any significant adverse environmental impacts. The Board having been polled resulted in the affirmance of said motion.

At this time, Chairman Southern opened the Public Hearing and asked if there was anyone in favor of the project. No one spoke in favor of the project. Chairman Southern asked if there was anyone wishing to speak in opposition, or had any other comments. Claire Howard, 12 Academy Street, There is a stream that runs through the property and there was a question about drainage. I hope that the Planning Board is aware of that stream and the potential impact to the lake with regard to development, impermeable surface, runoff, and the stream. Bob Eggleston, 1341 East Geneses Street, Architect, in the interest with consistency with other subdivisions, I wonder if the board has taken a close look at the subdivision regulations that apply to this. I realize this is yet another minor subdivision. I know that on large tracts of land it is not uncommon to ask for a rational plan of development. It is also not uncommon to require of all subdivision in the watershed to have a conservation analysis done. It also states that open space subdivisions should be considered for open farm land. A partial open space subdivision could be done on a property like this. I want to make sure that the Planning Board is treating this application and all minor applications with the same consistency as it does with any subdivision. The term death by a pbm.11.21.2017

thousand stabs is something we hear all of the time. On one hand I am the beneficiary of the previous subdivision, after the lot was subdivided I was able to design a home. I do the best I can with what I have been given, but at the same time, I hear comments about here's another one. We have a subdivision law and making sure we are looking at it equally.

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

Member Winkelman commented that he is not comfortable with this type of classic strip development, out in the rural countryside. The comprehensive plan does desire to save farmland and open space in the watershed and views. Once again, the view from Heifer Road to the north of the village and the lake is just absolutely stunning which adds value to these lots also. I agree with Bob if we could get a grand plan to save here and there. I want to remind everybody that the Town of Skaneateles bought ten acres on the corner of Heifer Road and West Lake Road to preserve that view from the one corner. We are doing some open space and farmland preservation along with these things, but it is a very convoluted way that we are going about this. To answer your question about the stream, we went out to a site visit and this is right at the top of the watershed, the watershed comes in very close to Mandana just to the north. From what we could see, the two new lots actually drain to the northwest. The City of Syracuse did some water improvement with a stand pipe downhill from the proposed lots. I would like to see some sort of grand plan for this. The town thought that they were helping Mr. Karlik out to sustain his small farm and would like to work with him; I'm not really happy with the death by a thousand cuts.

Mr. Camp suggested one way to encourage a plan is through a change in the town code to distinguish what is a minor or a major subdivision in terms of lots and the number of years that it remains a minor subdivision and that would by definition require a grand plan. Member Kasper commented that at the site visit since there were no elevations on the map, they had a hard time determining where the water was going. We did finally determine that it going to the west into the Owasco watershed, although it is in the Skaneateles watershed. We need to step up on the one and two lot subdivisions. The one house that was being built upon the lot was built 200 feet off the road, so most likely the two acre lot will become all lawn with the homeowner putting weed and feed on it which will run right down the hill. Let's get an engineer involved and figure out where the water is going, maybe capturing all of the runoff of the lot and figure out where it is going or have a filtration pond. Member Winkelman suggested that it could be done on each property too.

Chairman Southern commented that it could be reviewed on each lot under site plan approval. Counsel Molnar suggested that the board could place a requirement on each lot for site plan approval as a reasonable condition of approval. Member Kasper commented that it could be done now or they would have to come back in front of the Planning Board when they get a building permit, although he would prefer to see something now and take the time to do it right. Member Hamlin commented that it wouldn't then fall on the new homeowner.

Mr. Camp stated that when you consider individual lots treatment facilities, that if you perpetuate that, you have a series of non-sustainable systems that could become an issue for enforcement to make sure they are maintained. Considering a larger plan for development is almost always the best way to go in a situation like this, with a precedent set in the past with most recently the subdivision on Benson Road. Member Kasper said that with the most recent issues of another property drainage running into the lake, change the construction sequence with stormwater control put in first before anything else is done and having it inspected. There are cases where it is not being done or being done at the same time the house is being built. He recommended that the applicant go back to his engineer to come up with the elevations

and how they are going to capture the water and filter the water from the land. Counsel Molnar said then to provide a drainage plan for the overall subdivision and how it relates to the existing property that is not being developed into smaller lots. Member Redmond commented that she agrees as there has been a problem with ad hoc subdivisions. Counsel Molnar clarified a drainage plan and an overall plan of development should be submitted to the board.

Counsel Molnar reminded the board that the public hearing has been closed and that the board has 62 days to render a decision on the application. Provided that the applicant provides the requested material, it could be considered at the next meeting. It could also be extended by request of the applicant. Chairman Southern inquired if the submittals could be part of a conditional approval. Counsel Molnar commented that it could be approached that way and is entirely up to the board. Member Kasper commented that he doesn't feel he knows enough about the lot to make it a condition. Ms. Brewer commented that the remainder of the project is ten years down the road for it to be a minor subdivision again or if sooner it would be a major subdivision. Member Winkelman said that he was fine with a condition being made on the approval for the stormwater upgrades on the two lots. The Karlik farm participates in the state whole farm protection with the City of Syracuse. They have removed the cows out of the stream bed with a nice buffer on the stream. There is also a water control structure on the farm. He continued saying that the two lots could have a depression with underdrain to slow and filter the water. Member Kasper commented that he would like to see the engineering. Member Winkelman stated that it could be put on as a condition of approval.

Chairman Southern commented that it could be a condition for the two lots to have the water quality facility required on the lots. Counsel Molnar inquired if it would be the applicant's or purchaser's responsibility. Member Kasper stated that on the Smith subdivision, the board required installation of the stormwater facility before any of the lots could be sold. He continued saying that the problem is that it would ultimately be put on the homeowner as the responsible party to install the stormwater facilities, and it should be the developer's responsibilities. Mr. Brodsky said that there are two approaches being offered, Scott's is for the stormwater management on each individual lot and Don's approach is more holistic in that the stormwater is being addressed for the lots now and in the future.

Member Kasper said that there being two lots, maybe the drainage plan is designed for both but if you come back with one with site plan review then you are not tying the two together. He continued stating that the lots are located at the high end of the farm and are draining to the farm. Ms. Brewer commented that the seller might sell both lots to one owner. Mr. Brodsky clarified that each lot is a saleable unit by itself. Ms. Brewer commented that if it was a condition then when the buyer submitted a building permit they could provide drainage plans then.

Member Kasper commented that the board has to start requiring drainage plans on the small subdivision requests in addition to the major subdivisions as the lake is experiencing issues such as the blue green algae. Counsel Molnar advised the board that it is their decision. The application could be approved with conditions in an ordinary fashion not subject to further review; however, if you require engineering drawings and would like to see those drawings prior to approval, then I would recommend that action be set on to December to review the materials that would come in from the applicant and then make a final determination. Member Hamlin commented that it seems that they would be in context to other decisions, it is a lot of effort and a different task that a normal set of conditions and recommended that the application be continued to the next meeting in December.

**WHEREFORE**, a motion was made by Member Kasper and seconded by Chairman Southern that the applicant develop a stormwater and runoff plan at least for these two lots, an engineering study to

determine where the water is going and how to manage it, and to continue the application to the December meeting. The board having been polled approved it by a vote of four to one in favor.

