

**Village of Skaneateles
Planning Board Meeting
May 1, 2014**

Continuation of the Public Hearing in the matter of the application of Cathy McDonald for a 21 lot subdivision, called Hidden Pond Subdivision, located off East Street in the area of the Village water tower site in the Village of Skaneateles.

Present: Bruce Kenan, Chairman
 Brian Carvalho, Member
 William Eberhardt, Member
 Stephen Hartnett, Member
 Douglas Sutherland, Member

 Michael Byrne, Village Attorney
 Riccardo Galbato, Attorney for the Planning Board
 Robert Lotkowitz, Director of Municipal Operations
 Dennis Dundon, Clerk to the Boards
 Jon Putnam, GHD, Village Engineer

 Jo Anne Gagliano, EDR, on behalf of the applicant

 Michael Kawa, Syracuse
 Jerry Morrissey, Skaneateles
 Steve Morgan, Skaneateles
 Cori Knupp, Skaneateles
 Bill Murphy, Skaneateles
 David Willard, Skaneateles
 Robert Abbott, Jr., Syracuse
 Hollis Holden, Skaneateles

Chairman Kenan called the meeting to order at 7:30 pm, welcoming a new Member to the Board, Mr. Brian Carvalho. He then announced the continuation of the Public Hearing for Hidden Pond subdivision. Ms. Gagliano introduced herself and presented, "We were here last time for the opening of the Public hearing and we were told at that time that we would receive engineer's comments. I have received them as of a few minutes ago, so I really don't have anything new to add. I have not had ample time to read through it all. I was wondering if tonight it would be possible to close the Public Hearing and maybe do SEQR. In addition to that, we would request a meeting with the engineer so that we may go through this in a timely fashion, to determine whether or not we could get this in the ground soon. It has already gone out to bid, and any of these comments that are pending we would have to resend that out to the bidders. But the project is definitely a go. So I'd like to do what I can do to help move it along."

Chairman Kenan, "OK. Since we have a public hearing, let me just ask if anybody here has anything that they would like to address on the subject of the Hidden Pond subdivision? Mr. Morrissey, "Yeah. I live next door and across the street. I think it is obviously a good opportunity if it's the right development for that area. I read all the minutes for the last 2 months and talk to Tom McDonald all the time about the opportunity there. I was thinking about building there as well. My wife and I were thinking back in 2008, when he was trying to approve that, of building something there as well. I am a real estate broker and said that I would build a house there and help you sell them – because I think the location is awesome. I think there were a lot of challenges then and the market was kind of going down and Tom didn't feel comfortable moving forward. Since then when I saw the new opportunity onboard, I was a little concerned because I have been working with my partner Mickey Falcone trying to sell the Annesgrove project over in Camillus for a long time with homes that are that type of home; although these do have attached garages. I have heard some of the public comments about maybe having detached garages and geothermal and things that are ideal – solar power. I think some of the challenges with that obviously everyone knows the price is going to go up. So I know affordable housing was thrown in there a lot so I'm just trying to make sense of is it affordable housing we are trying for, is it senior homes, what are the by-laws going to say? They way I saw it it's going to be a bit of a challenge to (1) make it affordable, (2) get anyone other than a senior to buy it. But I guess when you are putting that many lots in a small area, you have to position it so you are going to make money; that's why he wants to be there, right, it's a great opportunity for everyone. I guess the challenge for me is being able to sell a lot, for a house that small and a lot that small with some of the parameters that he's going to have to follow – that's a challenge. If it's a square-footage thing that they're going to be held to it's going to be hard to sell them when the lots are going to cost \$80,000 to \$100,000 to buy. My concern is you start the development; no one buys them and then you have to figure how to change the development. When it has gone out to bid, I don't know if there are builders who have said to you: yes I know I can sell these. What are the price points and who are they? I'd like to know because I haven't found anybody yet who can sell Annesgrove for that price point. And those lots are selling for 55 grand and no builder would touch them. Skaneateles is a different market, you can sell them for a higher price point, but it is going to be senior housing; it's going to be someone 55 and over, just because of the square footage. I hope there's been a real estate broker in town that's been consulted saying yeah, because I'd like to hear what they say and how they're going to sell them. That's the only real concern that I have. Obviously traffic, right there; I live right next to Waterman school and I know what it's like at 8:30 in the morning, and any time between 7:30 and 9 for the middle school and the high school. Other than that I think it would be a good opportunity to have something right there, it's just about how many lots and what could really sell there. You don't want it sitting there, much like Parkside did for a long time before they actually got the right product in there and started selling it properly. The price points start to go up you might have it sitting there for a while."

Chairman Kenan asked, "Is there anyone else who wants to speak to the Hidden Pond subdivision?" Hearing no one, he said, "If not, we got comments from the engineer this afternoon and you just received them this evening. We need time for you to respond to the comments that were made. I'm sure that we would be glad to facilitate a conference between

you and the Village's engineer to move that forward. I think in the meantime we have to keep the Public Hearing open. Anybody have any other thoughts on Hidden Pond?"

Ms. Gagliano, "Do you think you are in a position to look at the SEQR at this point? It has been submitted since the original meeting and no one has taken lead agency over it yet. Can we do that?" Attorney Galbato, "If I may, I think my recommendation because SEQR was already done, that when we do the conditional..." Ms. Gagliano, "It wasn't done here at the Village..." Attorney Galbato, "But we adopted it before. The SEQR was done for the project and we adopted it when we did your approval before. My recommendation to this Board is to readopt it and make findings of no significant change under SEQR that would warrant a reopening of the SEQR that was previously done by this Board and by the Town Planning Board back in 2008."

Chairman Kenan asked, "Do we have any questions for Mr. Putnam, the Village Engineer?" hearing none he said, "I'm sure when you have a chance to review these you will and I would urge as quickly as possible that the parties come together." Ms. Gagliano, "So we can resubmit and come back next month because we did lose a month last month." **Member Eberhardt said, "I make the motion that we table action on this matter and continue the Public Hearing to June 5, 2014 at 7:30 pm." Member Hartnett seconded the motion.** Upon the unanimous vote of the members in favor of the motion, Chairman Kenan declared, "The motion is passed."

This matter was concluded at 7:39 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards

Village of Skaneateles
Planning Board Meeting
May 1, 2014

Request from Parkside Development (Trason Skaneateles) to discuss further reduction in the amount of the Letter of Credit relative to the Parkside Subdivision, Phases 1 – 4, in the Village of Skaneateles and correspondence from neighbors regarding the Home Owners Association.

Present: Bruce Kenan, Chairman
 Brian Carvalho, Member
 William Eberhardt, Member
 Stephen Hartnett, Member
 Douglas Sutherland, Member

 Michael Byrne, Village Attorney
 Riccardo Galbato, Attorney for the Planning Board
 Robert Lotkowitz, Director of Municipal Operations
 Dennis Dundon, Clerk to the Boards
 Jon Putnam, GHD, Village Engineer

 Dave Willard, Applicant
 Bill Murphy, on behalf of the applicant

 Jerry Morrissey, Skaneateles
 Robert Abbott, Jr., Syracuse
 Hollis Holden, Skaneateles
 Jo Anne Gagliano, Fayetteville

Chairman Kenan opened discussion of this matter at 7:39 pm. Ms. Knupp introduced herself and presented, "We sent in communications regarding what was still left to go, and I know we got a response back from Jon today. We thought that the as-built drawings had been submitted for Section 3, but apparently they had not. So actually we are OK with Jon's number that he came up with." Chairman Kenan, "Which was?" Attorney Galbato, "\$311,202." Chairman Kenan, "\$311,202. That being the case I guess we would entertain a motion from the Board to make a recommendation to the Trustees, that they reduce the letter of credit from wherever it is today to \$311,202." Ms. Knupp, "There is just one Letter of Credit left, the M&T. When does the Board of Trustees meet?" Mr. Dundon, "They will meet a week from tonight." Ms. Knupp, "And when would we get notification if they approved that?" Mr. Dundon, "You can get it the next day." Chairman Kenan, "So is there a motion to that effect?"

Member Sutherland said, "I move that we recommend to the Trustees that they approve the reduction of the Letter of Credit to \$311,202." The motion was seconded by Member

Eberhardt . Upon the unanimous vote of the Members in favor of the motion it was declared passed.

Chairman Kenan, "Now did someone want to speak to the subject of the Home Owners Association?" Mr. Morgan introduced himself and presented, "I'm on Orchard Road in Section 2 of the Parkside Village subdivision. In March we received a letter from Dr. Ellstein informing us that the board of the Homeowners association as it existed, with the developer and two representatives were resigning and they were looking for the home owners to take over the association." Chairman Kenan, "And this was for Section 2?" Mr. Morgan, "For 2, 3, and 4." Chairman Kenan, "Everything other than 1." Mr. Morgan, "So the big concern was that no one had any idea what was going on , wghat our responsibilities were, and why all of a sudden it was bing assigned to the Homeowners Assocaition rather than the developer retaining that responsibility. So we had a meeting with Cori in the library on the 25th of March and we tried to get some of our issues resolved regarding that Homeowners Association. She did an excellent jib providing answers fpr many of the items. But there is still a lack of clarity on a few things. Primarily it is what our responsibility is as a homeowners association. We heard that we are responsible for the detention ponds, for the swales, and the common area – but we don't know where any of that is. We need some clarificatoion of what that is."

Chairman Kenan, "You don't know what the status of the pods and swales..." mr. Morgan, We don't ebven know where; we know where the ponds are but as far as the other common area, we don't know hwere that is. The other concern is the condition of the detention ponds. They have been there for some time now and as you are probably all aware there has been an enormous amount of soill moved in that area in the last two years. So we are concerned about the condition of the detention ponds and looking for someone to inspect those before we take responsibility for that. That's primarily what's going on; we have a whole punch list of other items that we could probably talk about one on one with somebody, but that's the primary concern right now." Charlene McGraw introduced herself and sai, "I also live on Orchard Road. I am not here as an attorney, but I am an attorney. I read the declaration of the homeowners, and it sounds like the responsibility of the HOA going forward is to be financially responsible and actively responsible to maintain the existing drainage and the swales and the ponds in Sections 2, 3, and 4. That's an enormous responsibility to take on without knowing whether these things were properly created and graded in the first instance. I came down here to the Village to try to get the maps and they weren't here at the village. I suppose they are at the Onondaga County Clerk's office. The homeowners need the Village Engineer to come out and look at the drawings and make sure before Ellstein is done with all of this that the developer has done his part before he just hands it over to a group of neighbors who are all lay people."

