

**TOWN OF SKANEATELES  
PLANNING BOARD  
MEETING MINUTES  
October 18, 2022**

Donald Kasper  
Douglas Hamlin  
Scott Winkelman  
Jill Marshall -absent  
Jon Holbein  
Scott Molnar, Legal Counsel  
Brody Smith, Lega Counsel (MWB)  
John Camp, P.E. (C&S Engineers)  
Howard Brodsky, Town Planner  
Karen Barkdull, Clerk

Chair Kasper opened the meeting at 6:30 p.m. The meeting minutes of September 20, 2022 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 Holbein to approve the minutes as corrected. The Board having been polled resulted in the affirmance of said motion.

**RECORD OF VOTE**

Chair	Donald Kasper	Present [Yes]
Vice Chair	Douglas Hamlin	Present [Yes]
Member	Scott Winkelman	Present [Yes]
Member	Jill Marshall	Absent
Member	Jon Holbein	Present [Yes]

**Public Hearing Special Permit**

Applicant	Jeffery Batis	Property:
	Skaneateles Strength	1382 East Genesee St
	1159 Lacy Rd	Skaneateles, NY 13152
	Skaneateles, NY 13152	<b>Tax Parcel #042.-01-08.1</b>

Present: Jeffery Batis, Applicant

The applicant started his business about six years ago in the village and relocate the business at this location in 2019. The were made aware recently that they need a special permit to operate their business at this location. They are expanding into the entire building due to the growth of their personal training business. They typically have small groups of up to four that meet at 6:30 am -10:30 am and 2:30 pm to 6:30 pm in the afternoons. They would like to maintain flexibility of hours from 5:30 am to 9 pm. There are four to six people at a given time with total parking at the most of 10 cars during any session.

**WHEREAS**, a motion was made by Chair Kasper and seconded by Member Hamlin, the Planning Board declared this application a Type II action pursuant to 6 NYCRR617.5(c)(18) and not subject by SEQR for further review. The Board having been polled resulted in the unanimous affirmation of said motion.

At this time, Chair Kasper opened the Public Hearing and asked if there was anyone in favor of the project. Bob Eggleston, 1391 East Genesee Street, .said that this is not an intrusive use and appropriate for the HC district. They are quiet and he never knew they were there. Chair Kasper 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 Hamlin 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 inquired what was the use of the other buildings. Mr. Pollock said there is just storage in the other buildings.

**NOW, THEREFORE, BE IT RESOLVED**, upon a motion made by Member Scott Winkelman and duly seconded by Member Douglas Hamlin, and after an affirmative vote of all Members present, as recorded below, the Town of Skaneateles Planning Board **APPROVES** the Application, and hereby issues a Special Permit with Site Plan approval for the Application, with standard conditions and additional conditions as follows:

1. That the Special Permit/Site Plan Approval shall expire if the Applicant fails to comply with the conditions stated within 18 months of its issuance and fails to obtain a fire safety inspection with the Town Codes Enforcement Officer, or if its time limit expires without renewal; and
2. That the Narrative and Site Plan, dated August 25, 2022 prepared by the Applicant, Jeffrey Batis, be strictly followed; and
3. That the Applicant obtain the approval of any other agency or authority having jurisdiction over the Application or Property.

**RECORD OF VOTE**

Chair	Donald Kasper	Present	[Yes]
Member	Douglas Hamlin	Present	[Yes]
Member	Scott Winkelman	Present	[Yes]
Member	Jill Marshall	Absent	
Member	Jonathan Holbein	Present	[Yes]

**Public Hearing- Special Permit/Site Plan Review**

Applicant	Justin Marchuska	Property:
	Skaneateles Initiatives Inc	1590 Cherry Valley Tpke
	408 Commerce Rd	Skaneateles, NY 13152
	Bethel, NY 13850	<b>Tax Parcel #042.-05-03.01</b>

Present: Robert Eggleston, Eggleston & Krenzer Architects; Ed Reid,

A revised site plan was submitted that reflects some modifications to the building based on the recent site visit. Cupolas will be added to the building to provide an enhanced aesthetic to the building. Red oak trees will be placed in front of the building to provide an eventual patriarchal lining along the road. White pines will be added on the west side of the parking area and along the east side. The septic system will be oversized for potential uses.

There are five units per building although a tenant could lease more than one unit. There are three parking spaces in front of the building, additional parking along the back side of the building, and a tenant could park their vehicle in the overhead door area. There will be a common sign by the road for the complex and then individual signs above the canopies on the building.

They types of uses they are requesting is for small business that has a need for storage with a potential office with 1-2 people working offsite. The building could have mezzanine areas in the units. In addition to the requested use of service business, they have added automobile service stations, and warehouse storage. It could be contractors or service businesses that are looking for a large storage where an employee could pick up materials for off-site projects. Additional tenants may be a dental business, party rental, or storage of equipment. It could also be equipment rental such as jack hammers and construction rental. They project low on-site employees limited to 10 full time employees on site for this building. The building would not be accessible to the public for shopping. Business hours would be 6 am to 8 pm, Monday through Saturday. Overnight vehicle parking would be located behind the building and there is a common dumpster area for the building. The site is designed for tractor trailer deliveries; however, there are no loading docks, and all trailer deliveries offloaded tailgate. There could be UPS or FedEx deliveries as the lot is in the IRO district. There will be no outside storage of products or materials.