**RECORD OF VOTE**

Chair	Joseph Southern	Present	[Yes]
Vice Chair	Donald Kasper	Present	[Yes]
Member	Scott Winkelman	Present	[No]
Member	Douglas Hamlin	Present	[Yes]
Member	Anne Redmond	Present	[Yes]

**Extension Request – Subdivision**

Applicant Robert Sykes  
 Tom Baker  
 4786 Foster Road  
 Skaneateles, NY 13152  
 Tax Map #020.-02-19.1

Present: Tom Baker, Applicant

The applicant is requesting additional time for the filing of the subdivision map due to complications that have arisen in obtaining a partial release of lien. Chairman Southern suggested that an six month extension could be considered.

**NOW, THEREFORE, BE IT RESOLVED**, upon a motion made Member Scott Winkelman and seconded by Member Douglas Hamlin, and after an affirmative vote of all Members present, as recorded below, the Town of Skaneateles Planning Board hereby **APPROVES** the Extension Application for the two lot Subdivision, with the following conditions:

1. That all conditions of the July 18, 2017 resolution remain in full effect except as amended hereby; and
2. That the time required for the Applicant to file the Map and Deeds with the Onondaga County Clerk in connection with the approved Minor Subdivision is extended for an additional six (6) months from November 21, 2017.

**RECORD OF VOTE**

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

**Continuance –Special Permit/Site Plan Review**

Applicant: Richard Moscarito  
 120 Madison Street  
 Chittenango, NY 13037

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

Present: Robert Eggleston, Architect

The public hearing was closed last month. Recent submittals to the town were the rebuttal to Mr. Murphy's review of the project, and Mr. Kerwin's communication to Scott Molnar regarding the purchase of the property.

Member Kasper: On the septic system, do you have communication from the county health department?

Mr. Eggleston: The septic system was approved at one point and then we made modifications to put the driveway in. I have had personal phone contact from Jeff Till saying he absolutely wants a septic system here because this is the redevelopment of an existing property, because we are improving the septic system on this property that seems to be dysfunctional and not in compliance. They have the ability to do waivers. The applicant has signed a request for a waiver which is the setback to the lake which we have at 85 feet or greater rather than the 100 feet. At this point we have a conceptual review by DOT of the driveway. We have yet to make a formal application and at this point Mr. Moscarito wants to know that this is an approvable project by the Planning Board. He will then work on getting a contractor we are required to have on the permit application so that we can file the permit at that point. And again, as the board knows, it is not uncommon to place conditions on approvals including DOT driveway permits and DOH on septic. On this case we have done some work so that we know that we will be successful in both of those areas.

Member Kasper: As far as stormwater, I know you are catching the water on top of the wall and running along the proposed driveway and down the property line. How are you handling the rain gutters?

Mr. Eggleston: The eaves will be on the north and south sides of the dwelling, with the stormwater on the north side draining to the swale. Right now there should be only water off the center of the road forward that comes onto the lot. That is typically what happens. What we know from history and experience and the previous owner's actions, the ditch on the east side of the road apparently doesn't accommodate all of the development that has occurred on the east side of the road, so that major rain events do flood across. There is currently just a hand dug ditch that attempts to bring it down here but a lot of it tends to flow over onto the neighbor's property. What we are doing is putting a curb on the top of the retaining wall with a pipe underneath with a drop inlet and a second drop inlet that will put it into the established grassy swale. There will also be a trench drain at the end of the driveway that will put it into the swale. The roof gutters from the north will go into the swale, and the roof gutters to the south will spill onto the ground to soak in before it heads to the lake.

Member Kasper: Right now there is really no grass there it so overgrown that it probably just flows into the lake.

Mr. Eggleston: We have identified the trees we are going to remove, we will probably be taking out about 50% of the trees, as most are dead, while keeping the 8 inch or bigger healthy trees on the bank. This will allow more light to get into the site so that we can get grass established.

Chairman Southern: Have you considered sodding it?

Mr. Eggleston: we can consider that.

Member Winkelman: Especially in certain areas for quicker establishment in steeper slopes.

Mr. Eggleston: In the construction sequence, one of the first things to do, there will be a temporary construction road before we build the retaining wall for getting in and out of the site. The septic area will be roped off to be protected, there will be a temporary gravel access point for getting out and doing the work. What we have established is the swale, we line it with jute mesh and get that re-established so that it is taking any of the water in. we will remove the boathouse, leave the concrete foundation there and fill it in with rock so basically we have a rock drainage way that will help clean water as it enters the lake.

Member Winkelman: The slopes down to the lake, there is a lot of organic matter and fences and things. Are you going to do a vegetative strip of some sort on the steep slope?

Mr. Eggleston: Yes we are going to get that established. Right now there is a seawall that is undermined and we have a detail in the plan for placing large rocks at the lake line and then getting grout filled in behind that to re-establish that seawall and rocks along the side utilizing the base of the shoreline.

Chairman Southern: How far is the deck to the shoreline?

Mr. Eggleston: That is a shoreline structures that is allowed within 50 feet of the lake, we are probably 19-20 feet.

Member Kasper: Do we have a construction sequence?

Chairman Southern: It is in the narrative October 13, 2017.

Member Kasper: I am curious on stormwater runoff, and again other properties in town with construction happening before stormwater stuff is in place. It is such a small lot, and if he gets approval and starts tearing the house apart and the seawall, it could be such a mess.

Member Hamlin: Are you taking the seawall out?

Mr. Eggleston: No, we are filling it in. We have a timing issue with that as it is unlikely we will be able to do that work as the lake level has risen. The window for working in the lake is between July 15<sup>th</sup> and September 30<sup>th</sup>, although they do extend it to March 15<sup>th</sup> if you are working in a dry lake condition. Then it become a condition of what is the lake water level. Unfortunately this last month we have had enough water that the lake has significantly come back. Depending on what the year is between now and March, whether we are able to get the permit to work in the lake or not will be the question. In which case that work will have to be done next fall.

Member Kasper: What about the swale along the property line.

Mr. Eggleston: This swale is early, is to mark off and protect the septic area, install the silt fence, install a temporary access for construction vehicles, and then there is to establish the swale on the north side of the property to the diversion ditch.

Chairman Southern: If you make improvements to the state right of way

Member Kasper: The state right of way has to be right away because you have trucks and everything.

Chairman Southern: That has to be in there.

Member Kasper: That is number one.

Mr. Eggleston: Correct.

Chairman Southern: You need water quality control prior to that. The establishment of the swale, I don't know if it can be moved up to number two. The silt fence and then the swale, so that we have the protection in before we start ripping up that ground.

Member Kasper: The lot really needs improvement; it is just sitting there causing more damage.

Member Hamlin: I drove by the area today and it looks bigger on Bob's drawing than it does in real life, and there is a lot going on. Net, net. I think it is an improvement. The two questions I have are really around the drainage and you bring up a good point about maybe different stormwater management for during construction than for final. My question is really for John, are you good with the swale as designed in terms of final management of stormwater.

Mr. Camp: This project, the house is not being torn down, there is not a big hole being dug, so it is not going to have the lot disturbance of a typical Skaneateles lake remodeling project.

Member Kasper: There is no vegetation on it now.

Member Hamlin: You say you can drive a truck on there , it going to

Chairman Southern: Now it is bare.

Mr. Camp: Well what the plan shows is that they are going to put in a temporary drive down to the house. Can you work with the trees still up Bob?

Mr. Eggleston: yes, there will probably be some tree removal for doing the right of way improvements so that will have to occur.

Mr. Camp: When you say right of way improvements, what exactly are we talking about?

Mr. Eggleston: What we are looking at doing is in the right of way, we are asking for a forty foot curb cut. Twenty four foot is normal and talking with Mike Ryan, he thought this was reasonable. It does allow for the onsite parking base and some area for maneuvering so that you can pull in and back into the space.