Chairman Kenan, "So it would be a question of whether the work was done according to the design initially, and it it had been maintained appropriately since then. Is that the question?" Ms. McGraw, "As far as we know right now, that's the question." Member Sutherland, "Is this a trigger-point with your contracts that once a certain number of lots are sold or whatever? What causes this to be now?" Ms. McGraw, :There is no date that I'm seeing." Mr. Morgan, "I know that in a previous HOA the developer had a percentage of the lots sold and homes built as a trigger-point of turning it over to the HOA. I don't believe that there is any such stipulation in the contract with dr. ellstein for this HOA. But that's one of my concerns; we've still get 20

some lots that haven't been developed and we are taking responsibility for that whole drainage system out there. We're not taking responsibility for it – we've got it; it was signed over to us.”

Chairman Kenan, “So would it be accurate to say that it is basically a contract between the individual home owners and the developer to determine when and how this turn-over takes place?” Mr. Morgan, “It has taken place already.” Ms. McGraw, “As I understand it, former mayor Bob green insisted that the developer form a HOA shortly after there was a flood incident in the development. This is going back to 2007-2008. According to what Mr. green told me a couple of weeks ago, the reason was the Village did not want to be responsible for the expense of maintaining this. Where that falls between municipal responsibility and private developer responsibility generally I don't know – but I think we need to look at these contracts and see. Certainly when there are only 4 or 5 or 6 homes out there, you can see why the Village didn't want to be responsible for something a municipality is normally responsible for, but now I would imagine that the Village is receiving a pretty hefty amount of village taxes – because there's a lot of homes out there and they are assessed very, very high relative to other Village homes. I don't know what all those contracts say, but I think we have to go back and look and see who is going to be responsible for what going forward – between the Village, the developer and the HOA.”

Mr. Kenan, “I think the HOA, the creation of one, is the normal outcome of a significant neighborhood subdivision...” Ms. McGraw, “I agree, but normally they are cutting the grass and not maintaining the drainage.” Chairman Kenan, “At the time this was done this was the agreement that was required by this Board for the subdivision to proceed.” Attorney Galbato, “Mr. Kawa is here on behalf of Dr. Ellstein.” Mr. Kawa introduced himself and said, “I'm the attorney for Trason Skaneateles – Dr. Ellstein. Basically we have to go back to when section 2 was started. The Village through Rick Galbato and Mike Byrne had advised me that the Planning Board and the Village Board did not want to take responsibility for the maintenance of the drainage easements or the detention ponds. Their suggestion was to create a HOA. It was a little unusual, because it was created solely for that purpose. Ordinarily when one is created they will cut the grass, plow the driveways, they might even fix your roofs. But this was created solely for the purpose of maintaining the detention ponds and drainage easements in Sections 2, 3 and 4. It doesn't have anything to do with section 1, which had already been completed at that time.”

Mr. Kawa continued, “The HOA was created as a not-for-profit corporation filed with the Dept. of State. Covenants were filed April 19, 2010 and contained language that Rick and Mike Byrne had suggested, which is ‘the sponsor shall convey to the Association fee title to certain lands within the Parkside Village Subdivision, located outside of the individual lots and which are designated on the filed map as detention basin, wetlands and drainage easements’. The maps for 2, 3 and 4 have in fact been filed; they are in the County Clerk's Office. I can get Charlene copies of those maps, if you would like. That would certainly locate the drainage easements and detention basins. Trason Skaneateles has, in fact, conveyed those areas to the Association. My understanding is there's homeowners who don't want to take over. Dr. Ellstein is ready to resign. Cori has had contact with homeowners and apparently nobody want to come forward and take over the association. That will leave a substantial problem if Dr. Ellstein resigns as the director. A not-for-profit corporation is managed by directors and can only operate by its directors. If it has no directors, then where are we? We have an association that basically owns certain property that's going to have to take responsibility for maintain that property. The

covenants say that if the association doesn't do that, the Village can set in, make those repairs and basically I would imagine it's going to be a special assessment on everybody's tax bill. To a large extent, I'm not sure why the Village Planning Board has to be involved. To me it's more or less an internal dispute among the HOA and Dr. Ellstein. I don't know how those things are going to be resolved unless 3 home owners want to come forward and be the Board of Directors. We can certainly point out – and I'm not sure of the process of the engineer approving the easements or the detention ponds at the time that they were constructed – do those things have to be approved before the map is signed on behalf of the Village?"

Mr. Galbato, "Certain public improvements had to be done before the map was filed." Chairman Kenan, "And does that include the drainage facilities?" Mr. Galbato, "I would have to go back and look." Chairman Kenan, "Certainly roads and sidewalks and the like." Mr. Galbato, "but just like the first item on the agenda, as the Letter of Credit is being reduced it is based on the Village engineer's approval of certain aspects, which included drainage. Now what aspects of the wetlands, detention basin and drainage are included so far Jon or I would have to go back and see what was approved. Otherwise the Letter of Credit would still be as high as it was initially."

Mr. Morgan, "Right. And I think that's the big concern is where those things ..." [Multiple conversations] Mr. Putnam, "...substantially constructed. But there is still work to be done on both ponds." Ms. McGraw, "I don't think the main pond has been maintained once in the 7 1/2 years that I have lived there." Mr. Putnam, "That is still on the punchlist." Mr. Galbato, "So apparently it is still part of the Village Engineer's approval in order for the Letter of Credit to be reduced even further than where it is right now – recommended to be reduced down to \$311,000." Ms. McGraw, "And you can understand why lay people, owners, don't want to take over a HOA and take on the job of trying to bring a claim against the developer after the fact. The owners want to know that everything is the way it is supposed to be now, and then the owners will go and maintain it. There are in fact three owners who are willing to step up, once this is clarified."

Mr. Kawa, "Well I think that's something the engineer decides, is it not?" Mr. Putnam, "They are technically not complete; none of the ponds. We are still retaining money. As far as the maintenance goes, Dr. Ellstein is required to maintain them..." [Multiple conversations] Mr. Putnam, "Aren't they going to be conveyed over to the property owners?" Mr. Morgan, "They have been." Ms. McGraw, "Just this month." Mr. Kawa, "To the HOA." Mr. Putnam, "So the instrument of conveyance is the drainage easement is it not?" Mr. Kawa, "No, it is effectively a warranty deed. It's a deed to the lands on which the ponds and the easements are located outside the individually-owned building lots." Ms. McGraw, "My understanding is the largest pond is actually owned in fee by the Hawkes and the HOA has an easement over the Hawkes' property to maintain that big pond. It's between Reed's house and Hawkes' house and it is right next to where the large culvert goes under Orchard road."

Mr. Kawa, "There is an easement to the HOA or detention but I'd have to look at the map." Ms. McGraw, "Kate Hawk insisted that's in her survey. So you can understand that with questions like this why people don't just want to jump in and assume some responsibility that they then have to spend a lot of money to take care of." Mr. Kawa, "But don't you think it's a good idea to

just have an internal meeting rather than taking up..." Ms. McGraw, "No, because the Village Engineer is part and parcel of; we don't know if it has been done right. I have observed no one maintaining that pond, but I don't know if it happened while I was on vacation sometime, but now I know it's not been done. I think the Village has information that the owners need to be aware of going forward, so we all know all the information."

Chairman Kenan, "I look for advice of counsel, but it looks like the issue is a contractual issue between the home owners and the developer, and any conditions that may apply to that. The planning Board is happy to create a forum to let people talk and air the issues out, but I don't believe the Planning Board has a role at this point. The subdivision was approved under certain conditions, according to the engineer, when the bonds were released the work was met to that point at that time. If they have been maintained since that time, the Village is not in a position to know or has not been obligated to stay on top of that. I would assume in resolving the issue between the parties you will want to bring that up to date and see if it has been maintained, but that is between the parties, I believe."

Ms. Holden asked, "Is it not the Village's responsibility to make sure that what was agreed upon has been done?" Attorney Galbato, "We are. It is part of his punch list." Ms. Holden, "It's not complete so where's the Village step out?" Attorney Galbato, "The Village has a Letter of credit to confirm and verify that the developer is going to finish the improved infrastructure, which includes the drainage, in accordance with the plans that were approved by the engineer and this Board. There are still outstanding issues that the Village Engineer has, since the project is not complete yet."

Ms. McGraw, "May we get a copy of the punchlist?" Ms. Holden, "The Village is happy stepping out before they actually approve what they initially agreed to?" Chairman Kenan, "If there is work undone, from initial construction for which the Village still holds a bond, the village has the ability -- if it is not completed -- to step in and get that work completed. That does not speak to maintenance after that period of time. The Village will not release the Bond until they are satisfied."

Mr. Morgan, "Just an assumption here. Because the deed has been signed already with the HOA's name for the detention pond -- let's assume that it comes time, everything is all wrapped up in Parkside Village, the engineer inspect the detention pond and finds that the bottoms are filled with 12 inches of silt that needs to be removed. Whose responsibility is that?" Mr. Kawa, "the Village can use the money that is secured with the letter of Credit to make those repairs. And that's Dr. Ellstein's money, it's not the HOA's money." Mr. Morgan, "I know that but the HOA's name is on the deed." Mr. Kawa, "But if the Village is not satisfied that the construction has been done in accordance with the design plan, and nobody wants to come forward -- Dr. Ellstein or the HOA says we're not going to do it -- the Village has Trason's Letter of Credit to do that work."

Member Eberhardt, "The Village Engineer just said 5 minutes ago that he's not signing off on that yet. He said there are still issues." Mr. Morgan, "Dr. Ellstein doesn't own it anymore; that's my concern. The HOA owns it." Chairman Kenan, "But he still posted a letter of credit that isn't released until the work is satisfactorily completed, whether he owns it or not." Attorney Galbato,

“He still has rights, because he’s the sponsor who sponsored the HOA pursuant to the covenants. We will send you the Engineer’s punch list of outstanding items.” Chairman Kenan, “Certainly whatever the Village knows of the situation, it’s available to everybody.”

The participants thanked the Board. This matter was concluded at 8:01 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards

**Village of Skaneateles
Planning Board Meeting
May 1, 2014**

Variance Recommendation in the matter of the application of Leanne Willard to vary the strict application of Section 225-A5 Density Control Schedule for Side yard set-back left, both side yards combined, Percentage of structure width/lot width and Percentage of open area; and Section 225-69D Non-conforming Buildings, Structures and Uses, Extension or Expansion; to enclose an existing porch on the south side of the property addressed as 36 East Elizabeth Street in the Village of Skaneateles.

Present: Bruce Kenan, Chairman
 Brian Carvalho, Member
 William Eberhardt, Member
 Stephen Hartnett, Member
 Douglas Sutherland, Member

 Michael Byrne, Village Attorney
 Riccardo Galbato, Attorney for the Planning Board
 Robert Lotkowitz, Director of Municipal Operations
 Dennis Dundon, Clerk to the Boards
 Jon Putnam, GHD, Village Engineer

 Dave Willard, Applicant
 Bill Murphy, on behalf of the applicant

 Jerry Morrissey, Skaneateles
 Robert Abbott, Jr., Syracuse
 Jo Anne Gagliano, Fayetteville

Chairman Kenan opened discussion of this matter at 8:02 pm. Mr. Murphy introduced himself and presented, "Dave & Leanne Willard of 36 East Elizabeth Street are proposing to enclose the existing porch on the back of their residence. Since moving to the Village nearly 10 years ago, their family has grown to include two young children. The added space that this enclosed porch would provide the family with a much-needed mud room, a requirement for our climate in upstate New York. The proposed work does not increase any of the non-conformities to the property; the variances the Willards are requesting are all pre-existing non-conforming and consistent with other properties similar to it within the Village. The proposed porch enclosure would be constructed of similar materials and in a traditional architectural style to match the existing home. We will be using similar clapboards, trim boards, roofing that keep it in style with the home. It also will be painted the same color as the home is today. These variances will not have an adverse effect on the surrounding neighborhood and certainly would allow the

Willards reasonable use of their property. If the Board has any questions, I can take you through the site plan or drawings.”

Chairman Kenan, “It’s this room back here?” Mr. Murphy, “Yes, and there’s s deck porch there today with a roof over it. We are just asking to take that space back inside the home and make it heated, conditioned space.”

Chairman Kenan, “What are the issues? Why is this before the Board?” Mr. Murphy, “I think it’s before your board in order to get to the Zoning Board of Appeals. We have several pre-existing non-conforming variances on the lot; we are not increasing any of them – actually all of our proposed work is within the set-backs of the lot.”

Mr. Kenan, “Anyone have any questions?” Mr. Hartnett, “I’m glad that you are coming to us and getting it done. We had an issue on the Zoning Board of someone doing the exact same thing, that had to bounce back and forth.”

Mr. Kenan, “Does anyone have a motion they would like to make on the subject?” **Member Eberhardt said, “I’ll make the motion that we recommend to the ZBA that they approve the Variances requested by the application dated April 17th for the Willard project on Elizabeth Street. Mr. Carvalho seconded. Upon the unanimous vote of the members in favor of the motion it was declared to be carried.**

Mr. Murphy thanked the Board. This matter was concluded at 8:05 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards

**Village of Skaneateles
Planning Board Meeting
May 1, 2014**

Variance Recommendation in the matter of the application of Robert D. Gray to vary the strict application of Section 225-A5 Density Control Schedule for Front yard set-back; and Section 225-69D Non-conforming Buildings, Structures and Uses, Extension or Expansion; to demolish an existing front porch and construct a new front porch with integrated handicapped access ramp, and to construct a new second floor porch with wrap-around deck on 3 sides and connection to existing second floor porch at the property addressed as 49 Jordan Street in the Village of Skaneateles.

Present: Bruce Kenan, Chairman
 Brian Carvalho, Member
 William Eberhardt, Member
 Stephen Hartnett, Member
 Douglas Sutherland, Member

 Michael Byrne, Village Attorney
 Riccardo Galbato, Attorney for the Planning Board
 Robert Lotkowitz, Director of Municipal Operations
 Dennis Dundon, Clerk to the Boards
 Jon Putnam, GHD, Village Engineer

 Robert Abbott, Jr., on behalf of the applicant

 Jerry Morrissey, Skaneateles
 Bill Murphy, Skaneateles
 Jo Anne Gagliano, Fayetteville

Chairman Kenan opened discussion of this matter at 8:05 pm. Mr. Abbott introduced himself and presented, "This is the Gray Funeral Home. Presently this building on Jordan Street has a front porch that services the front entrance and has a ramp that, I believe is on the north side of the structure out front, but it is out of ADA compliance. It's too steep, because there is not enough run to get up to the porch level. What we are looking to do is the put anew ramp on the south side, that really starts where the main entrance is and where the drop-off is. The Traffic comes in that side, drops off, goes to the back and either parks or comes back around. So the present ramp is really on the wrong side of the structure. This would put it right next to the entrance. Furthermore, by putting on that side it gives us a longer run that complies with the ADA requirements. By doing so, it brings us out beyond the front of the existing porch where it is right now. So we're going over the set-back line by about 2 feet in the front. By doing so this, bringing this porch out, Mr. Gray decided, why don't we just do a new porch above. He lives

upstairs from the funeral home and he'd like to have a porch so he can enjoy it from his residence. So we made this a 2 story porch and we wrapped it right around. By doing so, we get a covering over the ramp which will help a little bit in rain and snow. That's basically it. It does change the character of the home a little bit; gives it more like a southern mansion wrap-around porch. We think it looks nice. But the main reason for this is the ramp itself. We just continued on and made it a two-story porch."

Chairman Kenan, "The nature of the variances requested are?" Mr. Abbott, "We are beyond the front yard set-back by 2 feet. Also density will increase from 20 to 23 per cent. Anyone have comments or questions on the application?" Member Carvalho asked, "So you could not fit the ramp without extending the 2 feet?" Mr. Abbott, "Right. If I brought the ramp up I need to come up to a level platform and then turn and come back this way again. Without that I lose run; which would require a steeper ramp and that would make it non-compliant. I needed the full run from where it starts to the landing, then it takes an adjacent turn and then it ramps up again and then culminates right up near the front entry step where they are." Member Carvalho, "It is hard to tell; we don't have grades here to know what." Mr. Abbott, "The grade difference is about 3 feet. That takes me to a 1 in 10 slope which is really maximum." Chairman Kenan, "What's the drop from the porch level to grade?" Mr. Abbott, "3 feet." Chairman Kenan, "3 feet? You can make that in 4 risers on the front? Or is the grade lower over on this side?" Mr. Abbott, "The grade is lower over on this side. Because the driveway; as you come in the driveway it starts to slope down."

Member Eberhardt asked, Doug, how do you feel about that?" Member Sutherland, "The broken pediment in the front really seems to be fighting with the historic character of the house. Obviously it changes because of the porch generally but that seems like a pretty foreign thing; you would not see that anywhere else in Skaneateles. Is that critical to your design?" Mr. Abbott, "No, it was just an attempt to show a typical style that you would see with this type of porch arrangement. Right now, the house has a very low more of a hip type of roof; it's very low pitched." Chairman Kenan, "So the cornice is level all the way around but it has a slight hip to the roof." Mr. Abbott, "The only thing that we could do, if you wanted to keep it to the same nature of the flatness, I could extend that hip out and you wouldn't hardly see it." Member Sutherland said, "This would seem pretty aggressive given the historic nature of the neighbors."

Chairman Kenan, "If there are no comments or questions, is there a motion?" **Member Hartnett said, I will make a motion to recommend to the ZBA that they approve the plans dated March 25, 2014. Member Sutherland amended to motion to read, "With a reworking of the roof lines so that we get back to the modified hip roof that we just discussed." Member Eberhardt seconded the amended motion.** Upon the unanimous vote of the members in favor of the motion it was declared to be carried.

Mr. Abbott thanked the Board. This matter was concluded at 8:12 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards

Village of Skaneateles Planning Board Meeting May 1, 2014

Special Use Permit and Variance Recommendation in the matter of the application of Gerald Morrissey to vary the strict application of Section 225-A5 Density Control Schedule for Front yard set-back and Percentage of open area; and Section 225-69D Non-conforming Buildings, Structures and Uses, Extension or Expansion; to convert an existing dwelling unit to a guest house accessory structure greater than 800 SF and to construct a new 4,020 SF single family dwelling on the property addressed as 42 East Street in the Village of Skaneateles.

Present: Bruce Kenan, Chairman
Brian Carvalho, Member
William Eberhardt, Member
Stephen Hartnett, Member
Douglas Sutherland, Member

Michael Byrne, Village Attorney
Riccardo Galbato, Attorney for the Planning Board
Robert Lotkowitz, Director of Municipal Operations
Dennis Dundon, Clerk to the Boards
Jon Putnam, GHD, Village Engineer

Bill Murphy, on behalf of the applicant
Jerry Morrissey, applicant

Jo Anne Gagliano, Fayetteville

Chairman Kenan opened discussion of this matter at 8:13 pm. Mr. Murphy introduced himself and presented, "We were hoping to get into a discussion at the April meeting, but due to the fact that there was no April meeting we had a little more time to put together our thoughts on the house and that's what we would like to go over with you. Over the years, the larger lots in the Village have been subdivided, resulting in a much denser village center and a more urban character. These locations are notably seen along our most cherished village streets, such as Leitch Avenue and Academy Street. These streets are located right on the opposite side of the school structures from the Morrissey's lot. Morrissey's lot is 43,566 SF so just above one acre. We are proposing to maintain that lot as it sits today and request a few variances from the Village ZBA. Those variances that we are requesting would allow us to erect a new single-family dwelling in character with the rest of the neighborhood and to create a guest house. I'll take you through how that sort of happens. The existing house stands with a footprint of 1186.7 SF. That footprint area includes several porches. The first floor porch is very similar to the square-footage of the second floor – that's the space above 5 foot of headroom not down around

1 foot off the floor at the wall. The upstairs has sloped ceilings like much of the village homes of its character and due to the width of the gables the rooms are very, very tight. The existing house does encroach into the front yard set-back by 1 ½ feet and would require a pre-existing, non-conforming variance for that front yard set-back.”

Mr. Murphy continued, “Our proposal would be to erect a new single-family dwelling to the north of the existing driveway. The footprint would include the 3-car garage and also the rest of the first floor living space of 3970 SF. This would allow us to convert the existing home into a guest house accessory structure. This would provide more room for the Morrisseys and their family and the guest house would allow overnight guests additional privacy. The proposed guest house as an accessory structure would require a variance from ZBA. The allowable area that you need on your lot is 32,000 SF; that is to provide an 800 SF guest house. We are over that, by about 386 SF if we leave the house exactly as it sits today. The existing barn and the existing shed are also both proposed to remain. The existing house (which is the proposed guest house) the newly proposed house, the existing barn and the existing shed all contribute to coverage on the site which we are asking to increase, but it keeps us at 84.4%. The house plan is still you know; we wanted to get in front of you to talk about this guest house variance application and see where the Planning Board’s thoughts are relative to that. So it is a work in progress. We think we are going to be requesting a coverage variance as well but a very small one. The proposed house will be designed to look similar to the existing house and in the same style. While some the houses on East Street are more modern, this is one of the older homes on the street and may have been part of a much bigger parcel. I don’t think this was the main house for this farm site. I could be wrong but it seems a little small for the size of the barn and potential other properties that were joined to this at some time. The owners would prefer that the house look like it had been there a long time. By creating the farmhouse complex and assortment of these structures, we are hoping to get to that. The proposed variances would not have an adverse effect on the physical conditions or environment of the surrounding neighborhood. The density of both the existing and proposed structures on this lot closely mimics the surrounding neighborhood running up East Street. A lot of the lots as you move from the village to the town; a lot of the lots are really in non-conformity with what a town lot should be. Due to its proximity to the village and the way that codes have changed over time, those lots have fallen into non-conformity.”

Mr. Murphy continued, “Another thing to consider with this application is if Mr. McDonald’s Hidden Pond subdivision is approved, there is going to be an even denser neighborhood immediately to the south of this parcel, as the new road would come in here. So a couple of things that we have done with the application is to create a driveway here to access the two-story proposed guest house and then created the new parcel house here and also created a curb cut here and here to relieve this intersection and give some better sight lines for the Morrisseys coming in and out of their driveway. Any questions or comments from the Board?”

Chairman Kenan, “Where is this in relation to the water tanks?” Mr. Murphy, “The water tanks are south of this parcel. Water tanks are here and there’s the house.” Chairman Kenan, “It would be very helpful on this plan if the adjoining structures were shown in dimension, so we can understand where they are. This house winds up being quite close to the next house to the north, right?” Mr. Murphy, “Well we are 15 feet from the setback, so we are 18 or 20 feet off

the lot line.” Chairman Kenan, “But that house is equidistant from the property lines?” Mr. Murphy, “I would say it’s close. This is the house today. This starts to show more of that surrounding; we’re talking about a structure right in there. And if you look at the spacing and cadence that happens with the houses, as you move out this way, it even becomes more dense out here in the town that what we are talking about.” Chairman Kenan, “So what are the issues?” Mr. Murphy, “The big issue is that an accessory structure is permitted to be 800SF on a lot of 32,000 SF. We are asking to create an accessory structure that is this house and happens to be around 1100 SF. Certainly, the Morrissey’s could take steps to shrink the house, but that’s going to come at some cost. They could also take steps to move storage space and other things within the house, but it is still an accessory structure of around 1100 SF. So what the use of that structure becomes – a guest house or something else, the density of the village does not change very much, because this is such a large lot.” Chairman Kenan, “Is that an acre?” Mr. Murphy, “Six SF over an acre.” Chairman Kenan, “Is that the only issue – the size of the accessory structure?” Mr. Murphy, “We have asked for 1 other variance and that’s the pre-existing, non-conforming of the front yard set-back, and then we have also asked for a small coverage variance as well.” Member Eberhardt asked, “What would be the subdivision on this? It’s not really applicable, right?” Mr. Murphy, “We can’t create two conforming parcels with the Village standards today. That’s not saying that we couldn’t create two typical village lots.” Chairman Kenan, “What’s the village standard today?” Mr. Murphy, “I believe it has to be 30,000 SF.” Chairman Kenan, “How does the set-back on the proposed house compare with houses on East street?” Mr. Murphy, “It is set back slightly from the existing house; but that’s to look more like the main house in relation to the guest house structure.” Chairman Kenan, “But the two structures to the north appear to be pretty much of a common set-back.” Mr. Murphy, “Correct.” Member Hartnett observed that it seems to be a little more forward. Mr. Murphy said, “I would say we are very close. Actually we may even be in between the two. We are probably more in line with these two here.” Chairman Kenan, “But you meet the requirements of East Street.” Mr. Murphy, “Correct. What is driving the location is the limit that driveways can only occupy 25% of the front yard.” Chairman Kenan, “So if you move it back further the driveway would be less than 25%. So you could move it back further?” Mr. Murphy, “True, but it starts to create a pinch-point here and this is going to be their back yard here where the kids are going to play and recreate. We have looked at, at least, 5 or 6 different ways and it’s tough question whether the Board’s willing to look at an application like this and a variance of almost half of the square footage for the accessory use? That’s our question. We were unable to get in front of you in April with just that question and since then we have had a chance to start really cracking the numbers on the house.”