The site plan also shows a revision to the driveway cut to 48 feet as requested by NYSDOT. Chair Kasper inquired about a place like Taylor rental that has a lot of equipment stored outdoors. Mr. Eggleston replied that it would be a small operation without the big equipment. The building would be more of an incubator where small businesses would get started. Chair Kasper asked for clarity with the automotive service station use and Mr. Eggleston replied that it would be for auto detailing only and no servicing of engines. The narrative will be updated to reflect auto detailing instead of automobile service station use. Member Hamlin commented that there is the possibility of assembly as one of the uses and inquired if there would be a full cabinet shop, and Mr. Eggleston said no. Chair Kasper said that there will be no floor drains and Mr. Eggleston clarified that they could have floor drains as they do not qualify as a MS4 type of business, so they are able to have the floor drains tie into the stormwater system. Mr. Camp added that with water and oil separated.

Chair Kasper asked if the second building will be the same as this building and Mr. Eggleston said that the second building would be designed to what the market is wanting. The stormwater management system is designed to manage 40% lot coverage, which is the maximum coverage allowed for the district.

Chair Kasper asked if the proposed pond is a retention pond or a bio-retention pond. Mr. Reid said that it is a bio-retention pond that provides for both water quality and runoff production measures. The bio-retention pond has an outlet to the southeast that discharges into the field. There are no wetlands located on the site. The pond is not a wet pond; however, in periods of heavy rain may hold water for a brief time slowly releasing the stormwater. Member Winkelman inquired if there was sufficient elevation change for the stormwater to be directed to the pond. Mr. Reid said that the building will have an elevation two feet higher than the existing elevation and it will be 4.5 feet above the spillway so the drainage will flow to the bio-retention pond. The building is at a lower elevation than the road by 4.5 feet. Member Winkelman stated that the wetlands is located closer to Winward Estates and a far distance from the site.

**WHEREFORE**, a motion was made by Chair Kasper and seconded by Member Winkelman. the Board declared this application to be an Unlisted Action under SEQR pursuant to 6 NYCRR617.5(c). The Board having been polled resulted in the unanimous affirmance of said motion.

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?	X	
6. Will the proposed action cause an increase in the use of energy, and it fails to incorporate 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**, a motion was made by Member Hamlin and seconded by Chair Kasper the Board declared this application to be an Unlisted Action under SEQR pursuant to 6 NYCRR617.5(c), and after review of the SEQR short environmental assessment form 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, Chair Kasper opened the Public Hearing and asked if there was anyone in favor of the project. Dave Loftus, neighbor directly across the street, said that he has no objections to the proposal. He would like the landscaping to be added to enhance the gateway and limit the amount of parking in the front of the building. This is a new project and the opportunity to put in better landscaping is when the project is being developed. Chair Kasper commented that there is a landscaping plan with some trees. Member Winkelman said that there are tall trees proposed with a setback quite a ways back. Chair Kasper added that the applicant has also agreed to a sidewalk easement in front of the building. .

Chair Kasper asked if there was anyone who had any other comments. Holly Gregg said that there was a study on the eastern gateway and when you have new projects coming it they should build to the eastern gateway concept. Member Hamlin commented that the eastern gateway has been mentioned in the narrative pbm.10.18.2022

provided. Member Winkelman said that the design is good, and this would be a nice piece of the puzzle that would fit into the future nicely. Chair Kasper added that the board did receive an email regarding the landscaping where she suggested evergreens between the trees as the white oaks are deciduous trees. Mr. Gregg inquired as to the size of the building and Mr. Eggleston said that each building is 6,000 square feet.

Chair Kasper inquired on the distance of the blacktop for parking from the blacktop of the road. Mr. Eggleston said that in front of the building is 45 feet of driveway and 5 feet of walkway, a 30 foot setback and then another 30 feet to the road. There would be 60 feet of green between the shoulder of the road and the parking area. There is a 10 foot easement for a future walkway.

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

**WHEREAS**, the Planning Board in reviewing the Application under Special Permit and Site Plan review criteria, adopted the following findings (the "Findings") for proceeding with a determination on the Application, concluding that the Application:

1. Will comply with all provisions and requirements of this chapter and of all other local laws and regulations and will be consistent with the purposes of the land use district in which it is located, with the goals of the Comprehensive Plan, and with the purposes of this chapter;
2. Will not adversely affect surrounding land uses by creating excessive traffic, noise, dust, odors, glare, pollution, or other nuisances;
3. Will not result in the release of harmful substances or any other nuisances, nor cause excessive noise, dust, odors, solid waste, or glare;
4. Will not adversely affect the general availability of affordable housing in the Town;
5. Will not cause undue traffic congestion, unduly impair pedestrian safety, convenience, or comfort, or overload existing roads, considering their current width, surfacing and condition;
6. Will have appropriate parking and be accessible to fire, police, and other emergency vehicles;
7. Will not overload any public water, drainage or sewer system or any other municipal facility or service, including schools;
8. Will not degrade any natural resource, ecosystem, or historic resource, including Skaneateles Lake or Owasco Lake;
9. Will be suitable for the property on which it is proposed, considering the property's size, location, topography, vegetation, soils, natural habitat, and hydrology and, if appropriate, its ability to be buffered or screened from neighboring properties and public roads;

10. Will be subject to such conditions on operation, design and layout of structures and provision of screening, buffer areas and off-site improvements as may be necessary to ensure compatibility with surrounding uses and to protect the natural, historic, and scenic resources of the Town;
11. Will be consistent with the community's goal of concentrating retail businesses in the Village and hamlets and locating nonresidential uses that are incompatible with residential use on well-buffered properties;
12. Will comply with relevant site plan review standards of § 148-10-6 and The Rural Siting Principles in Town Policy and Guideline Book shall be taken into consideration; and
13. Will have no greater overall impact on the site and its surroundings than would full development of uses of the property permitted by right.

Chair Kasper said that the board did receive a letter today regarding pine trees for winter landscaping. Mr. Eggleston responded saying that the goal in the IRO district is not to block the building. It is to soften the buildings and entrances in the community and there are no properties in the IRO that block themselves off. The storage building for Rick Moscarito was one instance where they had left existing trees as it was strictly a storage building with an apartment. The proposed landscaping is appropriate as it softens the buildings by putting in trees that will become mature and large. Member Winkelman suggested a small row of privets or evergreens between the oaks. Chair Kasper said that because it is the gateway pine trees are appropriate and Mr. Eggleston disagreed saying that they would hide the building. Chair Kasper inquired if a tree should be added to the center of the bioretention pond and Mr. Camp responded saying that the proposed bio-retention facility meets the requirements for stormwater control. Mr. Eggleston added that the bio-retention pond is like the one at Grace Chapel and that it will be mow able lawn area that is dry most of the time.

Chair Kasper recommended that the applicant do a better job on the landscaping in front of the building as the building will stand out especially when you come out from Lee Mulroy at the entrance to the gateway. Member Winkelman suggested that before the trees are mature, juniper bushes could be placed between the oak trees as junipers do not get large. Mr. Brodsky suggested that the resolution should include that the applicant has set a limit of ten employees per building; that no retail will be contemplated at this location, that there will be a tenant which provides automobile detailing only and will not provide engine repair services; and that all overnight parking will be located behind building A.

**NOW, THEREFORE, BE IT RESOLVED**, upon a motion made by Member Scott Winkelman and duly seconded by Member Douglas Hamlin, and after an affirmative vote of all Members present, as recorded below, the Town of Skaneateles Planning Board **APPROVES** the Application, and hereby issues a Special Permit with Site Plan approval for the Application, with standard conditions and additional conditions as follows:

1. The Board hereby adopts the Findings, as if set forth herein at length.
2. That the Special Permit/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
3. That the Site Plan 1 of 3 through 3 of 3 dated October 5, 2022 prepared by Robert Eggleston, Licensed Architect, Site Development plans CA100,CA110, CA500-CA504, dated October 11, 2022, prepared by Edward Reid, Licensed Engineer; be followed in all respects; and

4. That the Narrative dated October 5, 2022 prepared by Robert Eggleston, Licensed Architect, be amended to reflect the modified uses including the automobile service station limited to automobile detailing only, to be reviewed and approved by the Board Chair and Board Attorney, and then followed in all respects; and
5. The Applicant will ensure the full utilization of the landscape plan, with the Planning Board encouraging additional landscaping be utilized by the Applicant until the intended tree plantings mature; and
6. That the Applicant will seek an amendment to the Special Permit approval before commencement of phase 2 construction of building B; and
7. That the Applicant obtain the approval from NYSDOT, OCDOH, and any other agency or authority having jurisdiction over the Application or Property.

**RECORD OF VOTE**

Chair	Donald Kasper	Present	[Yes]
Member	Douglas Hamlin	Present	[Yes]
Member	Scott Winkelman	Present	[Yes]
Member	Jill Marshall	Absent	
Member	Jonathan Holbein	Present	[Yes]

**Public Hearing- Special Permit**

Applicant	Daniel Smith 4772 Sheppard Rd Marcellus, NY 13108	Lukins Mine Property: Sheppard Rd Skaneateles, NY 13152 <b>Tax Parcel #020.-02-09.0</b>
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Chair Kasper commented that there has been no action on the part of the NYSDEC regarding the SEQR for this application. Counsel Molnar recommended to the board that they entertain a motion to continue the opened Public Hearing to the month after the NYSDEC makes their SEQR determination. Only then can the Planning Board move forward and make their determination on the special permit application.

**WHEREFORE**, a motion was made by Chair Kasper and seconded by Member Holbein to the public hearing will remain open to the month after the NYSDEC completed its SEQR determination. The Board having been polled resulted in the unanimous affirmance of said motion.

The public hearing will be left open, and the board will continue to accept any comments. It will be placed back on the agenda the month after the NYSDEC has made their final SEQR determination.

**Public Hearing Continuance- Special Permit**

Applicant:	Brewster & DeAnn Sears 2825 West Lake Road Skaneateles, NY 13152 <b>Tax Parcel#051.-02-17.00</b>
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Present: Brewster & DeAnn Sears, Applicants; Nancy Vlahos, Kevin Bliss, RIC Energy; Ivo Tomchev, Nicholas Fozmanowicz, Wendel Co.

The applicant has submitted responses to the comments that were made at the last meeting. In addition, Mr. Camp had sent a memo regarding stormwater runoff and if there is any impact to Bentley Brook that is located on the neighboring property. Member Winkelman commented that the creek is a long way from the proposed solar array with a lot of plant cover in between.

At this time, Chair Kasper continued the Public Hearing and asked if there was anyone who wanted to speak regarding the project.

Dessa Bergen, 1448 Old Seneca Turnpike, said that in Spafford there is an LLC solar array on Route 41 that has gone bankrupt and is up for public tax auction. Who is going to take care of it. NYSEG is soliciting farms in the Finger Lakes to have solar arrays in place of farms. That is alarming, although we want clean energy, we do not want to ruin our iconic vistas in the Finger Lakes. It is going to ruin the pastoral views which is important in Skaneateles because we have a significant tax base. If their views are ruined what does that do. We have a Camp that looks out onto green fields and what does that do when there is a solar farm in the middle of it. There was a concern on what we see from Hidden Estates. At the land fill there is a solar array and there is a container box with Chinese lettering. Where is the equipment coming from for this solar array. We got ours from China and she does not think that China wished us the best. Do we want to support slave labor and enrich China with these panels. If the special permit is issued it will set a precedent. At the CPCS meeting there was a discussion on where the solar arrays should be placed, maybe where the spent mines are. We do not want to ruin our beautiful Skaneateles Lake.

John Cico, 2871 West Lake Road, said that the way he reads the zoning code that a community solar definition would be for a community of people coming together to share the solar array for their own generation of electricity. A utility facility is a solar array that is put in place by National Grid that is regulated by the public service commission that would not fall under a special permit. This is an end run around the need to go to the IRO district. That was the intent for the facility to generate enough electricity for 2,500 homes, which would be most of the homes in the village. Unless they put in place a management agreement to manage the electrical generation for those folks that they would be able to use this section of code for a special permit. If National Grid came in to do this at this magnitude, they would not be able to get a special permit. That is the intent in the code in this section and the definitions. The code is unclear. The management agreement must be documented and reviewed by the town review and may show either, collective ownership and management by the end user or ownership and operation by a third party with long term leases to the individual end users, not National Grid. He continued saying that it is his belief that a community solar array would be put together by the end users and managed by a third party, and he doubts that 2,500 homes would subject themselves to a management agreement like that for a 5 MW solar installation. This section of code was meant to prevent a utility from coming in and installing a solar array like this.

Holly Gregg, 3872 Jordan Road, said that he is the executive director of CPCS, and the zoning code does not allow this type of arrangement between a landowner and a third party solar array builder. The proposal does not fit any one of the three alternatives in the code. One is for private installation at a property, one similarly like a water district creating a mini solar array service in a local neighborhood, and then the public utility that needs to be regulated. The proposed solar array does not fit the criteria; it is acting like a public facility and not being regulated. This would set up similar proposals, which is a concern, especially in the watershed. Mr. Camp stated that there is some confusion on the definition of community solar, which is defined by NYSERDA and backed up by the State. NYSERDA had provided guidance on developing codes for the municipalities. Chair Kasper commented that the solar array on the transfer station property is an LLC and he enrolled to get his discount from energy produced at that solar field. Mr. Camp said that that is how the basis for the community solar is set up. Mr. Tomchev said that they are not proposing a quasi-



utility business. The community solar is heavily regulated and they have registered as a distributed energy supplier by the public service commission. There will be individual agreements between each of the subscribers that participate in the community solar. The agreements and billing are very regulated. They are not selling the energy to National Grid but using their distribution grid. This is how community solar works. Mr. Gregg asked if they are subject to the same regulations as a public utility. Mr. Tomchev replied that it would be regulated with different requirements that are specific to community solar. Mr. Gregg asked if there are protections for the consumers same as the public service commission and Mr. Tomchev responded saying yes, they carefully review all the draft agreements before they even allow us to be registered as a potential distributor energy supplier. Mr. Gregg said his concern is the idea of having a utility being allowed to scatter around in areas that are not the IRO, and if it gets up to a certain scale they should be in the IRO rather than the rest of the town. Mr. Camp commented that the proposed solar array is below what is considered a utility solar array. Projects that are above 5MW go into a different category. He continued saying that 5MW are usually around 25 acres give or take. Category determination is based on power generation with the first cut off at 5 MW. Member Winkelman said that the town code is very restrictive, and you cannot cover more than 25% of the total lot area with a solar project. The special permit process is very thorough, and the board has been reviewing this project for months. You cannot see this array and the applicant has checked all the boxes for the criteria. As an environmentalist himself, he continued saying that this project is better for the watershed than the existing land use. This lot will be in a meadow for 30 years like a temporary conservation easement in the watershed.. Mr. Gregg said that it is not disturbing that much, but if this is the beginning of this is the town ready to take on another 125-130 acre solar farm two miles down on West Lake Road. Member Winkelman said that the board can review other proposals fairly and that there should be some respect for the process. Mr. Gregg said that the point is looking forward not so much concerned with this one. Mr. Camp reminded everyone that the Planning Board cannot change the code, that the Town Board has that authority.

Member Holbein said that there can be only so much power that can be put into the grid. Ms. Vlahos said that they were approved for 4.3MW capacity because that is the maximum capacity that the distribution line could support. Member Holbein inquired if another solar array could be supported on the same line and Mr. Tomchev said that he would get back with an answer to that, but they are tapping the existing capacity on that distribution line. He continued saying that he does not believe that there is any existing capacity beyond this project on that line if approved. Mr. Camp commented saying that National Grid did not approve them for 5MW, and that may be an indication that they would not be able to support another line.

Dessa Bergen,1448 Old Seneca Turnpike, said that she does not disrespect this board. This is new and something we are wrestling with, and we have not had a comprehensive plan update since before COVID19. We need to see what the community wants. I look across the lake at Bradley's and what if they wanted to put one of these there. Take time to think about that and have a moratorium. Chair Kasper clarified that moratoriums are decided by the Town Board.

Deb Duniec, 2870 West Lake Road, inquired how a meadow under the solar arrays. Chair Kasper explained that the panels are high enough and tilt, so there is light that would reach the ground.

John Cico,2871 West Lake Road, inquired if the board has reviewed the agreements as part of the application. If another proposal comes here would they have to go outside to find end users. Chair Kasper explained that any National Grid user would be able to take advantage of the energy savings from this array. Mr. Camp clarified that this board does not have any authority to review agreements with the power company, they would review the decommissioning plan which is a financial arrangement for what might happen if the owner went bankrupt and the town had to remove the system. Counsel Molnar said that a legally binding agreement or management system should be documented subject to town review. The board would review it and make sure it is satisfactory to the overall application.

Bill Mahood, 68 West Lake Street requested that the board explain the decommissioning process in the event of bankruptcy. A friend in Maryland was approached to put a solar array and he declined due to weakness of a decommissioning plan. Counsel Molnar explained that the proposed decommissioning process will be managed by a decommissioning bond. Compliance can be approached in several ways whether it be by an escrow agreement, with monthly deposits so when the time comes for decommissioning there will be a source of funds to satisfy the cost. In this case the applicant has presented a bond, which on its face checks all the boxes. When decommissioning occurs due to non-use over several months or we hit the natural lifespan in the lease of the solar array as presented, there will be funds that are satisfactory for the decommissioning if the applicant is no longer part of the project or in the picture. Member Winkelman said that each of the panels are on a single post in the ground that can be removed and return the land back to farmland.

John Cico, 2871 West Lake Road, asked if the fees for the bond paid 30 years upfront or an annual fee. Counsel Molnar explained said like with any bond it can be renewed annually or any period. If the bond is about to expire than it is upon the town to call the bond or have it replaced by the applicant with a new bond and new expiration. That is a management function that will need to be worked out. Mr. Cico said that if the LLC goes bankrupt and you want to call the bond, it would already be expired. Chair Kasper said that they would notify us that it is expired.

Deb Duniec, 2870 West Lake Road, does the town have a mechanism to managing these bonds and does the town can place a lien on the property if the bond is not sufficient. Counsel Molnar said that there is still a challenge before the board to determine the amount of the bond and the total decommissioning plan. Based on the calculations the bond would be at enough. We would also make sure that the bond is calendarized to manage any bond under the lifespan of the array. Ms. Duniec asked if there is a CPI in the language and Counsel Molnar said that it is in all the calculations. Chair Kasper commented that the town engineer is reviewing the plan to make sure that the projected costs are reasonable.

Bill Mahood, 68 West Lake Street, asked if there is insurance coverage if the solar panels are damaged, and Chair Kasper said that they would carry liability insurance. Mr. Mahood inquired if the solar array panels from China and Chair Kasper responded saying that they are from Canada. He continued saying that if the applicant goes for a PILOT program there are restrictions with it.

John Cico, 2871 West Lake Road, asked in the event of a failure of the decommissioning plan if the owner has any liability. Counsel Molnar said that special permit is to the property for the existence of the solar array with an LLC leasing from the landowner. At the event of decommissioning the town would go to the bond and if that fails, which is highly unlikely, it is still on the property owner in the event the solar array is no longer viable or utilized that would bring out noncompliance that would need to be remedied. That would fall on the landowner.

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

Counsel Molnar stated that the next action items would be to declare SEQR based on input from the public, together with rebuttal responses from the applicant, iron out the decommissioning plan and costs, and the assurance of compliance through an escrow or bond that will take more time than at this meeting. He continued saying that if the application is moving forward in a positive light then he would also like to draft a resolution with conditions that will take time.

Member Hamlin commented that he does hear a noise from the solar array at the transfer station and inquired if that is emblematic of all solar arrays. Ms. Vlahos said that the technology that is used there is different from theirs; however, typically it is the inverters that area generating the noise with the noise inaudible 150 feet away. The proposal has the invertors located over 900 feet away from any dwelling.

**WHEREFORE**, a motion was made by Chair Kasper and seconded by Member Hamlin to schedule a special meeting on November 3, 2022 at 6:30 p.m. The Board having been polled resulted in the unanimous affirmance of said motion.

**Continuance- Special Permit**

Applicant	MWB Family I, LLC 13915 Old Coast Rd 1003 Naples, FL 34110	Property: 1326 New Seneca Tpke Skaneateles, NY 13152 <b>Tax Parcel #043.-04-09.0</b>
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Present: Asher Bitz, Applicant: Bill Murphy, Space Architectural Studio.

Counsel Molnar recused himself due to his property being near the applications. The town board counsel stepped in to advise the Planning Board on this application.

Mr. Murphy commented that the water usage information had been forwarded to the town as requested. Chair Kasper commented that based on public comment, the warehouse use should be removed from the proposal. The neighbors are concerned with truck traffic and noise. Member Hamlin said that it could be controlled by hours of operation although the impact is regardless of the time of day. Chair Kasper clarified that this would not limit any UPS or similar delivery from occurring. Mr. Murphy said that they will remove it from the request and that they could come back with a specific special permit request if they have a specific tenant. Counsel Smith said that the applicant does not need a membership club for office use, and this should be removed from office use. In addition to the existing office use, the proposal is for a service business for the catering facility and service business and health care facility for tenant spaces A and B. Member Hamlin added that the total square footage for tenant spaces A and B is under 6,000 square feet. Mr. Brodsky suggested that the service business category be further defined as the definition in the zoning code is overly broad. Chair Kasper said that the use chart for the application should be updated to reflect the changes. Counsel Smith said that the definition of the service business category does not necessarily need to be further defined. Member Hamlin commented that the number of employees controls what could existing. As a tenant use changes it would require a minor amendment with the board.

At this time Counsel Smith 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?	X	
6. Will the proposed action cause an increase in the use of energy, and it fails to incorporate 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**, a motion was made by Chair Kasper and seconded by Member Holbein. the Board declared this application to be an Unlisted Action, and after review of the SEQR short environmental assessment form 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.

**NOW, THEREFORE, BE IT RESOLVED**, upon a motion made by Member Douglas Hamlin and duly seconded by Chair Donald Kasper\_, and after an affirmative vote of all Members present, as recorded below, the Town of Skaneateles Planning Board hereby **APPROVES** the application and makes the following findings:

1. SEOR Negative Declaration: After reviewing the Short Environmental Assessment Form, weighing information provided by the public and the Applicant, obtaining consultation from the Town Planner; and weighing the fact that the intensity of use proposed in the Application is less than the previous use by Chase Design in terms of number of persons visiting the Property, parking requirements, traffic, noise, odor and light impacts, the Board determines that the issuance of the Special Permit **will not result in any significant adverse environmental impacts**; the Board weighed the following impacts compared against the criteria in Section 617.7 (c) of the Regulations:

- a. There will not be a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems. The Project will not impact any surface water or wetlands. It will simply involve the repurposing of an existing building and parking lot; and
- b. There will not be large quantities of vegetation or fauna removed or destroyed as the result of the Action; there will not be substantial interference with the movement of any resident or migratory fish or

wildlife species as the result of the Action; there will not be a significant impact upon habitat areas; there are no substantial adverse impacts on any known threatened or endangered species of animal or plant, or the habitat of such species; nor are there any other significant adverse impacts to natural resources.

- c. There are no known Critical Environmental Area(s) on the site which will be impaired as the result of the proposed Action.
- d. The Action will not result in the creation of a material conflict with the current plans or goals of the Town of Skaneateles as officially approved or adopted.
- e. The Action will not result in the impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character.
- f. There will not be an increase in the use of either the quantity or type of energy resulting from the Action.
- g. There will not be any hazard created to human health. To the contrary, the Action is expected to have a positive effect on the health and well-being of Town residents.
- h. There will not be an irreversible change in the use of active agricultural lands that receive an agricultural use tax exemption or that will result in the loss of ten acres of such productive farmland.
- 1. The Action will not encourage or attract considerable number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the Action.**
- J. There will not be created a material demand for other Actions that would result in one of the above consequences.**
- k. There will not be changes in two or more of the elements of the environment that when considered together result in a substantial adverse impact.
- l. There are not two or more related Actions which would have a significant impact on the environment.

2. **Findings:** The Planning Board in reviewing the Application under Special Permit and Site Plan review criteria in the Town Code, hereby adopts the following findings (the "Findings"):

- a. The Application is consistent with the purposes of the land use district in which the Property is located, and with all applicable provisions of Chapter 148;

- b. That based on Site Plan Z-1 and Floor Plan Z-2 dated July 13, 2022, prepared by William Murphy, Licensed Architect, Space Architectural Studio, pc; Revised Narrative dated September 19, 2022 prepared by William Murphy, Licensed Architect, Space Architectural Studio, pc; Site Plan & Septic Details S-1 through S-2 dated December 9, 2008 prepared by Rudy **Zona, Licensed Engineer, with re-affirmed OCDOH approval dated January 7, 2021; Special Permit Use Allocation Chart dated September 20, 2022 prepared by William Murphy, Licensed Architect, Space Architectural Studio, pc; the Planning Board has determined that the Application will not adversely affect the surrounding land uses by creating excessive traffic, noise, dust, odors, glare, pollution, or other nuisances;**
  - c. The Application is consistent with the Comprehensive Plan; and
  - d. That all relevant Special Permit and Site Plan Criteria required by Chapter 148 have been satisfied.
3. Conditions:
- a. That the Narrative (as modified by the Special Permit Chart), Site Plan and Floor Plan prepared by William Murphy will be strictly followed; and
  - b. That the Applicant obtain the approval of any other agency or authority having jurisdiction over the Application or Property; and
  - c. That the percentage of footprint, area, number of employees, parking spaces, hour requirements, deliveries/pickups and lighting shall not exceed the thresholds determined by the Special Permit chart, which is hereby incorporated and made a part of this condition as shown in Exhibit A; and
  - d. That all overnight parking will be restricted to the southern portion of the parking lot in spaces 69 thorough 87; and
  - e. That the Applicant shall obtain approval from the Planning Board in the form of an amendment to this approval, prior to changing the use of any space in the Building, pursuant to Town Code Section 148-10-8 (C)(11) (Amendments).

**RECORD OF VOTE**

Chair	Donald Kasper	Present	[Yes]
Member	Douglas Hamlin	Present	[Yes]
Member	Scott Winkelman	Present	[Yes]
Member	Jill Marshall	Absent	
Member	Jonathan Holbein	Present	[Yes]

Counsel Molnar returned to advise the board.

**Continued Review- Site Plan Review**

Applicant	Alison Miller Miller II LLC 1416 Thornton Hts Skaneateles, NY 13152	Property: 1409 Thornton Hts Skaneateles, NY 13152 <b>Tax Parcel #057.-01-33.0</b>
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Present: Robert Eggleston, Eggleston & Krenzer Architects

The proposal is for a safe set of stairs to the lake, and they will be removing a portion of the deck and returning it to green space. This will help to offset the proposed permanent dock. Section A on the second page shows how the perimeter of the plantings would be developed. There will be timber added behind the existing seawall with a rock base that will receive filter fabric and stone. The floor joist will accept the material with the other side having topsoil and plantings. Between the joists will be filled with stone, and jute mesh will be utilized for new plant growth. Member Winkelman asked if the potting soil would stay there and recommended sea grass or ornamental grass. Chair Kasper commented that wave action goes over the deck and wondered if it would wash out over time. Mr. Eggleston said that they are working with Jim Clark on the correct vegetation to stabilize the plants. Chair Kasper said there are others on the lake with the same construction and could want to do the same thing. Mr. Camp said that the plan will protect from debris going down; however, waves going over the top tend to dislocate the soil. Mr. Eggleston explained that there is six feet of solid surface where most of the erosion would occur. Chair Kasper suggested that if the planting area were raised there would be less chance of soil going into the lake after it hit the raised bed. Mr. Eggleston recommended that the bed could be raised 18 inches and Mr. Camp suggested that it should be at bench height. Mr. Eggleston said that 18 inches is bench height.

Chair Kasper commented that he liked the proposed improvements for the drainpipe on the retaining wall.

**WHEREAS**, a motion was made by Member Hamlin and seconded by Chair Kasper, the Planning Board declared this application a Type II action pursuant to 6 NYCRR617.5(c)(11) and not subject by SEQR for further review. The Board having been polled resulted in the unanimous affirmance of said motion.

**NOW, THEREFORE, BE IT RESOLVED**, upon a motion made Member Scott Winkelman and seconded by Member Douglas Hamlin, and after an affirmative vote of a majority of Members present, as recorded below, the Town of Skaneateles Planning Board hereby **APPROVES** the Application for 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.
2. That the Site Plan 1 of 2 through 2 of 2 dated September 21, 2022 and Narrative dated September 21, 2022 prepared by Robert Eggleston, Licensed Architect, be amended to reflect an 18 inch raised green space to the proposed deck, and then followed in all respects; and
3. That the Applicant shall obtain all necessary permits and approvals from any agency or authority having jurisdiction over the Property or the Application; and

4. That verification of conformance of completed project be certified by Robert O. Eggleston, Licensed Architect, within (50) days of completion of the Project with verification submitted to the Town.

**RECORD OF VOTE**

Chair	Donald Kasper	Present	[Yes]
Member	Douglas Hamlin	Present	[Yes]
Member	Scott Winkelman	Present	[Yes]
Member	Jill Marshall	Absent	
Member	Jonathan Holbein	Present	[Yes]

**Sketch Plan- Special Permit**

Applicant	Jolene Fitch Miller II LLC 1416 Thornton Hts Skaneateles, NY 13152	Property: 1409 Thornton Hts Skaneateles, NY 13152 <b>Tax Parcel #057.-01-33.0</b>
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Present: Jolene Fitch, Managing Partner of Fingerlakes Fabrics; Bruce Pollock, Property Owner

The proposal is to open a fabric store that sells fabrics, thread, notions, and machines. There used to be a fabric shop in the Byrne Dairy location in the village, then it moved to Marcellus, and they are now retiring that location. They would like to bring the quilt shop back to Skaneateles. The location is 6,500 square feet portion of the former Chase Design building on Route 20. They will have 10 employees (equivalent to 4 full time employees) that will work at the location. Typically they have 2-10 customers at any given time unless they have an event where they attract more customers. They will have classes as well. The location has 85 parking spaces on site..

There is a shared area that will be shared in the reception area and bathrooms. There are no external changes being made other than signing. There will be a multi-tenant sign by the street and a sign on the portion of the building for Fingerlakes Fabrics. A drive by site visit will be conducted.

**WHEREFORE,** a motion was made by Chair Kasper and seconded by Member Hamlin to schedule a public hearing on November 15, 2022 at 6:30 p.m. The Board having been polled resulted in the unanimous affirmance of said motion.

Mr. Brodsky commented that there is a stream that goes under the building and should be shown on the survey. The site plan also reflects two parcels with parking that crosses over the property line. This would be an appropriate time to consolidate the two parcels. Mr. Pollock stated that he has no problem combining the two lots into one parcel. Mr. Camp said that there is value in showing the stream on the survey for the record. Mr. Pollock said that he will provide an updated survey.

**Continued Review-Site Plan Review**

Applicant	John & Kay Clark 7751 Bainbridge Dr Liverpool, NY 13090	Property: 3701 Fisher Rd Skaneateles, NY 13152 <b>Tax Parcel #032.-03-04.0</b>
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Present: Robert Eggleston, Eggleston & Krenzer Architects



The proposal is for a single family dwelling located in the IRO district on a large farm field. The driveway will be located along the southern hedgerow and the dwelling will be a barnominium. The balance of the land will remain agricultural. They are waiting on SOPCA, and they will be meeting tomorrow, with the only reason it needed to be sent was for the fact that the property is within 500 feet of a farm in an agricultural district. Counsel Molnar commented that this application will be conducted as an administrative review with a no adverse impacts letter, that the board could approve with a conditioned approval.’

**WHEREAS**, a motion was made by Chair Kasper and seconded by Member Hamlin, the Planning Board declared this application a Type II action pursuant to 6 NYCRR617.5(c)(11) and not subject by SEQR for further review. The Board having been polled resulted in the unanimous affirmance of said motion.

**NOW, THEREFORE, BE IT RESOLVED**, upon a motion made Chair Donald Kasper and seconded by Member Jon Holbein, and after an affirmative vote of a majority of Members present, as recorded below, the Town of Skaneateles Planning Board hereby **APPROVES** the Application for 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.
2. That the Site Plan 1 of 4 through 4 of 4 dated September 16, 2022 and Narrative dated September 19, 2022 prepared by Robert Eggleston, Licensed Architect, be followed in all respects; and
3. That the applicant obtain 239-m approval from the Onondaga County Planning Board; and
4. That the Applicant shall obtain all necessary permits and approvals from any agency or authority having jurisdiction over the Property or the Application; and
5. That an as-built survey be submitted to the Codes Enforcement Officer with verification of conformance of all phases of the completed project within (60) days of completion of the project.

**RECORD OF VOTE**

Chair	Donald Kasper	Present	[Yes]
Member	Douglas Hamlin	Present	[Yes]
Member	Scott Winkelman	Present	[Yes]
Member	Jill Marshall	Absent	
Member	Jonathan Holbein	Present	[Yes]

**Amendment Request – Subdivision**

Applicant: Roy Lootens  
3943 East St  
Skaneateles, NY 13152

Property:  
710 Visions Drive  
Skaneateles, NY 13152  
**Tax Parcel #023.-01-08.8**

Present: Robert Eggleston, Eggleston & Krenzer Architects;

The applicant had received an approval for a two lot subdivision, creating Lot 5-A.1 at 2 ± acres with an existing commercial building, and Lot 5-A.2 at 4+/- acres of vacant land. The applicant would like to amend the approval so that Lot 5-A.1 to be 3.0 ± acres with an existing commercial building and that Lot 5-A.2 to be 2.9+/- acres of unimproved land. The revised survey also reflects the location of the stream to the property. There is no driveway access off Sheldon Road for any commercial activity; however, there can be access off Sheldon Road if Lot 5-A.2 if the lot was developed as a residential lot. Chair Kasper commented there was a telephone line easement in the area as their building at County Line Road and Sheldon was recently updated. The applicant should verify that it is not on this lot by checking the abstract. If it is located on the lot then the subdivision map should reflect the location of that easement.

**WHEREAS**, a motion was made by Chair Kasper and seconded by Member Winkelman, the Planning Board adopted the prior SEQR which classified this Application an Unlisted Action and reviewed the Applicant’s Short Environmental Assessment Form under SEQR, evaluating each of the criteria set forth in Part II, upon which the board determined that the proposed action will not result in any significant adverse environmental impacts. The Board having been polled resulted in the unanimous affirmance of said motion.

**NOW, THEREFORE, BE IT RESOLVED**, upon a motion made Member Donald Kasper, duly seconded by Member Scott Winkelman, and after an affirmative vote of all Members present, as recorded below, the Town of Skaneateles Planning Board hereby **APPROVES** the Modification of the Subdivision, with the following conditions:

1. The Final Plan subdivision of the Re-subdivision Lot 5A Skaneateles North Park Subdivision, dated October 5, 2022 prepared by Paul Olszewski, Land Surveying, PC be submitted for the Planning Board Chairman’s review and signature within 180 days from the signing of this resolution; and
2. That the Applicant shall obtain all necessary permits and approvals from any agency or authority having jurisdiction over the Property or Application; and
3. Except as amended hereby, the conditions of the Approving Resolution remain in full force and effect; and
4. The Subdivision Map and Deed transferring the property(ies) 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	Donald Kasper	Present	[Yes]
Member	Douglas Hamlin	Present	[Yes]
Member	Scott Winkelman	Present	[Yes]
Member	Jill Marshall	Absent	
Member	Jonathan Holbein	Present	[Yes]

**Discussion**

The Planning Board reviewed the Small Scale Stormwater Management Guidelines, and after considering referral of the Guidelines, entertained the following motion:

**WHEREFORE** a motion was made by Chair Donald Kasper and seconded by Member Jonathan Holbein, and, upon the affirmative majority vote of all Town of Skaneateles Planning Board Members present, **RESOLVED** to make the following recommendations. The Members of the Board having been polled, resulted in the majority approval of said motion.

The Board has been implementing the guidelines since 2018 and determined that the guidelines assist with managing stormwater on properties in the Lake Watershed Overlay District and recommends that the Town Board adopt the Small Scale Stormwater Management Guidelines.

**RECORD OF VOTE**

Chair	Donald Kasper	Present	[Yes]
Member	Douglas Hamlin	Present	[Yes]
Member	Scott Winkelman	Present	[Yes]
Member	Jill Marshall	Absent	
Member	Jonathan Holbein	Present	[Yes]

**WHEREFORE**, a motion was made by Member Winkelman and seconded by Chair Kasper to adjourn the meeting. The Board having been polled resulted in the unanimous affirmance of said motion. The Planning Board Meeting adjourned at 9:08 p.m. as there being no further business.

Respectfully Submitted,  
Karen Barkdull, Clerk

Additional Meeting Attendees:

Robert Eggleston	Asher Bitz	Julie Moore
Bill Murphy	Nancy Vlahlos	Holly Gregg
Victor Duneac	Deborah Duniec	John Cico
Dessa Bergan	Ed Reid	Jolene Fitch
Jeff Batis	Amy McNamarra	Kathy Tribirana
Bill & Miki Mahood		

Additional Meeting Attendees (Zoom):

Nicholas Fozmanowicz	Mark Tucker
Ivo Tomchev	Rob & Claire Howard
Steve Saleski	Kevin Bliss