Mr. Camp: If the parking area could be created and a gravel berm, which wouldn't be too costly to create, that could direct the water to the north and have it be a mountable berm so vehicles going down to the site could get through it. It would get water into the swale and keep water off the site, run water off the site, it would keep rainfall.

Mr. Eggleston: We could get the retaining wall built to follow the grade temporarily, we would probably want to have a larger rock just for clean truck wheels that is in here temporarily until we finish this off. I think it is a matter of, like you say we get a berm down there, that would divert the water into the swale that is established.

Mr. Camp: That would be relatively straight forward.

Member Kasper: How about some filtration. Most likely you are going to start this in the spring if you have approval, rainy season, snow melt, you get a few trucks down there and you are going to start tearing down decks, second floor and septic system. You just disturbed the whole lot. The majority of the lot is going to run right down to the lake. You are saying from the road up to that end is going to the swale, but what about everything else. I don't know if a silt fence is going to hold it back.

Mr. Eggleston: Again, most of the vehicular activity is just going to be by the road, the septic will be barricaded off, we will get this established and have a rock driveway, the swale established, boathouse removed and this improvement made on the bank. We then have jute mesh and seeded mulch to get established. The house itself becomes a barrier for drainage, silt fence locations down here. Do we get a bit of a berm here for anything coming off this driveway would be directed to the swale.

Chairman Southern: Something to hold it up before it goes across the field.

Member Kasper: That swale is taking all the water from the road and not the property, It is pretty much from the road and across the street; you are trying to handle that water. If we get a heavy rain storm like we had recently, the other properties in town just washed away.

Member Winkelman: Where might the use of sod be best here on the site, John?

Mr. Camp: That typically would not go in until everything is done. Is that what you were talking about Scott?

Member Winkelman: No, I thought it was the quickest way to establish grass in the drainage swale.

Mr. Eggleston: So sod the swale.

Chairman Southern: Hay bale the area where you have the silt fence for adequacy and strength.

Member Kasper: Hay bales that are staked along with a silt fence so it holds it back more.

Mr. Eggleston: They have silt fence that has a wire mesh to it that keeps it stiff and works a lot better than the standard silt fence.

Member Kasper: I want to make sure to don't run into other problems.

Mr. Camp: The cut off swales that have been discussed, if we can leave as many trees in place would help a lot.

Member Winkelman: Cut them down just before they leaf out. Just for the record, these are all Norway maples, weed trees with very dense shade and that is why there is no grass there. They are leaning every which way. They are basically an invasive species. But they are holding the soil in the meantime during construction.

Mr. Eggleston: Well, I think what is more important is let's cut the trees but leave the roots till the end.

Chairman Southern: Don't stump it.

Member Winkelman: Well the canopy helps too.

Chairman Southern: It is such a small area though for the intensity of rain. It's the runoff from across the street.

Mr. Eggleston: I think these are all good suggestions and they intend to be more engineering oriented. I am wondering as a condition if the final construction sequence be working out with the engineer so that we can take time to have an engineering solution.

Member Hamlin: John, the second half of my question was when the construction is done, are you good with the swale and its ability to handle the stormwater both from across the road and onsite.

Mr. Camp: Most of the water in that swale is going to be water that comes from off and across the road. A swale with that pitch and that size cross-section would convey a substantial amount of water.

Member Winkelman: I like the idea of getting John to approve the construction sequence and I wouldn't mind John going up there during the construction a few times just to check on the place.

Mr. Eggleston: I think also with a conditioned approval then Rick Moscarito is motivated to get a lot of these final permits and these kind of things taken care of.

Counsel Molnar: This is a very important application to the applicant and other interested parties that I recommend that the board reflect upon the record created both prior to and at the public hearing and subsequently built by way of written submission. Determine from all of that information, in part of the deliberation, what facts are compelling to the board in terms of its deliberation. Furthermore, as you know the board is permitted to strengthen its decision by relying on code section 148-21H(1) and that is to develop findings of fact where we are talking about construction on a lot within the watershed to determine that the proposed development has been designed in a manner that minimizes damage to water resources. In so doing, I would recommend to the board to first reflect upon the record and identify what the board find compelling. In the process of the motion, deliberate on what those factors are or aren't and how they affect the outcome prior to any further motion to approve or deny with conditions or standards or otherwise.

**WHEREAS**, the Board in reviewing the Application under the special permit and site plan review criteria, adopted the following findings ("Findings") for proceeding with a determination on the Application:

(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.

**NOW, THEREFORE, BE IT RESOLVED**, upon a motion made Member Scott Winkelman and seconded by Member Anne Redmond, and after an affirmative vote of all Members present, as recorded below, the Town of Skaneateles Planning Board **APPROVES** the minor special permit/site plan based on the findings herein, with standard and special conditions as follows:

1. That the Planning Board adopts the Findings listed above, in connection with its determination and the Application; and
2. That the Special Permit/Site Plan Approval shall expire if the Applicant fails to comply with the conditions stated herein within 18 months of the date hereof; and
3. 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”)
4. 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
5. Prior to application to the Codes Enforcement Office for issuance of a demolition and/or building permit, the following conditions must be met:
  - A. That the Applicant establish an escrow account with the Town of Skaneateles in the amount of \$2,600; and
  - B. That 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; and
  - C. That \$696.51 be submitted to the Town of Skaneateles Land and Development Rights Acquisition Fund; and

- D. That all conditions imposed by the Skaneateles Zoning Board of Appeals in connection with its approved variances be fulfilled; and
  - E. That a pre-construction meeting be held with the contractor, Applicant’s representatives, Town Engineer and Town Codes Enforcement Officer; and
6. After issuance of a building permit, the following conditions shall apply in addition to those stated above:
- A. That the Applicant obtain the approval of any other agency or authority having jurisdiction over the Property or Application; and
  - B. That the Town Engineer shall review and verify completion of each phase of construction prior to commencement of the next phase; and
  - C. A primary contact person, with name and phone number be provided to the Town for any emergencies that may arise at the Property; and
  - D. The Applicant will use sod instead of seeding to encourage expedient stabilization in the swale and where applicable on the Property; and
  - E. An as-built survey be submitted to the Codes Enforcement Officer with verification of conformance within (60) days of completion of the project.

**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]

**Continuance-Subdivision**

Applicant: Banjo’s Home Farm LLC  
 2696 West Lake Road  
 Skaneateles, NY 13152  
**Tax Map #053.-01-05.1**

Present: Andy Leja, Legal Representative

Mr. Leja: At last month’s there was a SEQR negative declaration and the public hearing was closed. There were two issues, the easement for the driveway spur as well as the drainage. Since that time the spur off the road, the proposed lot will be the third parcel off the road and not the fourth. At the southern property line there are two gravel drives that run parallel to one another. The southern most one serves the Chantler Trust property; the northern-most driveway serves the Fagiarone and Murphy properties. So this #8 lot will be the third lot served by that driveway. That puts it underneath the maximum four lots that can be served by the driveway according to your code. With respect to the drainage, the outfall at the lake itself had been installed several years ago by the Skaneateles Lake Watershed Agricultural program,

which is a division of Onondaga Count Soil & Water Conservation District. In consultation with them, they have agreed to go back and bolster the outfall. In fact they have prepared and submitted a design to do that, stamped design that I have shared with Mr. Camp who has had a chance to review that. I am assuming that the board will want to affix a condition to a approval that would require an inspection by Mr. Camp to make sure that it is done to his satisfaction. With respect to the upland drainage area, you see a stormwater detention basin there on the map at the southern boundary. That detention structure, there was some discussion on whether it should be approved. In conjunction with the design of this outfall which was done by Mr. Donald Lynch, Mr. Lynch also provided a letter that I shared with Mr. Camp with regard to that particular structure. I don't know if you have seen this letter but if you permit me I can read it for you.

“To whom it may concern, with regard to the basin, you would need site plans and at least basic information on area of impermeable surface to correctly size a detention basin. Given the fact that the current basin on the Greenfield lot is working with no overflow issues, and there are no building plans or changes to the lot, it would be recommended to not make changes to the current basin at this time. If there is construction in the future, site plans would be reviewed at the time to properly size the new retention basin.” Donald F Lynch, who works in conjunction with Skaneateles Lake Watershed Agricultural program.

With that in mind and knowing that there are no types of structures proposed for development of this lot or any of the lots adjacent to it, we would propose to not make any changes to that structure. But certainly in the future as something is proposed, on any of those lots, it would have to be revisited.

Member Kasper: Where is the water going on the newly created lot?

Mr. Leja: The water on the newly created lot number 6, some of it directly flows down to the lake,

Member Kasper: We were asking for an engineer's opinion. How many lots they have subdivided and they keep on putting it off and gradually we are at the point to see where all of the water is going.

Mr. Leja: This is only the second lot in the last ten years has been subdivided. So your regulations allow for four lots in ten years, then it enters the major subdivision.

Member Kasper: What we are asking is where the water is coming from and where it is going.

Chairman southern: Did soil & water take into account the new building lot? Did they take into account construction on lot 6?

Mr. Leja: Yes, that is what they looked at in terms of outfall. The runoff of lot 6 doesn't flow directly to the lake, it flows north to south onto the adjacent Greenfield property to the south towards the retention basin. That seems to be the low spot and anything lower than that flows directly to the lake. That's why there is no interest in moving the basin because it was felt that it was the lowest spot that would catch all of the upland flow.

Chairman Southern: John, how do you feel about the soil and water's plan.

Mr. Camp: Has the board seen this plan?

Chairman Southern: No.

Mr. Camp I would be happy to pass around the plan.

Member Winkelman: Andy, we are the Planning Board and are just trying to do some planning here. There is lot after lot and I think some of these issues can be handled collectively better than after the fact when you have 20 things in the neighborhood.

Mr. Camp: Andy, did you hear the first case tonight?

Mr. Leja: I did hear most of it.

Mr. Camp: Basically this is going to be a very similar discussion I'm guessing.

Mr. Leja: I would agree with Mr. Lynch that in order to properly size any facility you need to know what is being proposed above it. At this point there are no proposals made. Anything that would go here would go before you for site plan review at some point. It would have to be subject to those types of questions. Planning for an unknown at this point that is what is being suggested, brings with it certain difficulties and assumptions need to be made.

Member Hamlin: How did we do that on the Benson Road subdivision?

Mr. Brodsky: With Benson Road, they were filling out a lot of frontage with a large lot left off in reserve. The entire site was addressed.

Member Hamlin: Something was constructed though.

Mr. Brodsky: It was a minor subdivision, they subdivided the entire site and were able to address it.

Member Hamlin: They made an assumption that there will always be something built.

Mr. Brodsky: The actual houses, they had no idea what the actuals houses were. They said these are the lots and here is the projected runoff.

Mr. Camp: There are standard engineering practices that can determine runoff numbers to certain size lots with this type of development.

Member Winkelman: There has definitely been an improvement. Years ago I know the Fagliarones and the other family down there got flooded pretty badly. The soil and water conservation district built up a big berm just east of that water spillway and all of the way to the lake. It doesn't spill over the property line anymore it runs right down it. It's seems to be in the future the spot for the stormwater control structure would be. Right now it's good enough for farm fields and things. Once we put in a road and houses, driveways and what not, it would have to be reinforced.

Mr. Leja: I agree.

Member Kasper: If we approve that one lot we have no control over the stormwater. There again, it is a two acre lot that will be all lawn. They are going to put fertilizer on it, roof leaders, landscaping; where is that water going and how is it being treated.

Chairman Southern: Any construction on that lot is going to be subject to site plan review because of its proximity to the lake.

Member Redmond: The stormwater is going to be offsite.

Counsel Molnar: Right. That is the issue, it remains offsite on the remaining parcel so that it is beyond the control of site plan review on lot 6 when that occurs if at all. How do we create a note over what is not being subdivided that is currently being used as a farm field to take into consideration once future development occurs, that stormwater facility needs to be reengineered or otherwise, as soil & water suggests, adapted.

Mr. Leja: You can insert a note that the applicant agrees to grant a stormwater easement to the future owners of lot 6 to enable them to channel whatever their stormwater will be into that structure whenever it is contained, and take whatever necessary steps are required to bolster that existing detention basin to handle that overflow. You're putting it on the applicant. You are hanging back on the applicant.

Counsel Molnar: That is where I am going. That is what I was hoping you would say. Once the subdivision is contemplated and approved, the new lot is the focus, not the lot that conveyed it or the larger lot previously. That is a very good point to manage the stormwater as and when there is construction contemplated with the balance.

Chairman Southern: As a note on the subdivision map.

Member Kasper: And maybe possibly have the easements in place so that if the Greenfields sell out, its just a hand shake, yes you can run your water on here, we really have to have some easements. Just like having the driveway easement, that has to be in place before we subdivide the lot.

Chairman Southern: Is that a possibility?

Mr. Leja: Easements in place before we subdivide? I would prefer you give the approval first and then they are created.

Counsel Molnar: Easements be required. You don't know which corridor goes where and what.

Mr. Leja: Have it as a condition to the subdivision. That makes sense.

Member Kasper: Any drainage easements in place so they do have a place to run their water or if there is an issue that has taken place.

Chairman Southern: That's what the easement would cover, drainage.

Member Kasper: That stormwater pond, maybe a strip right down the lake, all created as an easement so that somebody can get in there and correct it.

Member Winkelman: The water from that stormwater actually goes south and then it is the sheet stuff that comes off up above that goes to the east. There is actually a pretty good size culvert. There might be two points in the future for control. But that sounds good, that way we can address it now and put in the details later.

Mr. Camp: So that I am clear, is the board requesting just easements now or easements and a management plan.

Chairman Southern: Easements at this point.

Counsel Molnar: Easement for lot 6 to drain the stormwater to the detention facility.

Member Kasper: Which would be right along the driveway.

Mr. Brodsky: Will that allow for the detention facility to be enlarged if need be?

Chairman Southern: If need be.

Member Kasper: If it is put in an easement.

Mr. Camp We would have to agreement on what is a reasonable size and location for that easement.

Counsel Molnar: I think Andy's point was that further development on what is an un-numbered lot to the south or near that roadway would trigger site plan review to take into consideration that the size of the stormwater detention basin and whether or not it needs to be adjusted accordingly.

Mr. Brodsky: I am just concerned that because it is just sitting there by itself in a space without boundary, if it needs to be enlarged, that somebody will be able to do it and achieve it.

Mr. Camp The easement would allow that.

Mr. Brodsky: That is what I want to make sure of.

Member Kasper: You almost have to take the easement for the drainage and connect it to the lot we approved before. Once they build a house, there is going to be runoff on that lot. Right now it is a farm field but we got site plan approval on that. Stormwater is a big issue now and a lot of problems. If we approve a stormwater plan on that lot, where is that water going to run to. At least have an option for them to run their water. It's all going to the pond now.

Counsel Molnar: Is it owned by another party?

Mr. Leja: It is owned by the family, one of the sisters. I do not know if it has been conveyed to her name.

Chairman Southern: Other concerns? Have we established that a note will be attached to the subdivision map if approved reflecting the discussion?

Counsel Molnar: Yes, and I think that Andy said it correctly and we can pull it verbatim.

**NOW, THEREFORE BE IT RESOLVED** upon a motion made by Member Donald Kasper and seconded by Member Anne Redmond, the Skaneateles Planning Board **APPROVES** the Application for Subdivision, with the following conditions:

1. The Subdivision map dated October 5, 2017 prepared by Paul Olszewski ("Map") be updated with notes placed conspicuously on the map to clearly state that:
  - a) Lot 4 is subject to site plan review by the Town of Skaneateles Planning Board for intended construction of any improvements, so that storm water drainage will be addressed and the stormwater retention basin located on Lot 4 be engineered and adjusted to accommodate drainage from additional improvements; and
  - b) Lot 6 is subject to site plan review by the Town of Skaneateles Planning Board; and

2. An access easement be established and also noted on the Map for driveway access to Lot 6; and
3. A stormwater easement be established and noted on the Map to the future owners of Lot 6 to enable Lot 6 to channel stormwater into the stormwater retention basin and swale to the lake, located to the south on Lot 4, with the Applicant providing any necessary improvements to the detention basin and/or swale; and
4. That the Map, modified as required herein, be submitted for the Planning Board Chairman's review and signature within 180 days from the signing of this resolution; and
5. That the Applicant shall obtain all necessary permits and approvals from the OCDOH, and any other agency or authority having jurisdiction over the Property or Application; and
6. The Subdivision Map and deed transferring the property must be filed in the Onondaga County Clerk's Office within sixty-two (62) days of the signing of said Map, or the Subdivision approval shall be null and void. Proof of said filing shall be immediately forwarded to the Secretary of the Planning Board upon receipt by the Applicant and/or Applicant's representative.

**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]

**Sketch Plan –Lot Line Adjustment**

Co-Applicants Paul & Kathy Leone PO Box 228 Palm Beach, FL 33480	Properties: 2559 East Lake Road                      2579 East Lake Rd Skaneateles, NY 13152                Skaneateles, NY <b>Tax Map #037.-01-28.0                TM#037.-01-27.0</b>
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2575 East Lake Rd  
 Skaneateles, NY 13152  
**TM#037.-01-26.0**

Co-Applicant: Janine Price 7013 Woodchuck Hill Rd Fayetteville, NY 13066	Properties: 2578 East Lake Road                      2575 East Lake Rd Skaneateles, NY 13152                Skaneateles, NY <b>Tax Map #037.-01-25.0                TM#037.-01-26.0</b>
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Present: Janine Stuphen, Attorney

This is an application that was approved in 2014. The final items that needed to be taken care of is the demolition of what will be the vacant lot and there were some other small buildings that were removed and driveways were finished. There was a miscommunication and the revised lot line adjustment was never filed with the county.

Mr. Brodsky stated that in 2014, the adjustment was to go from four lots to three lots. The board eventually approved it with a condition. Lot three did not conform to impermeable surface coverage, this plan reflects that buildings were demolished and buildings moved around to improve impermeable surface coverage on all of the lots including non-complying lot three. This map is very close in number to the map they submitted after 2014 with compliance and failed to file. The lot line adjustment is lessening the nonconformity of the lots.

The applicant is requesting re-approval of the lot line adjustment. Member Winkelman commented that the Onondaga County Planning Board stated that the access should be on one or the other properties or in some kind of formal driveway agreement. Ms. Stuphen stated that they can provide that. The Leones own both lots but they can do a declaration of easement for that.

Member Winkelman stated that the second issue was about the bounds of the septic field on lot two. Ms. Stuphen stated that again it is a declaration of a cross easement. The county recommendations can be conditions on the lot line approval. Ms. Stuphen stated that they will revise the map to show the bounds of the septic field and provide a declaration of easement for the shared driveway.

**WHEREFORE**, a motion was made by Chairman Southern and seconded by Member Hamlin to consider the proposed action as a Type II SEQR action 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, seconded by Member Donald Kasper, and after an affirmative vote of all Members present, as recorded below, the Town of Skaneateles Planning Board hereby APPROVES the Lot Line Adjustment, with the following conditions:

1. The plat plan survey prepared by Paul Olszewski, licensed land surveyors dated July 28, 2017 reflecting the re-aligned three lots, be submitted to the Chairman for review, approval and signature prior to filing with the Onondaga County Clerk's Office; and
2. The appropriate access agreements be utilized by the Applicants, with final executed copies provided to the Planning board, for Applicant use of the shared driveway which crosses property lines and connects with East Lake Road, as recommended by SOCPA; and
3. The appropriate permanent easements and agreements be utilized by the Applicants, with final executed copies provided to the Planning Board, reflecting that the Onondaga County Health Department approved septic systems which cross property

lines are permitted by applicable easements and agreements, and the bounds of any septic field easements for proposed Lot 2 be shown on the plan; and

4. The lot line adjustment map and deed must be filed in the Onondaga County Clerk's Office within sixty-two (62) days of the signing of said map or the lot line adjustment shall be null and void. Proof of said filing shall be immediately forwarded to the Secretary of the Planning Board upon receipt by the Applicant and/or Applicant's representative.

**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]

**Continued Review - Subdivision**

Applicant:	Emerald Estates Properties, LP	Property:
	3394 East Lake Rd	2894 East Lake Rd
	Skaneateles, New York	Skaneateles, New York
		<b>Tax Map #036.-01-37.1</b>

Present: Donald Spear, Representative; Robert Eggleston, Architect;

Mr. Eggleston: We had presented to you a revised sketch plan, we have also reviewed the conservation analysis that we had started with back a couple of years ago, and we had set up a site visit for earlier this month to look at the proposed building site and building envelope locations. Don did have the building envelopes staked out, I wasn't there but I understand that you went out and refreshed your memory of the site. We commented that after some remediation and getting the existing stormwater system established, and after the current shared driveway was paved, that for some reason we have not heard too many complaints after a number of rainstorms this year. It definitely appears that the stormwater system is working as designed.

Chairman Southern: For the existing situation.

Mr. Eggleston: That is correct. As in the previous two building lots, and also to the current DEC preferences, instead of building large common ponds for handling all of the stormwater at the end of the property, the better management practice is to do onsite water control on each site. That is the plan. There was some discussion, lots 3 and possible 4, whether due to their nature, whether their stormwater is directed to the existing facility and have our engineers verify that. That consideration we are interested in exploring. What we are looking for is kind of getting a conceptual approval for the layout of the conservation subdivision so that we can then proceed to start the engineering, the surveying work, getting the engineering of the septic systems, all of those items in place. From the standpoint of percent of density, with a conservation subdivision you have to have a 6 acre average, each lot has to be at least 2 acres, and we do conform with that. We have an 8.99 acre average. Where Mr. Spear earlier contemplated a partial conservation subdivision reserving conservation land reserving some of the conservation land for a different conservation., he has acquiesced and has taken the time to try to sell the entire property as a conservation property to no avail. He has conceded to doing a complete conservation subdivision that has an average of 8.99 acre average. We have reintroduced some of the information that

had been presented a year or two ago and the question is what current questions you have relative to your site visit and current thoughts.

Member Winkelman: The road is still a bugaboo for this whole thing. For a conservation subdivision the minimum requirement is a 13 foot wide driving way.

Mr. Eggleston: Which exists

Member Winkelman: That is the minimum under best conditions. You get off that road and there is no shoulder, no bailout, it is basically one way traffic up and down the steep slopes. We had an incident, the town board member showed up before us and someone was going down and he was going up, and they had a Mexican standoff. One of them had to backup to that tiny little turnoff. The minimum standards are for conditions that are relatively flat with a natural shoulder on the road. I can't imagine emergency vehicles and more traffic on this narrow road. I don't really think it is fit for a conservation subdivision road. I just regret putting that thing there in the first place. It is a scar in the watershed and it is just dangerous.

Mr. Spear: Scott, as for traffic there is a standard that the downhill traffic yields to the uphill traffic. To facilitate that we can add more turnouts. Originally the plan didn't call for any turnouts and I put the turnout in, so we can add turnouts there to assist there.

Member Winkelman: The original plan for the four lot subdivision.

Chairman Southern: Two

Member Winkelman: Two lot subdivision. You're trying to bump it up to a conservation road.

Chairman Southern: The safety is a primary concern right now. You would be increasing the traffic on that road four times from what it is right now. It is extremely unsafe, if you go off of either side of that road you are in very big trouble, the road to the south has no shoulders, it is just a drop off, no guard rails. I just do not see that many properties being supported by that particular driveway.

Mr. Eggleston: You did notice that berm that was on the southwest side

Chairman Southern: The berm stops you after you get off the road. I would like to be able to stay on the road.

Member Hamlin: My biggest concern is the performance of that in the winter time.

Chairman Southern: I drove up the road in nice weather, a little cold but a nice day. I have an all-wheel drive vehicle and I did not like doing it. Coming down more so that going up. And I cannot see that going with two cars minimum per lot that would put 18 more vehicles traveling on that road at any given time, in addition to the four you have now bringing it up to 22. That is a lot of traffic for that road. I don't know what can be done about it, it needs shoulders, need guard rails. It needs turnoffs and not just that, was there a turnoff because I didn't see it and would have crashed.

Mr. Camp it is not paved.

Chairman Southern: They need to be of a size that a large vehicle can pull off.

Member Hamlin: Fire department.

Chairman Southern: In terms of safety and in terms of fire, I was a fireman for 25 years, I do not see how they would work that road if there was a major fire. In that area, it would be practically impossible.

Mr. Eggleston: To just recap, there are no shoulders, no guard rails, the berm is after you are off the road, few turnoffs, can the trucks pull off, fire department, the fact that we have 22 cars with 11 lots. Then comment about wintertime access.

Member Winkelman: Construction vehicles and propane trucks. I have actually heard that when the UPS guy comes in the wintertime, they call ahead and meet him at the bottom of the driveway.

Chairman Southern: There is no prospect for any other access other than this road.

Mr. Spear: No, not there isn't. It can be widened.

Member Kasper: There is just no room for error on that road.

Mr. Spear: The road can be widened, the question is how wide do we need to make it.

Chairman Southern: I know our code gives latitude to conservation subdivisions. We also have the power to request enlargements or changes for the health and safety.

Mr. Spear: The gravel road was 16, and the asphalt area is 13.

Mr. Eggleston: So it is 16 with the shoulders that area there.

Member Hamlin: We are also exceeding the slopes in two areas.

Chairman Southern: That is awful steep, is that only 12%?

Mr. Spear: There are two pieces where they are 14.

Mr. Eggleston: We have an as-built that show that a couple of spots are 14%.

Member Kasper: The most dangerous part is 14.

Chairman Southern: As far as stormwater management, if you heard us tonight we are talking more and more about common controls for subdivisions, instead of individual lots. How would we manage that here. I am assuming the water here, with the exception of 11 and 12 would all be held on the north side of the road. It does not all go to the detention basin or flows over to Pajak. There is a hollow there.

Mr. Spear: There is a hollow on each side, north and south.

Chairman Southern: Moving the other way.

Member Kasper: You really have to figure out how to handle the stormwater on each lot. Maybe you can design a conceptual plan that our engineer could look at.

Mr. Spear: On each lot.

Member Kasper: Some kind of bio-retention garden, Weaver had a beautiful one.

Mr. Spear: Weaver's is done right.

Member Kasper: But I don't know where that water goes. He has a pipe coming out

Mr. Spear: It goes to the south.

Member Winkelman: It goes to the tree hedgerow there.

Mr. Eggleston: Lots 7 through 11 are five acres or more, so probably the concern is lots 3 through 6.

Mr. Spear: There is surplus capacity in the existing dry swale. Rudy Zona's office contacted me today and said that there is surplus capacity. If we wanted to drain 3 and 4 into the dry swale we could.

Member Kasper: We all want to start treating stormwater on the lot. All of the buildable areas on the lots have to be treated, not just the house. People are fertilizing, putting weed killer down. We have to filter that so that it doesn't keep going down to the lake. If you capture it in some kind of bio-retention pond maybe it will filter into the ground around it. You have to come up with some kind of conceptual plan that we can consider, for our engineer to consider.

Mr. Spear: I will have Zona do that.

Member Winkelman: The DEC stormwater manual basically says that the native woodlands are the best kind of filter especially on steep slopes. That is why I have always been preaching the steep slopes go back to woodlands, but it cuts off everybody's view. It is going to be lawn.

Chairman Southern: Within the building envelope it is going to be lawn but in the total lot there should be areas where brush...

Member Winkelman: That whole area used to be brush, even down at the road you couldn't see out past the road. There, That whole area has been getting cleared, and cleared, and cleared. That is what people do. People clear their property and that is why we get more flow when brush hog and clear off, more flow to the lake.

Counsel Molnar: Will there be any adjustment to the conservation analysis, which was previously presented. I think we were talking about that as well as other aspects of the project at the time. We were determining what, in terms of a conservation subdivision, what controls would be required by the Planning Board to manage that steep slope area including how it is planted, how it is maintained and not reduced to a lawn or other short planning.

Mr. Eggleston: I think to find the right compromise, we can suggest appropriate plantings, of native species that don't grow eighty feet tall that would carry a shorter height naturally that would accomplish the views we are trying to accomplish but also give you your native woodlands. I totally agree that as soon as you start clearing this and getting grass on it, you have significantly decreased the stormwater management of the hill. As you did in Butters Farm, you wanted to keep those areas natural, which is what happened while you had control before the HOA took over. I think these areas we can come up with some planting plans that would be acceptable.

Member Winkelman: I think I would even consider some buffers outside of that. You're building right up to those things like they are nothing. You wouldn't do that to a wetlands, you wouldn't do that to another, it compromises the conservation value.

Mr. Eggleston: The requirement in the conservation subdivision is that we establish a building envelope and one builds within that and they don't build outside of that. Basically all of this area is basically protected. As we develop our conservation easement and the management of the conservation easement, we may have a couple levels of management of certain areas that could be identified.

Member Kasper: You could eliminate lot 4 and combine lots 3 and 4 into one lot. That would really give you a buffer of that steep slope.

Mr. Eggleston: Combine 3 and 4 you are saying.

Member Kasper: Yes. One lot and move the buildable area up, and you are really going to protect that whole hillside. It's a possibility or re-configure it.

Mr. Spear: I'll take everything under consideration.

Member Winkelman: It's just building in steep slopes, the driveway and everything else.

Member Kasper: Is there required road frontage on these lots?

Mr. Eggleston: No. Basically we have flag lots for a couple of them. Currently we have three flag lots.

Member Kasper: Is there a way with lot 4?

Mr. Eggleston: If we combine lots 3 and 4, we don't have a flag lot anymore.

Member Kasper: We get off that steep slope.

Mr. Eggleston: And again, we do have some easements for no build zones on the lots.

Mr. Spear: Let me get Zona working on all this.

Member Kasper: The other lots, I don't see any problems with them. They are a good size with a lot of buffer on them. These critical ones on the steep slope.

Mr. Eggleston: Again, there are no 30% slopes on here.

Member Winkelman: You'll have to put a helicopter pad on here to get people up and down the hill. What is the history of this property, who did you buy it from?

Mr. Spear: Weatherup. Prior to that it was an apple orchard.

Member Winkelman: I thought there was a development group.

Mr. Spear: You're right. I assumed their contract. There was a development group.

Member Winkelman: They saw the steep slopes and walked away. They walked away from it for some reason, I think it was these steep slopes.

Mr. Spear: They flipped the property, that is what they did. They bought it and sold it.

Member Winkelman: Made a profit.

Mr. Spear: I assume they did.

Member Winkelman: It was my understanding that they thought it was going to be developable and it wasn't. they bailed on it.

Mr. Spear: No.

Member Winkelman: It was Dr. Freedman and his group.

Member Kasper: I would also recommend getting the fire department up here now that it is paved to get their opinion as far as turn around and all that.

Chairman Southern: John, as far as road width in this configuration, what would be a more satisfactory way.

Mr. Camp: In a situation like this, I don't know if the width of the traveled way once it is at a reasonable width, I don't know if making it wider makes it particularly safer. On a road like this when you start to slide, a couple extra feet of pavement is not likely to allow for sliding to stop. So wider pavement is certainly better than narrow pavement but from a safety perspective I would focus more on something that would keep a car from going over the embankment, such as a guard rail.

Mr. Spear: There is a berm at the top and a berm at the bottom.

Chairman Southern: No shoulders.

Mr. Eggleston: Minimal shoulders.

Mr. Camp: The removal of the asphalt thickness of let's say 2.5 inches, that lip can cause a problem. If that was made smoother, less of a harsh bump off the pavement, that can help with the safety aspects too.

Mr. Eggleston: Having a smooth shoulder.

Member Hamlin: I was thinking wider just because the snow is going to make it narrower.

Counsel Molnar: There must be an existing road maintenance agreement amongst the residents. It must take into consideration snow removal.

Mr. Spear: There is and it does.

Chairman Southern: There is certainly room to push the snow off.

Mr. Eggleston: Plowing the snow to the north side is the preference because it puts it right in the stormwater facility. So a guard rail obviously impedes a little bit of the snow amount that could go to the south.

Chairman Southern: Well if you put in a decent shoulder with the guard rail appropriately placed.

Mr. Spear: Well, we have a few things to do and update with Zona.

**Discussion –**

Property: West Lake Road  
Skaneateles, New York  
Tax parcel: 054.-01-12.0

Present: Robert Eggleston, Architect;

Member Winkelman: Bob, what went wrong down at the Hubbards?

Mr. Eggleston: I got a notice from Rich Abbott around November 1<sup>st</sup>, and I gave that to Mr. Hubbard who immediately began to act on it. There are a couple of things in the construction sequence that pop out that were possibly weren't followed to a "T", but for the most part the real issue is how do we find a solution to where we are today. Obviously, the July 1<sup>st</sup> and soon after storm created a lot of the washout in this watercourse that has now become more apparent with this last rain event. We have been working with the City of Syracuse, we have been working with the Codes Enforcement Officer, we have been working with DEC and we have been working with Habitat to make sure that we can pull everything back into compliance. One of the first questions was how much of the area was disturbed, it is amazing the different opinions out there. I measured this with Matt from DEC and we have plotted it, we have 42,600 square feet of disturbed area.

Member Winkelman: That is the actual?

Mr. Eggleston: It was field measured with DEC. As of Monday Jean Foley from Habitat requested that we flag the edge of the stream bank. As to what part of the stream bank is 45° or steeper and what is 45° or less, the information for the flagging was about a week ahead of what she had requested. I have requested to meet with her on site to verify it together. Once we have established the various stream beds, we will then be able to plot the 50 foot buffers that are required for the stream bed edges that are less than 45°, then develop a planting plan using native species appropriate for this environment. I will be working with Jim Clark for picking out the exact plantings.

Member Winkelman: And the DEC lady will approve it. It sounds like a much more extensive plan.

Mr. Eggleston: I think it all makes sense working with DEC and the various people having jurisdiction as to what has happened. She did like the fact that we have the river birches in there that were in good shape. There was also a drain pipe that apparently got misunderstood on the drawings; the drain pipe is showing around the backside of the wall as a foundation drain that

was then to come over and come to daylight at the end of the diversion ditch. Matt from DEC really liked the aspect of diversion ditch because it comes across the lawn for a couple of hundred feet before it hits the stream. Our goal is at this point, is we have mulched the site which has made a big difference as I have been down there a couple times since the beginning of November. The silt fence was pulled back a little bit more than it needs to be. One of the challenges of the watercourse is the stream edge seems to be in a constant movement. The second silt fence and at John Camp's advice, who has been out at the site a couple of times, was to wrap around and bring it up. The DEC wanted to have a stone filter mat for the water leaving the diversion swale and before it reaches the stream, with rock on it and it is in place now to clean the water and it spreads across.

Chairman Southern: That is in place?

Mr. Eggleston: That is in place. At this point, once we get some frost in the ground it will then become workable. Again, we have John Camp and DEC coming out to verify that the site is appropriate to work with. The first things we will be doing is finishing the diversion ditch. The diversion ditch was dug and wasn't brought over quite far enough. You remember the Bruni-McCarthy property naturally ponded water which was enhanced with construction of that house. During major rain events the stormwater just flows across the two fire lanes and across this property, and with the three major rains events that have contributed to the issues. The first priority is to get the filter fabric and rock in so that we are diverting clean water around the site. The pipe that that was placed here, Jean Foley did not have a problem with it other than it needed to be cut back and have a rock spillway. There is also the DOT ditch which needs to have a stone spillway put in that, and although it is beyond the purview of the project, we are going to take care of that, because there is a concrete gutter that comes along here and then there is a natural ditch that takes the water to the watercourse. That will enhance and fix that. I am not sure that Marty and I have made a determination whether we are going to cap both ends of this pipe, cut it back and go back to the original plan. Once this is all done the foundation water will be clean water as you know from the site section cut through the ball wall, it is all stone backfill in there. Any water that drains this area here passes through the diversion ditch, then there is a swale against the wall, goes through ten feet of stone, and then come out as clean water. Whether to bring that pipe here or keep the pipe that was there, which Jean said we could so I will be conferring with Marty on that. By the way, Marty was hoping to be here except due to the holiday their Thursday meeting Board of Trustees was put over to today, so he has to be over there.

Member Winkelman: I would like John to be involved with this process more.

Mr. Eggleston: We had submitted basically a summary and sent it to John, and John you had a report and went out and looked at it afterwards.. The focus I have is let's get some solutions and take care of this. The interesting observation is there is on the north side of the ditch, along here, all of the water goes to the north side of the water stream, and that is where a lot of your silt is coming from. That is what happens all the way up, how many thousand feet this stream is. It is not until we get down into this area where it curves and it is pulling from this area here. One of the challenges is that it is too easy to pop to conclusions that because there is work being done here it is all coming from the site. The comments from City of Syracuse and DEC is now we are

at a point where the water entering the property is the same color as the water leaving. Is it clean, no, but everything coming from up above coming down there. This month we have done a good job of getting this under control and getting the silt fences in a better location. We are down there weekly to make sure that they continue to be in good condition. To make sure that this continues in a positive direction. Once the ground freezes, we are going to be in a better position. For continuing some of the work. We will not be doing any work until the conditions are right. The first thing that will happen with any equipment is getting the stone and fabric in this area and taking care of that pipe.

Member Winkelman: The DEC could have hit you with some pretty big fines, however, they haven't because you have jumped on this.

Mr. Eggleston: To error is human but how you respond to the error is integrity.

Member Winkelman: It seems like that money will be put towards vegetation and materials and more stone so actually it will be going with more materials and care to the site.

Mr. Eggleston: As Debbie Hubbard stated when we were going through the approval, we showed some minimum plantings over here. She has a vision of more plantings over here and getting it more park like. The whole intent of this property is to provide recreation for the Hubbard family on the property adjacent to the existing lakeside cottage.

Member Winkelman: It is going to be a lawn, that is what we were afraid of but I think the DEC lady has other ideas. She has shrubbery and native grasses.

Chairman Southern: How much of a change is there from the approved plan?

Mr. Eggleston: The original application was for the ball wall, and that where on the original plan we had 8900sf of disturbance identified. I was not aware of the removal of weed trees and those type of things that were in tough shape down there. I am not sure that we had ever recalculated after the tree removal operation had occurred, the newer area of disturbance.

Member Winkelman: What is the threshold for a SWPPP?

Mr. Eggleston: It is 43,560 square feet.

Member Kasper: The board did not approve any disturbance near the creek.

Mr. Eggleston: Define disturbance. The challenge is that the only change in grade that was anticipated was in the area shown on the plan. All of this was pretty much the original natural grade, smoothing it out just a little bit.

Member Kasper: Did the water flood that whole area and wash out the bank?

Mr. Eggleston: The July occurrence compromised the silt fence in reverse and cause some of it. Again, I wasn't there looking at it in July.

Member Winkelman: In November there was 6 ½ inches of rain within an eight day period.

Chairman Southern: My concern is should we ask you to resubmit to validate what you have done and it is different that what we had in place. The plan that came from DEC with the pages included for compliance.

Mr. Eggleston: Do you have the November 10<sup>th</sup> modified plan?

Mr. Camp: What I notice about the notice of violation from the DEC is that it is strictly limited to the stream bank disturbance and pipe penetration. That is what the DEC says that the property owner did wrong.

Chairman Southern: We are concerned with the entire site. Can we request a resubmittal to reflect the actual conditions?

Counsel Molnar: Yes, to the extent that they are different from the approved site plan so that the board can understand it with engineering consultation in an effort to get to an approved site plan. that the DEC and all parties agree with. So that you have a site plan that is approved. That is important as that sets the benchmark for the scope of work and nothing in excess of the scope of work and defines what the work is and been approved. Right now we are at a disconnect between the approved plan, how it exists, together with the proposed remedial measures to make it all work. My recommendation is that the one full plan be reviewed by the Planning Board with engineering assistance and make sure that it meshes with and reconciles with the DEC approach so that there is one plan, so that there is one plan to move forward. Right now there is a stop work order, arguably on the basis that that work that has been completed to date is not compliant with the plan, Planning Board or ZBA approval or the permit. So all of that needs to be reconciled, and I would recommend that it be in one plan.

Mr. Eggleston: What I would maybe suggest is that we continue the discussion, allow me to get a plan approved by Jean Foley from Habitat because that will set the stage for what is happening. Other than the fact that the area beyond the original scope of the ball wall, it is really not too much different other than replacement of the vegetation in that area. What happened was the contractor came in and took some liberties with their maneuvering and staging beyond what was expected. In essence the project is the same other than the disturbance of this additional area here. As it was presented in the later stages of the original approval when they expressed that they wanted a place to throw some balls.

Member Kasper: So you didn't change any grade or anything, they just disturbed a lot more that what was in the plan.

Mr. Eggleston: No, it was the perfect storm with the amount of disturbance when it was. The other thing was the pace of the project was slower than anticipated. We need to keep a better watch on this and we are interested in continuing to work with John Camp on a regular basis to make sure the progress is happening. I would suggest that I come back next week to continue the discussion with the DEC planting plan.

Chairman Southern: With a re-submittal based on . . .

Mr. Eggleston: I think this is a modification of the current application as the ball wall is a ball wall, a shed is a shed, the grading in that area is the same; it is just the difference is the amount of disturbance and the time left exposed. They should have been stabilizing the area.

Member Winkelman: Just from our perspective we should have seen this coming. When he made his disturbance before he got his permits, we saw this coming. It is a blatant disregard for zoning laws. You say it was the contractor but it was the owner's intent to take down those big trees. We have egg on our face here Bob.

Chairman Southern: We have to look forward to the future on this project. I don't want again to jump into another direction. Codes does an adequate job and Codes should have jumped on this day one when that first dug up bit happened. The project is going to need supervision, it is going to need it on a regular basis, it is going to need it from our people, in accordance to our plan and we will need escrow. We will address the escrow as soon as the plan comes in and see the extent of what has been done.

Mr. Eggleston: Was there escrow placed on this project?

Chairman Southern: I don't believe so.

Member Winkelman: John, what do you have going into this already?

Mr. Camp: I was requested by the town supervisor with a number that goes to town board.

Chairman Southern: We are coming to a point where we realize we have to have direct supervision on everything, not just this. You are going to see escrow coming on other projects in the watershed, drainage, the whole thing. It is coming to a head.

Mr. Eggleston: Is there an escrow you would suggest at this point?

Mr. Camp: I need to give it some more thought and get an idea of what the schedule will be.

Chairman Southern: Set up a schedule John based on what you think you will need, five times a week, two times a week, whatever you think it needs to be happening out there. Get together with codes so that immediate action can be taken if something does go afoul and doesn't get overlooked again.

Member Kasper: There is a stop work order.

Mr. Eggleston Right now we have an agreement with the DEC that no work will proceed until the site is stabilized. So far we have followed all of the steps and have exceeded their schedule. Did you want an escrow to take care of the current?

Chairman Southern: We will do it after we establish the scope of work.

Mr. Eggleston What we will do is as soon as I get an approved plan, I will submit it to Karen so that we can continue the discussion.

Chairman Southern: As soon as possible.

**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: Jeffrey Davis, Attorney;

Mr. Davis stated that the updated submissions included the clean updated version and the redline version to see the modifications that were made. It is the amended and restated supplemental draft EIS that was submitted to the town on November 13, 2017.

Counsel Molnar reminded the board of the prior submitted timetables to process the DEIS under state law. The board has 30 days from the date of submission of the re-submitted DEIS to accept it as adequate for public review, then as lead agency we must issue a notice of completion of the DEIS that must be filed, distributed and published as required by the regulations. The filing of notice of completion of the DEIS form public comment period must be a minimum of 30 days. Thereafter we have a 30 day public comment period. We have until December 14<sup>th</sup> to act and determine that it is adequate and publish notice of completion, etc.

**WHEREFORE**, a motion was made by Member Hamlin and seconded by Member Winkelman to schedule a special meeting on *Tuesday, November 28, 2017 at 6:30 p.m.* The Board having been polled resulted in the unanimous affirmation of said motion.

**WHEREFORE**, a motion was made by Member Winkelman and seconded by Member Hamlin to adjourn the meeting. The Board having been polled resulted in the unanimous affirmance of said motion. The Planning Board Meeting adjourned at 8:55 p.m. as there being no further business.

Respectfully Submitted,

Karen Barkdull, Clerk