Chairman Kenan, “So you are half a percent over on lot coverage. You could always make the house smaller and not have that right?” Mr. Murphy, “Yes, theoretically that’s all in play.” Member Sutherland said, “I’m fine with this. Are you looking for guidance with something that is still being developed or are you looking for our recommendation.” Mr. Murphy, “This is our application before you and we are asking to go to the ZBA and request the formal variance.” Member Sutherland, “Last month you would have asked for guidance, this month...” Mr. Murphy, “We just had an extra month. And we have had more time to address the house. I this the exact footprint? I would say No to that question – if you asked me is this absolutely 100% the footprint that they are going to build. I am OK saying the square footage of this footprint, and where it relates set-back wise and the character of it is very, very close.

Member Sutherland, "Typically, with a variance that's part of the square footage, part is how it relates to the neighbors. Personally, I'm fine with the concept of what you are trying to do; I'm OK when an accessory structure is an independent element; that it's a little more square-footage is OK. I would like to see the architectural plan, not just the footprint before saying yes."

Member Eberhardt, "I thought we were giving guidance tonight, so I want to look at the site. Member Hartnett, "Just one question I've got is just how close is this just at a WAG point or are your plans pretty set for this building." Mr. Morrissey, "We've come a long way in just the last 60 days, the exterior as well as the inside. It may actually be increasing a little bit in terms of the square-footage..." Member Hartnett, "I guess my point is if we recommend to the ZBA to approve it, and you're bringing something different to the ZBA, they are going to kick it back."

Chairman Kenan, "If there is a variance granted it will be granted on a very specific plan. If you change the plan, then you'll have to start over." Member Hartnett, "Tighten it up a little bit; it will save you some time in the long run, by not having to go back and forth."

Mr. Murphy, I think we are pretty tight, If this wall moves foot this way and that wall move a foot that way, is the ZBA going to be concerned if the square footage and the variances stay the same." Member Hartnett, "If the variances stay the same probably not; if the variances change at all they will say send it back." Mr. Murphy, "One thing we are still wrestling with is the stair and the way the front façade looks and trying to get the landing – so this gable face is an unknown and this staircase; we're in design development on it. Might it shift a little, yes." Member Hartnett, "A suggestion; work it out bring it back in. It will save you time from going to them and then back here again." Mr. Morrissey, "That's fine with me; this is my first time here. So I guess it is guidance, Bill had us to a great point."

Chairman Kenan, "I think the sense of this Board is that in general the proposal would be recommended, so come back with the final plan and we'll look at it then." Mr. Murphy, "I think that last month we would have been very happy to hear that the variance we are requesting is something..." Chairman Kenan, "Conceptually." Mr. Murphy, "We will take this next month and really tighten the corkscrews."

Mr. Murphy and Mr. Morrissey thanked the Board.

This matter was concluded at 8:35 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards

Village of Skaneateles Planning Board Meeting May 1, 2014

Review of traffic concepts for Village hall site at 26 Fennell Street in the Village of Skaneateles.

Present: Bruce Kenan, Chairman
Brian Carvalho, Member
William Eberhardt, Member
Stephen Hartnett, Member
Douglas Sutherland, Member

Michael Byrne, Village Attorney
Riccardo Galbato, Attorney for the Planning Board
Robert Lotkowitz, Director of Municipal Operations
Dennis Dundon, Clerk to the Boards
Jon Putnam, GHD, Village Engineer

Jo Anne Gagliano, Fayetteville

Chairman Kenan opened discussion of this matter at 8:36 pm. Mr. Dundon displayed the graphic on the screen, While the concept has not changed, not all members were at all meetings so the Mayor is at the point where he would like to take this to the Trustees this month, and wanted the Planning Board to have the opportunity to look at it one more time. Attorney Byrne reported that the discussions with the Harris family and Mr. Patulski are going well. We are at a point now where we have agreement with both neighbors with drafts being exchanged. Attorney Byrne said that conversations with the Post Office have not taken place yet, but they will probably take place soon.

The major concepts are traffic flow from the post office site, through the apartment site onto the village site, out on the west side into TOPS, and a widened driveway between the SECNY building and the Village property, as well as a creation of a significant amount of green space on Fennell Street. Chairman Kenan asked if there would be access/egress through the back of the site to TOPS. Mr. Dundon called it likely. Attorney Byrne said there was not yet unanimity on if and how.

Member Sutherland asked to run through the post office delivery truck route under these changes. Mr. Dundon noted that calculations were done for turn radius workability. Member Sutherland suggested that having a single drawing showing truck access is the only detail we want to show to the post office since they don't care about the green space as a positive. Have something that looks just like an engineering drawing.

The Planning Board reiterated its support of this plan. Member Hartnett continues to suggest an opening on the north side. Member Eberhardt concurred. Attorney Byrne will take the Planning Board position back to the Trustees.

On motion of Member Sutherland seconded by Member Hartnett, The meeting was adjourned at 8:46 PM.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards