

Village of Skaneateles
Planning Board Meeting
May 7, 2015

To consider a recommendation to the Village Board of Trustees regarding the request from Trason Skaneateles, LLC for a reduction in the amount of the required Letter of Credit covering the Parkside Village Subdivision.

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

Riccardo Galbato, Attorney for the Planning Board
Shannon Harty, Director of Municipal Operations
Dennis Dundon, Clerk to the Boards

Corinne Knupp, on behalf of the applicant

James Lanning, Village Trustee
William Murphy, Skaneateles
David Willard, Skaneateles

Chairman Kenan called the meeting to order at 7:37 pm announcing the request from Trason Skaneateles. Ms. Knupp introduced herself and presented, "Shannon and I went through the punch list that she had put together. I think you all got copies of that. So we wanted the Letter of Credit reduced to the \$173,600. Actually it is two-fold. We also wanted to have the Village hold that in escrow rather than extending the Letter of Credit." Chairman Kenan, "Hold cash in escrow?" Ms. Knupp, "Yes." Chairman Kenan, "So on the one hand we can make a recommendation to the Trustees to reduce the amount of security that they hold, and then they can make the decision on changing the form of the security. They can decide to reduce it or not and on the form of the security." Ms. Knupp, "Do you do that as part of your recommendation? I know the amount." Chairman Kenan, "We could recommend both things, but I think that's a matter for the Trustees and their counsel." Ms. Knupp, "Right, but I just didn't know how to present it to them." Chairman Kenan, "I know that where I come from cash is better than other forms, so I'd be surprised if they didn't agree to that. Do we have any questions on the punch list itself? And it would reduce from how much?" Ms. Knupp, "\$311,202. And that's with M&T Bank." Chairman Kenan, "And that would reduce it to \$173,600."

Member Eberhardt said, "I will make a motion that we recommend to the Board of Trustees that they reduce the credit value for Trason Skaneateles to the amount of \$173,600, based on the punch list submitted by the Director of Municipal Operations on

5/7/2015 as a result of her inspection on 4/10/2015. The Board has no objection to the form of the security being in cash rather than letter of credit.” Member Hartnett seconded the motion. Upon the unanimous vote of the members in favor of the motion, Chairman Kenan declared the motion had passed. This matter was concluded at 7:40 PM.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards

**Village of Skaneateles
Planning Board Meeting
May 7, 2015**

To consider providing formal input to the Skaneateles Town Board regarding recommended prospective zoning changes and other considerations relevant to the Town Board's SEQR review of the proposed Mirbeau Gateway application for annexation, rezoning and zoning approvals.

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

 Riccardo Galbato, Attorney for the Planning Board
 Shannon Harty, Director of Municipal Operations
 Dennis Dundon, Clerk to the Boards

 Robert Eggleston, Architect, on behalf of the applicant
 Peter Osborne, Appel Osborne, on behalf of the applicant
 Jonathan Dal Pos, Applicant
 Michael Dal Pos, Applicant

 James Lanning, Village Trustee

Chairman Kenan called for this matter at 7:50 pm and suggested that further presentations may not be necessary. Chairman Kenan recapped the matter, noting that the Town Board is lead agency for SEQR. The Planning Board's purpose is to provide comments, questions and responses to the Town Board to help them arrive at a negative or positive declaration. Mr. Eggleston introduced himself and presented an overview of the Gateway project, which involves the annexation of two parcels that are partly in the town and partly within the village. There is also an expansion project that would convert an open deck into a new event center that is already within the Village.

There is an existing drainage facility that takes water from the Greenfield and Aaron properties, the town and school garage parcel, Rosalie's and Mirbeau via an easement across the Mirbeau property to a detention pond located off Fuller Street. Water from the Gateway properties is to be incorporated into this storm water management system. In the process, the pond will become a retention pond in that it is expected to have water present in it. Water will be held to let silt settle out and cleaned water will be gradually released. It will join other storm water leaving Franklin/Fuller area. Mr. Osborne has sized the pond to be twice as large as the existing, so that post-development flows will be the same as pre-development flows. The Town Engineer is verifying the calculations.

Mr. Eggleston noted that the existing Mirbeau property is in the Village's A3 District. The existing gas station parcel is in the Village's A2 District, and the two split lots are in both the Village's A2 District and the Town's Highway Commercial District. The proposal is that the entirety of the three parcels become A3 after annexation and that adjustments be made to the A3 District's appropriate uses and sizes. Mr. Eggleston recited that the A3 District requires a 30,000 SF lot, 100 feet of road frontage, 80% open space, 30 foot front yards, 15 foot side yards, 35 foot rear yard. So it is similar to the residential districts. Allowed uses are 1-family, 2-family, townhouses, cluster home subdivision, accessory structures, bed-and-breakfast, home occupation, lodging and accessory retail sales, care homes, public utility infrastructure. Also the definition of lodging permits accessory retail sales, restaurant operation for guests and general public, meeting rooms, consumption of alcohol, swimming pools, and physical fitness. Mr. Eggleston characterized it as transitional-space area between A2 and the Highway Commercial Districts. The proposed development concept envisions mixed-use development with small houses on small lots and a medical office. This would require A3 code use and area revisions and a commercial driveway off Route 20. Town HC zoning allows gas stations, convenience stores, offices, large retail; but not housing.

Chairman Kenan thanked Mr. Eggleston for presenting the project again. He verified that the applicant's application is only for annexation; no formal application has yet been made for Zoning or uses. Chairman Kenan is inviting the Board's comments on the EAFs as presented. He has prepared an outline that considers (1) the implications of annexation, (2) the land use implications, and (3) suggestions and comments on the process itself. Chairman Kenan suggested that the Board review the outline and the suggested responses that are up for board discussion.

1. Implications of Annexation

a. Adequacy of services

- i. Sewer - The letter from Village DMO Harty suggests no issues
- ii. Water - The letter from Village DMO Harty suggests no issues
- iii. Storm - The Board suggests that a storm water analysis needs to be prepared for review by the Village engineer that examines the impact of upstream and surface and subsurface discharge from the site into and then out of the proposed retention/detention basin, measured against a 100 year storm event. While C&S is analyzing this for the Town, the Village needs to know that its engineer has looked at it and is satisfied or that any questions have been answered. At the end of the day, if the land is annexed, it is the Village's issue and not the Town's.
- iv. Electric - The letter from Village DMO Harty suggests no issues
- v. Schools - The letter from Village DMO Harty suggests no issues
- vi. Roadways - The amount of traffic to be generated by both component parts will likely not put a burden on the roadways, but the DOT has input on curb cuts and that needs to be dealt with. The Board suggests that the issue of vehicular access be dealt with to the satisfaction of the DOT.

b. Impact on governments

- i. Tax collections and expenditures - The applicant has presented some numbers on taxes. The Board suggests that there be an independent

confirmation of those numbers as presented for the benefit of both the Village and the Town.

- ii. Village acceptance of corner parcel - That piece of land may or may not be impacted by prior petroleum spills in the area, and the Village may decide to say 'thank you' for the very gracious offer, but not accept it. The Board suggests that the EAF/EIS note that the Village may or may not accept the parcel. DMO Harty notes that acceptance of the parcel would create a demand for some services and expenditures. The Board recommends that the Village not accept the parcel, but encourage the developer to retain the intended use as a park.
- c. Impact on tax payers/rate payers
 - i. Electric rates - There is available capacity and there has been some representation as to the impact on electric ratepayers and the impact on the Village's revenues from selling the electricity. The Board suggests that there be an independent verification of both of those issues and the applicant's projections.
 - ii. Taxes - Similarly, projections have been presented as to tax impacts. The Board suggests that there be an independent verification of those issues and the applicant's projections.

2. Land Use Implications

- a. "Event Center" expansion
 - i. The Board suggests that the EAF/EIS include a description of the compatibility or lack of compatibility with the existing A3 zoning for that facility and a description of what if any zoning modification or variances or Special Use Permits would be required.
 - ii. While Site Plan review is premature, at this stage storm water control, noise, lighting and buffering should be discussed, since they can impact the surrounding neighborhood. The EAF/EIS should have some information regarding these issues to go along with a description of this element. At this point the Village has not approved this concept or plan; that has to come later. Whatever is being proposed may be subject to modifications based on the Village's review of an actual application.
 - iii. Highway access is the same point as before. The Board suggests that the EAF/EIS acknowledge that the DOT's review may result in some modifications to the proposal.
- b. "Gateway" expansion
 - i. The determination of zoning category has to follow the determination on annexation. This is subject to determination by the Trustees. The applicants, at this meeting, went through a description of how they feel it is compatible with neighboring uses. That may or may not be adequate. The Board suggests that in the EAF/EIS the relationship to adjoining uses is described, including the Town uses across Route 20, which the Board believes is zoned residential. The pitch of the land probably suggests that it is not compatible with commercial development, but in determining the zoning category we must keep in mind the adjoining uses across Fuller

Street and across Route 20, regardless of how they are zoned today. Chairman Kenan expressed his personal belief that zone lines should not be placed in the center of the street, but rather should encompass both sides of a street – suggesting that the residential area along Fuller Street might be more appropriate as A2. The EAF/EIS should note that is a determination that will have to occur after annexation is decided.

- ii. The Board suggests that the EAF/EIS contain more description of storm water control and also lighting and buffering for this area of expansion as well. The document should also note that what ultimately is approved may differ from the proposal at this time.
- iii. Highway access and traffic is the same point as before. The Board suggests that the EAF/EIS acknowledge that the DOT's review may result in some modifications to the proposal.
- iv. Environmental Spill implications - Chairman Kenan talked with Dick Rozelle informally. Chairman Kenan believes that the development will disturb soil below 3 feet for utilities and foundations at least. So DEC will have to be involved. In Mr. Rozelle's opinion excavation at those levels probably will not exacerbate the spill migration that occurred in the past, only that the developer may have to dispose of soil that is contaminated to some degree. The Board suggests that the EAF/EIS describe further the process that will be followed with regard to disturbance of soil below 3 feet. The document should describe the testing procedure, proposed disposal of soil if necessary, what routines will be followed to prevent spillage of contaminated soil on the pavement during removal and what steps will be taken to control odors.

3. Process

- a. Question of segmentation - As the applicant has noted, for disclosure they have presented both plans. That may not be exactly what is done, but it is included. For some reason they are separate EAFs. There appears to be an effort not to link the two for environmental review. This Board will not make the ruling on whether that is segmentation. The Board suggests linking them together rather than taking that risk. The differing ownership may not be a distinction when the properties are linked with vehicular traffic and storm water remediation. The Town Board can decide if they are going to make a negative declaration or a positive declaration, if they make a positive declaration, the suggestions this Board has made should be considered in the EIS.
- b. Village engineer review. The Board has suggested that the Village engineer should review the items discussed here, with storm water being the principal issue.
- c. Other documentation. The Board will review all letters received by the Village regarding the proposal. It may choose to amend its thoughts based on that further review.

Attorney Galbato suggested that the Board could make a motion authorizing the Chairman, the Attorney and the Clerk to prepare a letter summarizing the Board's opinions and findings to the

Town Board with copies to the Trustees and all other involved agencies. **Member Sutherland said, "I so move." Member Carvalho seconded the motion.** Upon the unanimous vote of the members in favor of the motion, Attorney Galbato indicated that he would assist in the preparation of the letter.

Trustee Lanning said that the Village's taking ownership of the corner parcel could represent a prime opportunity to reroute traffic at the corner of Fuller and West Genesee Streets, making the intersection into a 90 degree meeting rather than an oblique angle. Trustee Lanning believes that would improve safety at that intersection. Mr. Eggleston noted that doing so could accommodate the proposed park on the east side of Fuller Street instead.

On motion of Member Sutherland, seconded by Chairman Kenan, the meeting was adjourned at 8:45 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards

**Village of Skaneateles
Planning Board Meeting
May 7, 2015**

In the matter of the application of Leanne & David 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; to remove an existing covered porch and construct a new addition to accommodate a mudroom at 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

Riccardo Galbato, Attorney for the Planning Board
Shannon Harty, Director of Municipal Operations
Dennis Dundon, Clerk to the Boards

William Murphy, Architect, on behalf of the applicant
David Willard, applicant

James Lanning, Village Trustee
Robert Eggleston, Skaneateles
Peter Osborne, Skaneateles
Jonathan Dal Pos, Skaneateles
Michael Dal Pos, Skaneateles

Chairman Kenan announced the request of Leanne and David Willard for 36 East Elizabeth Street at 7:41 pm. Mr. Murphy introduced himself and presented, "We were in front of the Board a year ago looking to do this work. We had the work priced out by several contractors; what's come back is that the existing porch on the south side is really in a lot worse shape that originally we had thought. They are looking to basically erect a new structure there instead of enclosing the existing porch. In doing so, they are going to have to dig a foundation out which will compromise the existing retaining wall. What we are proposing is that same coverage of the existing retaining wall be allowed to be applied to the small mudroom addition, such that we can maximize the use of material, and not have to cut and waste a significant amount of material. I can walk you through any of the specifics. It ends up being a little under 3 feet, about 2 feet 7 inches additional that we are asking for from where the existing porch was to where the new 8 foot addition would be."

Chairman Kenan, "The open space requires 85% , but existing is 80.3% and proposed is 80.3%, so there is no change. Mr. Murphy, "Correct." Chairman Kenan, "How can that be if the new mudroom is bigger than the porch that it is replacing?" Mr. Murphy, "So there's an existing brick wall here that was in our previous coverage calculation. That brick wall, when we build our new porch, we have to excavate for foundation, and there's no way for us to save it. The brick wall is not in that great of shape anyway. So when we go to excavate; so if you take this length and essentially divide it in two, that's what stacks up here, because this length is so much longer." Chairman Kenan, "So the area of the top of the brick wall is equal to..." Mr. Murphy, "The space we're adding. So that's why there is no change. It was within .0013%. For rounding purposes might it be a little different? Potentially. But we are as close as close can be in just listing those square footages out." Chairman Kenan, "Otherwise the nonconforming aspects of setbacks and so on are not changing." Mr. Murphy, "Correct. The 2.4 here would stay the same, the brick corner here stays the same, we are hoping to maintain a pier here with a light on it, but this section here where we have to excavate for the new foundation here is compromised. There's nothing we're going to be able to do about it. So because we had to take that away and we had to build a new porch we might as well make it a little bigger instead of enclosing what was there before."

Chairman Kenan, "The steps are existing, right?" Mr. Murphy, "The steps are a little wider than the existing. They exist from here to here; they are slightly larger. There is another section of wall here being removed." Member Carvalho, "Why did you go to a flat roof?" Mr. Murphy, "There's a window that goes to a bedroom up there – right here. So it wouldn't be my ideal choice, but given that we have a bedroom window up there I really can't make that window any smaller and with the way we build we like to leave about 6 inches clear between the window and the top of the roof. If I go to a slope that's low enough to accommodate that I get into a problem with an asphalt shingle and I'd rather not look at rubber, so I made the rubber flat so we could trim it out and try to make it a little more appealing." Chairman Kenan, "You have a little bit of pitch to it?" Mr. Murphy, "Yes, it has a slight pitch but it's very minimal and it's a rubber roof. We looked at some alternative trim details to try to make it look more in character with the house. It is really a tough house to try to add onto given its long narrow shape and the gable. The addition that's on the back currently is also tricky to try to marry into, and the Willards are just trying to get a mudroom out of this, so we are trying to keep costs as minimal as possible."

Chairman Kenan, "Do those windows actually go the floor level?" Mr. Murphy, "They are very, very close to the floor yeah. There's not a lot of height for us to; believe me I looked at a few different ways. I tried to mimic the front entry but it's an awkward... We are adding on to an addition..." Chairman Kenan, "It's an awkward addition." Member Eberhardt, "How old is the house?" Mr. Murphy, "1830. It is old and in need of some repair. They are spending their money on getting their floor level and things like that."

Member Sutherland said, "I move that we recommend that the ZBA approve the adjustments as described in the application." Chairman Kenan, "In this case it is expansion of a nonconforming structure." Member Eberhardt seconded the motion.

Upon the unanimous vote of the members in favor of the motion, Chairman Kenan declared the motion had passed. Mr. Murphy thanked the Board. This matter was concluded at 7:49 PM.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards

