

Village of Skaneateles
Planning Board Meeting
February 4, 2016

Public Hearing in the matter of the application of Project Bookends, LLC for a 3 lot subdivision, called Bookends Subdivision, at the property addressed as 130 East Genesee Street in the Village of Skaneateles.

Present: Douglas Sutherland, Acting Chairman
Brian Carvalho, Member
Stephen Hartnett, Member

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

Dan Shulman, Esq., on behalf of the applicant
Tim Coyer, on behalf of the applicant

Susan Dove, Village Trustee
Gregg Erikson, Village Trustee
Fouad Dietz, 2773 E Lake Rd
Craig Froelich, 100 W Lake St
Thomas Lunde, 5 E Lake St
Carol Young, 46 W Lake St
John Young, 46 W Lake St
Bill Murphy, 2996 County Line Rd
Dave Graham, 1212 Greenfield La
Joel Levine, 35 State St
Mark Edwards, 12 Calemard Dr
Chris Lake, 2668 Lincoln St
Paula Conan, 1216 Greenfield La
Scott Elia, 91 E Genesee St
Rudy Zona, E Syracuse
Bob Eggleston, 1391 E Genesee St
Alan Johnson, 59 W Genesee St
Kim Weitsman, 45 W Lake St
David Loftus, 1583 E Genesee St
Doreen Simmons, 38 W Lake St
Dessa Bergan

Absent: Bruce Kenan, Chairman
William Eberhardt, Member

Chairman Sutherland called the meeting to order at 7:30 pm, explaining that Chairman Kenan is on his way back from an out-of-town trip but will be arriving shortly, and calling for the matter of the Bookends Subdivision. Chairman Sutherland explained that technically this matter is for a 4 lot subdivision, but that the end result will be the creation of 3 lots with a lot line adjustment with a neighboring property for the fourth. Mr. Shulman introduced himself.

Shulman – This involves the former Stella Maris property at 130 East Genesee Street. It was acquired by Project Bookends in December. The proposal is to subdivide into 3 lots. The first lot would be the one fronting on Genesee Street and is where the Stella Maris building is now. Then there are two lots having lake frontage. The fourth lot that Doug mentioned is a 20 foot strip along the westerly boundary of the property that would go to the adjacent property at 118 East Genesee that is owned by the people who are the principals in Project Bookends, LLC. It is all residential, the two lots will be residential lots. That, in summary, is what we are proposing to do.

Sutherland – Let's open this up for public comment; pro or con; other thoughts or observations that others might have; opening the public hearing officially.

Levine – Mr. Shulman you said that these are all private residences. I understand that there was also a plan to put a library facility there on the site of Stella Maris and tear the Stella Maris building down. Is that part of this plan?

Shulman – It is not.

Levine – So that's a separate plan?

Shulman – It will be totally separate, if and when there is a proposal to do that we will have to come back before the Board to get whatever approvals are necessary. This is solely the 3 lot subdivision.

Graham – I'd like to ask a question. I finally saw one of the plats that came in. Was a second plat sent in as requested in your last meeting outlining the two separate lot line adjustment with the other property? Was that submitted?

Shulman – Yes sir. There were two changes that were made as requested by the Board.

Graham – Are those available for the public?

Shulman – Yes, of course.

Graham – As of earlier this week that was not here.

Shulman – That was emailed Tuesday afternoon.

Graham – Tuesday I was here.

Shulman – All of the detail that was requested for the adjacent property including a topographic map is included now. There is the requested note on the map and in addition there was an easement shown to provide sewer service that is connected now to the Stella Maris building.

Hartnett – This note, it should be pointed out, that gives the Planning Board site plan approval for any additional buildings that would be put on those lots.

Sutherland – Any of those lots.

Graham – I wish that had been available a little sooner.

Shulman – I'm sorry. I wish I had known that you needed one and I'd have gotten one to you.

Graham – Well they were asked for in December; or in January.

Shulman – There was some work that had to be done in order to provide the information.

Bergan – I noticed you said it was a 3 lot subdivision. In the narrative, you did talk about the library. I just wanted to reiterate that this is a residential area, A1 is it?

Shulman – I think we said that any; even though there may have been discussion about it, that there is not going to be anything as part of this application.

Bergan – Correct. But when you are subdividing you are realizing it's a residential area.

Shulman – Of course. The whole property is residential.

Sutherland – Other comments? [Pause] Hearing none do we want to close the public hearing and do SEQR review?

Member Carvalho, "I move that we close the public hearing." Member Hartnett seconded the motion. Upon the unanimous vote of the members present, the motion was carried 3-0.

Galbato – The applicant presented a short form Environmental Assessment Form (EAF) and filled out Part 1. Part 2 has to be completed by the Board. You also have a proposed draft of a SEQR resolution that was provided to you as well. Maybe the first course would be Brian if you would like to read those questions and have a discussion on those and answer the questions in Part 2.

[The Board invited Mr. Shulman to comment on each question if so desired]

1. *Will the proposed action create a material conflict with an adopted land use plan or zoning regulation?*

DS – I think the answer is no.

SH – No.

2. *Would the proposed action result in a change in the use or intensity of use in the land?*

DS – Counselor, if you go from a single use to potentially 3 buildings would that be a significant change?

RG – That's present in any subdivision. As proposed as a residential subdivision zoned as residential and with the CEO having determined there are no variances needed, other than subdivision approval.

BC – So the answer is no or small impact.

DS – No or small.

SH – No or small.

3. *Would the proposed use impair the character or quality of the existing community?*

SH – No or small impact.

RG – And the Board is continuing jurisdiction with site plan approval before any building permit can be issued for the 3 new lots (not on the lot line adjustment).

4. *Would the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area?*

DD – There are none in the Village.

PB – No or small impact. Not aware of any.

5. *Would the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?*

DS – No or small impact.

6. *Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?*

DS – The answer is no, it is just a subdivision. No or small impact.

7. *Will the proposed action impact existing (a) public/private water supplies and (b) public/private wastewater treatment utilities?*

DS --- No.

SH – No or small impact. Public water and sewer are available.

8. *Will the proposed action impair the character or quality of important historic archeological, architectural or esthetic resources?*

DS – Not as a subdivision, no.

9. *Will the proposed action result in an adverse change to natural resources, for example wetlands, water bodies, ground water, air quality, flora and fauna?*

SH – No or small impact.

DS – Agree.

10. *Will the proposed project result in an increase of the potential for erosion, flooding or drainage problems?*

PB – No or small impact.

11. *Will the proposed action create a hazard to environmental resources or human health?*

BC – No.

SH – No or small impact.

Galbato – Mr. Shulman do you have any comment on the 239 referral of the County planning Board and some of the comments that they offered?

Shulman – There were 3 comments at the end. The first one related to providing on the plan that there would be easements for access to East Genesee St. The easements are shown on the plan, and in addition there was a declaration that was submitted to the Board with the initial application that provides for easements back and forth. So that one will be covered by the documentation. The second note related to the sewer easement to provide sewer service to Lot 1 which is the front lot from the existing sewer manhole on Lot 3. That is also shown on the plan and we added a paragraph to the declarations today, to provide for service to Lot 1, the way that service is being provided to the building today. The third question they raised was about the historic preservation district, and that may be an error.

Dundon – This property is not in the village historic district. So that comment by OCPB is moot.

By Member Carvalho;

RESOLUTION

In the matter of the application of Project Bookends, LLC for a 3 lot subdivision with an additional lot line adjustment, called Bookends Subdivision, at the property addressed as 130 East Genesee Street in the Village of Skaneateles.

A Resolution to Issue a Determination of Environmental Significance for Project Bookends, LLC for a 3 lot subdivision with an additional lot line adjustment, called Bookends Subdivision (“Bookends Subdivision”), at the property addressed as 130 East Genesee Street in the Village of Skaneateles.

WHEREAS, the Village of Skaneateles Planning Board (“Skaneateles Planning Board”) declares itself Lead Agency for the purpose of conducting the environmental review of said proposed action; and

WHEREAS, the Skaneateles Planning Board has determined that the proposed action for approval of the Bookends Subdivision is an Unlisted Action under the State Environmental Quality Review (SEQR) Regulations; and

WHEREAS, the Skaneateles Planning Board hereby determines that the action does not involve any other agencies apart from the Skaneateles Planning Board itself; and

WHEREAS, the Skaneateles Planning Board is in receipt of the Resolution of the Onondaga County Planning Board dated 2.3.16 pursuant to General Municipal Law Section 239; and

WHEREAS, the applicant caused Part 1 of the Short Environmental Assessment Form to be prepared for use to assess the potential environmental impacts, if any, associated with proposed project; and

WHEREAS, the Skaneateles Planning Board has completed Part 2 of the Short Environmental Assessment Form; and

BE IT RESOLVED, that the Skaneateles Planning Board has determined that the proposed project will not result in any significant adverse environmental impacts and hereby issues a Negative Declaration.

BE IT FURTHER RESOLVED, that the Chairman of the Skaneateles Planning Board be and is hereby directed to sign Part 3 Determination of Significance for the Negative Declaration of Environmental Significance.

Member Hartnett, “I’ll make a motion to approve the resolution.” Member Carvalho seconded the motion. Upon the unanimous vote of the members present, the motion was carried 3-0.

Galbato – If it pleases the Board if you want to act on the actual subdivision itself, you can. Or you have up to 62 days to act on it. If you choose to act on it, I would recommend that your vote should include approval of the preliminary and final subdivision of the map dated January 28, 2016 and authorizing the chairman to sign the final plat, contingent upon final review and approval by myself as Planning Board Special Counsel of the final plat map as well as final review of the restrictive covenants that we discussed.

Member Hartnett, “I will make the motion to approve preliminary and final subdivision and authorizing the chairman to sign the final plat, contingent upon final review and approval of Special counsel of the final plat map and restrictive covenants dated 1/28/16.” The motion was seconded by Member Carvalho seconded the motion. Upon the unanimous vote of the members present, the motion was carried 3-0.

Mr. Shulman thanked the Board. This matter was concluded at 7:48 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards

**Village of Skaneateles
Planning Board Meeting
February 4, 2016**

Review of request received from David Loftus, Esq. to consider the drainage easement encumbrance affecting Lot 14 of the Whitegate Subdivision in the Village of Skaneateles.

Present: Bruce Kenan, Chairman
 Brian Carvalho, Member
 Stephen Hartnett, Member
 Doug Sutherland, Member

Riccardo Galbato, Attorney for the Planning Board
Dennis Dundon, Clerk to the Boards

Susan Dove, Village Trustee
Gregg Erikson, Village Trustee
Fouad Dietz, 2773 E Lake Rd
Carol Young, 46 W Lake St
John Young, 46 W Lake St
Joel Levine, 35 State St
Mark Edwards, 12 Calemad Dr
Chris Lake, 2668 Lincoln St
Alan Johnson, 59 W Genesee St
David Loftus, 1583 E Genesee St
Dessa Bergan
Janet Schadel
Amy Allyn

Absent: William Eberhardt, Member

Chairman Kenan called the matter of Whitegate Subdivision at 9:35 pm, noting that he had seen Mr. Loftus earlier, but that he had apparently left the meeting.

Galbato – Mr. Loftus appeared, I think it was in November to relocate a drainage easement. Mike Byrne worked with Shannon to be sure the village found it acceptable. I just confirmed it with her again even though I saw it in an email. Dave has been working since our last meeting to amend the restrictive covenants as suggested by Mike. It appears that they have been amended consistent with his proposed revisions.

Kenan – So is there any more for us to do?

Galbato – Maybe just to clean it up, a motion to approve the Watkins map officially moving the drainage easement.

Kenan – Why don't you express the motion as you'd like to hear it and I'm sure somebody here will move it.

Galbato – A motion to accept a drainage easement amendment map from Don Watkins dated 11/12/15 which relocates a 20 foot wide drainage easement from a previously approved Whitegate Subdivision plat map, and further acknowledging that the applicant has worked with the Village Attorney to amend the Declaration of Covenants, Easements and Restrictions for the Whitegate Subdivision and the Whitegate Homeowners Association.

Member Sutherland, “I move the motion as expressed by Mr. Galbato.” Member Carvalho seconded the motion. Upon the unanimous vote of the members present, this motion was carried 4-0.

This matter was concluded at 9:37 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards

**Village of Skaneateles
Planning Board Meeting
February 4, 2016**

Site Plan Review in the matter of the Application of Craig Froelich to demolish the existing main house and to construct a two-story, 6 bedroom, 5,971 SF house with decks, porches and breezeway at the property addressed as 100 West Lake Street in the Village of Skaneateles.

Present: Douglas Sutherland, Acting Chairman
Brian Carvalho, Member
Stephen Hartnett, Member
Bruce Kenan, Chairman, joined in progress

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
Rudy Zona, on behalf of the applicant
Craig Froelich, applicant

Susan Dove, Village Trustee
Gregg Erikson, Village Trustee
Fouad Dietz, 2773 E Lake Rd
Thomas Lunde, 5 E Lake St
Carol Young, 46 W Lake St
John Young, 46 W Lake St
Bill Murphy, 2996 County Line Rd
Joel Levine, 35 State St
Mark Edwards, 12 Calemad Dr
Chris Lake, 2668 Lincoln St
Alan Johnson, 59 W Genesee St
Kim Weitsman, 45 W Lake St
David Loftus, 1583 E Genesee St
Doreen Simmons, 38 W Lake St
Dessa Bergan
Janet Schadel

Absent: William Eberhardt, Member

Chairman Sutherland called the matter of Craig Froelich for 100 West Lake Street at 7:48 pm. Mr. Eggleston took a few moments to coordinate his presentation.

Eggleston – Why don't we start with the general site plan, house plans and plans & elevations. We have Rudy Zona from RZ Engineering who is our site engineer and we have Craig Froelich who is also here. We had started this application last month. We have an existing lot that's about 3.7 acres. There's an existing driveway, an existing house, there's a garage, a smaller little garage, there's a boathouse that are on the site. There is a sewer line that runs through the property here. We are proposing to remove the existing house, we are proposing to build a new house. In trying to place the house we are required to be 50 feet off the lake; we have chosen to be over 110 feet from the lake. We meet all the required set-backs; we meet the open space requirements; we are proposing to take a seawall in tough shape and put in stacked quarried rocks to give some erosion control in that area. They will be putting in a dock area for boats – that's under DEC regulation and is not anything the village needs to be concerned about. The house itself has used some traditional elements. We have added some new elements to it, including some of the brackets and some of the combination of bevel siding, some shingle, there will be some stonework on it. We have used some curved eyebrow windows on it. The roof, we are contemplating using a slate roof on it with metal accents along the edges from the porch roofs, that type of thing. We have picked an apron of grids at the top so you have 1 over 3; double hung windows. We have carried it over into the doors and into the transom panels – so you have a nice lake view below and then you have the valence of grids above it. I'd like to talk about the sewer easement. This is the existing survey from Paul Olewiczki. This is the sewer easement by deed and then we have located by physical location as Paul has been working on the line to the south. Unfortunately, when they put in the sewer they missed the mark on the easement. That's one problem we'd like to correct. [Showed drawings for sewer options] Because of the location of the house setting it back to an optimum location over 100 feet back; we have the house on the east side of the sewer and we have the garage on the west side. What we are proposing, with house on east and garage on west, we come down and pull into the garage, we then come down about 4 or 5 feet. We would like to have a covered walkway; it would be just a roof that will go over the sewer easement to the house. They will be using this as a year-round house so they can easily get into the house. What we have proposed is the first thing we will do is scope the line and see what the condition of the existing sewer line is. There is a manhole over here going south. If it's in pristine condition then...

Sutherland – When did the sewer line go in?

Zona – It's clay tile; it was a while ago.

Harty -- 40s or 50s.

Eggleston -- '72 was the easement. Then we have in this documentation, once we take a look at the condition of this, it is possible, subject to Shannon's approval, we could put a liner in this to give it the additional life that it needs or in worst case, we replace the sewer on the property up to a point at this location. Again that would all be coordinated with Shannon as far as what the appropriate solution is to give this quite a bit of life. The second thing we propose is that we'll write a new easement that actually is centered on the sewer line. We are building the house at an angle based on the sewer line itself. So we'd be able to make sure that there is longevity to that. And what we are proposing is that this is just a 9 foot high breezeway, open breezeway, that would be able to provide some weather protection. We may consider, depending on what the

winters are like, we may put up some temporary panels just to cut the wind that would be taken down in the springtime just to help ease the transition. He would like to put a heated sidewalk in that area. Those are some details that we have talked about with Shannon.

Zona – You have it cantilevered over the easement.

Eggleston – Correct. There's no footings in the easement. If you look at a side elevation you see that the footings and foundations to support this 20 foot roof are outside of the easement area. So it will be attached to the house on one side and there will be a post on the other side, so this is a free spanning structure. And the structure is only 8 feet wide; it's not like one couldn't work around it in the future. But what we're looking to do is to do any sort of preventative maintenance to make sure that line is in good shape. If we do replace the line, we'll sleeve the line so again, in 100 years if they needed to replace the line, we'll have an 8 inch sewer line and a 10 inch sleeve, so they can just pass through a new pipe without disturbing it. So that's what we are proposing relative to that. The other issue that was of interest; well we have provided a grading plan and also a storm water management plan. Rudy, please tell us how you are dealing with storm water.

Zona – We are increasing the amount of storm water runoff in the impervious area of the site so we have to treat both quantity and quality. So we have proposed as far as the quality portion, rain gardens in 5 locations to take roof runoff and some of the other runoff and treat it. A lot of this will bypass the house; the grading allows a flood route along the top of the sidewalk. A flood route down here and along the side to discharge. The driveway runoff; I should note I guess that this is redevelopment since we did have an existing residence and existing impervious on this site, so the requirements for water quality are not what they would be if you were to start from scratch. So they are reduced to start with. We are proposing additional over and above for water quality with these 5 practices plus this dry swale. This is going to be a lawn and at Shannon's recommendation we did discuss this feature with the client and Mr. Froelich understands what's going to go in here. We will have some landscaping around it to try to dress it up a little bit. What it is going to be is it will just be a grass area, but it will be graded as a little 3 foot deep hole that will take road runoff from here and slope runoff. There's a stone trench that runs along the back of this wall here and along the back of this wall. There's a little inlet here. That goes to a catch basin and those things will drop off. The road runoff itself will sheet down to these two catch basins that will discharge into the forebay then overflow into this. There's a little under drain in it to make sure that it stays dry. It will have water in it for 24 hours after a storm event. After that it will have nothing in it; just be grass, be drained down the slope and down the lake after it has been treated. We tried to stay as much out of the sanitary easement as possible with our storm water features; unfortunately this one was difficult to do. There are some roof leaders; during the course of construction if we can renegotiate where the roof leaders go, this one could possibly be moved out also to direct it that way.

Carvalho – How is the driveway runoff treated?

Zona – This driveway runoff or this driveway runoff?

Carvalho – In your detention basins 9 and 10.

Zona – This runoff comes down the road that's pitched in both directions. So it runs down the side of the road here and ends up in a catch basin. Or it runs down this side and into this catch basin. These two are piped over under the road and will outlet into the forebay of the basin. This forebay will contain some water; there's a little spillway right here. That will spill over into the main portion if enough water gets in there. Then if it exceeds the 50/100 year storm it will run over this spillway and run down the slope. Otherwise it is detained in here and infiltrates into the ground. It finds its way into this under-drain pipe that is right here takes a turn.

Carvalho – You said it was treated.

Zona – Infiltration. Kind of like a septic system.

Carvalho – In a storm event it may not be treated?

Zona – If it gets to be a big huge storm event it won't. The quantity will be managed. The required volume of water that is required to be treated in the DEC manual will always be detained in here and infiltrated. Any excess will make it out over the spillway. There is a volume that's less than the 1 year storm event that's required to be treated. That's below the invert for this spillway. So there is no way for the water to get out of this thing, unless it exceeds that water quality level. So if the storm doesn't generate enough runoff to exceed the water quality volume, you'll never see anything leave this thing. If the storm is over and above, then it is regulated, but it's regulated by this outlet spillway. So some water is going to come out of there but it's going to be less that would previously have left the site. So this thing works. It's a little complicated the terminology of how it works. Basically there's a spot in the bottom that lets a certain volume of water to infiltrate. All that gets contained in the basin whether it rains 100 year storm or 1 year storm. If it exceeds, that it all gets regulated by a certain spillway geometry.

[Chairman Kenan arrived]

Eggleston – And again Shannon has reviewed all of this and the calculations an all that good stuff. There's one thing that I would like to mention but it is loaded on my computer. When we were looking at the grading plan behind the building here, the walkout basement is at natural grade. We wanted a little bit of flat lawn about 20 to 30 feet outside this. This has become about a 4/12 pitch. It is a mowable slope but it is kind of steep. What I have shown on this plan, and on the landscape plan; we are proposing to build a double retaining wall in the back here. What will have is we'll have about 30 feet to this first retaining wall. It's a 3 foot high retaining wall. We'll have about 7 to 8 feet to a second 3 foot retaining wall. Then we are back to natural grade. So basically we will have a double stone retaining wall with plantings in the middle to take away that steep slope that we had here. It's similar over here on the house; it's green but it's steep and it's not real useful. So this way you've got a nice relatively flat back yard 30 feet off the basement, you have this planting area, and then you're back to natural grade. So we thought that was a better solution that we had incorporated into the grading plan across the back.

Hartnett – Is this graded, or paved?

Eggleston – That's paved; that's existing, this is new here. So we are maintaining the existing grade over here, the existing grade here. So what it does, this will be mounded up a little bit making the transition, but this will have 2 retaining walls.

Zona – It also saves these two trees here.

Eggleston – We wanted to save as many trees in this area as we can. One of the criteria for site plan review is landscaping and how it affects the neighbors. From the street over, we have all the existing vegetation. It is nicely planted, nicely maintained. In that we are taking out the house, we will be losing several large trees in this area. We will be putting a deciduous, like a large maple, back in this area. We will cluster some maples over on the side here, again to begin to start growing back some of the larger deciduous shade trees that we'll be losing. We have planted some larger trees over in this area to soften this; we have some evergreens that we are going to plant here just to give us some screening with the neighbor. The neighbor's house is about in line with this house. But then we have some lower, like what will grow to 20 foot high ornamental trees, just to soften but also to allow the lake views from the house over this way and from this house to be able to look over this way. But this just gives some softening of the neighbor's fence that's there and just enhance that. Again we have some lower bushes that will be planted to try to provide some screening. The neighbor over here; there's actually a pretty well-developed hedgerow of plantings there; there will be a little bit of enhancement with some of these trees on this side. And then we have some smaller ornamentation around the perimeter. Between the two walls here; that would be planted with lower growth 3 – 4 feet high to soften the walls but also to preserve the lake view across. We are maintaining there are some very nice patriarch trees over here that we are maintaining and a couple of pines that we'll be able to maintain by putting in the wall. What I did on the narrative is I did update the narrative and put in bold any changes that we had done. I did go through the criteria for site plan review. Again we are here for site plan review because we are disturbing more than I forget if it's 3,000 or 5,000 SF along the lake. [unintelligible] There's just a few changes; on the second page is the sewer easement we talked about what I referred to earlier about scoping the existing line and then deciding with the DMO what the best course is whether it's to put a liner in or whether it's to replace the pipe with a sleeve underneath the area where we are going to put the breezeway and then rewriting the easement. On the third page there are about 5 criteria that you need to look at: (1) *the harmonious relationship between the proposed use and existing neighboring uses*. This was a single family house that had an accessory apartment and boathouse on it. It is very similar to the south we also have a similar estate type structure; a large home with a boat house with living space in it. To the north we have three different single family houses that were cut off from the Roosevelt Hall, and then we have the Roosevelt estate. So this is very appropriate, we are continuing the same residential use, what's permitted in the A1 district. (2) *the maximum safety of vehicular circulation between the site and the street network*. We are continuing to use the existing driveway off West Lake Street. One of the things we have talked about is there are stone gates there. It is a little bit narrow. We are looking at the condition of the stone gates; they are not in the best condition, so we are contemplating whether we will rebuild them, but we do want to maintain some sort of gate structure. We may have to rebuild it out of stone just because it's in poor condition. If we can reuse some of the limestone we'll do

that. But that would give us a little more width. (3) *the maximum adequacy of interior circulation, parking, loading facilities with particular attention to vehicular and pedestrian safety.* There are changes to the driveway that will accommodate the new house and garage location. We are maintaining the drive down to the boathouse as a service access off to the north side. The driveways will accommodate guest parking and emergency vehicles. (4) *the adequacy of the landscaping and setbacks with regard to achieving maximum compatibility and protection of adjacent residential uses.* The building set backs for the new dwelling do comply with all the required front, side, rear and lake yard set backs. There is significant vegetation existing on the south property line; we have enhanced the north property line vegetation, taking into consideration lake views of the neighbors across our property and us across their property, but yet providing some screening between the actual houses. We are proposing to put in some trees that will help to replace some of the mature trees that have to be taken down. I do want to note that some of those trees are in very shaky condition. (5) *applicable regulations of this chapter.* I went through how we do conform with the dimensional criteria. Are there any questions that you do have relative to the site plan review of this property?

Harty – I'm going to start with the sewer. At this point while I'm comfortable from a technical standpoint, with televising and what they want to do if the owner is willing to take on repairs to ensure the condition of that, I think there's a legal matter that needs to be referred to the Village Attorney that hasn't gotten everything done yet. There is some draft language that we saw in the narrative that speaks to what the easement could be. I'm going to need some guidance from him as to exactly what the language might need to be, because while the owner is; they have requested, I think that language that's in here – with the understanding that the village would use reasonable measures to minimize destruction to the property. I'm not exactly sure how we protect ourselves if there is a structure that we need to take down. So we're going to need some guidance from the attorney on that.

Galbato – I agree with that. I spoke to Shannon late this afternoon on this issue. Without Village Attorney Michael Byrne's comment I have a hard time recommending that this Board consider approving something over an easement where you are allowing a sidewalk structure on the ground as well as a structure 9 feet above without getting input from Mr. Byrne. I'm really uncomfortable with that. This is a very old easement, old line, that he is quite familiar with on properties along the shoreline of West Lake Street. So without his input I'm uncomfortable, as is Shannon.

Harty – And I do certainly appreciate their willingness to improve it and take on making sure it's in good condition. It's a legal matter I'm not qualified to deal with. In terms of the storm water, I have had a chance to do preliminary reviews on our [unintelligible] plan. I started looking into some of the numbers and I think there are some details that I'm going to need to speak with the engineer on. Actually one of my biggest concerns was the slope on the lake side. Now that grading plan has now changed, I'll need to review that with them to see how that impacts storm water runoff. That's my position at this time.

Eggleston – I do think the fact that we are adding the retaining walls should significantly take away a lot of the concerns that you have on that 4 in 12 pitch.

Harty – We'll need to see. I'll just need to see final plans.

Zona – I think, and I don't think this is a surprise to Shannon, but just so that the Board knows, I think we are trying to; any of the water that's on that slope is going to be diverted so the house will serve as a blockade for that. It's going to be treated around that and sent down the south side of the property in a controlled manner. I think that helps.

Eggleston – The sewer for the reasonable protection; one of the things we are offering, which you technically, legally don't have now is how do you get to the sewer easement? We're saying that we're going to grant you permission to use our driveway to get to the easement, providing you don't destroy our driveway.

Harty – Right; but again there's that issue if at some point, maybe not in our lifetime, but at some point down the road that sewer has to be dug up, we have to have consideration...

Zona – If I could offer one; I'm not sure how familiar you are Shannon with how the DOT handles things like that. We did Skaneateles Country Club up here and they put their, had their cattle pass, then they created a drive-through tunnel under the road. They had what was called a use and occupancy permit. I'm sure something like that could be modified for the village level. I'm sure the attorneys could work it out. I'm no lawyer but when we did that that's kind of how it went – yeah we know everybody's in there and the country club needs that access through there but there is a legal framework for how that stuff gets maintained. It wouldn't be like the village would have to come up with something from scratch. I think there's some other agreements out there that we could work off of to easily make that happen.

Eggleston – We will be working with Jeff Davis so I think we could get Jeff Davis to have a conversation with Mike Byrne and start that paperwork to get that rolling.

Froelich – And I accept the risk. I mean if at some point in time you have to damage that walkway that's certainly a risk...

Harty – Unfortunately you may not live there forever...

Froelich -- [Multiple conversations]

Sutherland – Thoughts, from anyone?

Kenan – I want to apologize for being late. No, not from me.

Carvalho – It seems like we can't act tonight anyway.

Eggleston – I think what I want to do is get your comments so we can get them all satisfied by next month. As far as the landscaping, I know you have had a couple of days to look at the landscaping. If you should have any additional comments I'd appreciate it if you could contact me, let me know prior to the next meeting so we can make any adjustments. It sounds like we

will get the revised drainage drawings to Shannon and maybe we can set up another time to meet with Rudy personally. What do you need, maybe a week to review that?

Harty – I'm pretty close; if you guys could get me a single, complete set of drawings that would be great.

Eggleston – Yep, yep. We'll be glad to do it.

Sutherland – In terms of the landscaping and screening, basically what you are removing is where the new house goes.

Eggleston – Correct.

Sutherland -- And you've got some old trees down closer to the water...

Eggleston – that we are keeping. If we go to C1, that will show you the removals. So there's a couple of trees here that we need to remove over in this area which is the area of the house and over into this area. We are looking to see if we can keep this pine tree; this is a pine. These two maples you can actually see through. There are a couple of trees over here that need to come down. We will be keeping; there's a gorgeous patriarch maple right here, it's got a huge canopy. It's a lovely tree. This tree we'll be keeping. Those trees are the best defense against that morning rising sun. That's one of the assets of the property that we definitely want to maintain. We are maintaining everything over in this area here. There are some trees in here.

Kenan – There are lots of rumors in town about what house was designed by Sanford White and what wasn't and what landscaping was designed by William Jackson Downing. But I have heard that the landscaping on this site was the product of Frederick Law Olmstead. And if it was, they are very old plants. But I just suggest that you take a look to see if there isn't anything; if they were particularly good species at the time they were put in, if there's anything that should be saved.

Eggleston – These maples, again, are past the peak.

Kenan – we've got the same thing. I'm not talking about maples. I heard that there were certain examples of other trees that were a product of that design.

Eggleston – I think the major legacy left by Frederick Law Olmstead was the concept of stepped terrace gardens. Craig has been fighting with the engineer to keep and maintain those. Our driveway comes over just to the edge of this stairway here; we have a retaining wall on this side to try to maintain that as much as possible. We have a 3 foot retaining wall along this side here. We are trying to maintain the grade which is 11% right now, which is about as steep as you want to be. This area here above the gardens will have some contouring to it; we have maintained this and we are trying to maintain this set of steps coming here. This area here is where it will be dug out for the storm water structure and we've got some trees that we have added in there. So we are looking at reviving the gardens. 90% of the garden that was designed by Frederick Law Olmstead has long past gone. There has been 50 years of non-maintenance of the ...

Sutherland – Do you have any record of what that was? Photographs or drawings?

Eggleston – I think we tried contacting the historical society to see if there was anything and I am not sure we have found anything. I have been in conversation with Jorge Batlle on this.

Sutherland – It might be interesting to check with the Olmstead estate in Brookline; they've got almost everything there. Or a National Park Service site.

Eggleston – Sure.

Sutherland – Bill Eberhardt emailed earlier today his comments. Basically what he was suggesting was that it would be helpful to some sense of what you would see looking down at how this house lands on the site versus what you see now. If there's a way to drop this new building in where the old one is at the moment that would be a helpful thing.

Eggleston – Image from the lake?

Sutherland – Image from the lake, probably closer to the St. James Episcopal Church – looking out. His comment also was that the second generation of plans was better than the first; picking up details from neighboring structures so that it feels like it grew up in that place. His comment and mine also is that with a couple more weeks, you could work through a little bit more of that.

Eggleston – We have been working on some color selections and we have actually been looking at a multi green palette that I think will be nice and appropriate for the house. The white house and the boathouse being stark white and dark green is not very original.

Sutherland – How does it land softly there in a way that is mindful of the neighbors and the view that you see from the lake?

Levine – What style of house is this? Elevations?

Eggleston – We provided all of that to the Planning Board.

Levine – It is not a jarring modern structure.

Eggleston – It is something that will fit in with the traditional sense of the village.

Schadel – How many square feet is this?

Eggleston – Actually the square footage is exactly the same as the existing house – just under 6,000 SF.

Sutherland – The stone veneer that under the window just to the left of the front door. If you were doing stone, do you think it ought to be more in the sense that it is a stone base. The clapboard and the rest of the house is sitting on a stone base versus little hints of flag stuff?

Eggleston – Sure. And we have this week working with Craig we have further developed even further some of the finer details and we'll provide that. We were actually going to introduce part of the stone over on this side here and then again we were looking at elements of stone; but yet not making the whole face with stone necessarily to use a mixture of materials.

Sutherland – Other comments from the Board?

Kenan – Just one more comment. I noticed the drawings all list it as being 100 West Lake Street. And that's what the Fallons always referred to it as. But it's on the odd numbered side of the street.

Eggleston – I have no way of understanding.

Kenan – It's a nice round number and so they used it. The only reason I mention it...

Froelich – I think that's what I bought.

Kenan – You may have bought across the street. The only reason I mention it if there is ever an emergency call to the county and they had the 100 West Lake Street, they may wind up across the street.

Froelich – I just would like to add; I'd like to thank the Board for their consideration and hopefully we can get back to you next month with finalized plans. My wife and I are looking forward to moving here and becoming part of a really great community. Thank you for your consideration.

Sutherland – I think we have covered it for this evening. See you next month.

Member Carvalho, "I move that we continue this matter to our next meeting and adjourn this discussion to March 3, 2016." The motion was seconded by Member Hartnett. Upon the unanimous vote of the members present, this motion was carried 4-0.

This matter was concluded at 8:34 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards

**Village of Skaneateles
Planning Board Meeting
February 4, 2016**

Consideration of a recommendation to the Trustees on the matter of use of sandwich board signs in the Village.

Present: Bruce Kenan, Chairman
Brian Carvalho, Member
Stephen Hartnett, Member
Doug Sutherland, Member

Riccardo Galbato, Attorney for the Planning Board
Dennis Dundon, Clerk to the Boards

Susan Dove, Village Trustee
Gregg Erikson, Village Trustee
Fouad Dietz, 2773 E Lake Rd
Carol Young, 46 W Lake St
John Young, 46 W Lake St
Joel Levine, 35 State St
Mark Edwards, 12 Calemad Dr
Chris Lake, 2668 Lincoln St
Alan Johnson, 59 W Genesee St
David Loftus, 1583 E Genesee St
Dessa Bergan
Janet Schadel
Amy Allyn

Absent: William Eberhardt, Member

Chairman Kenan noted that with the Krebs recess continuing at 9:37 pm, that the Board had been asked by the Trustees to consider the matter of sandwich board signs.

Mr. Dundon reported on the background of the matter. The Historical Landmarks Preservation Commission was asked for an opinion on the appropriateness of such signs within the historic district. The HLPC was not in favor of the use of such signs, preferring the use of building-mounted directional or promotional signs. It expressed that opinion in a recommendation to the Trustees that was unanimously endorsed by all members. The Zoning Board of Appeals discussed the matter of such signs from a village-wide viewpoint on January 26, 2016, finding that such commercial signs could not qualify as event signage under the code [Section 225-63A.] and further that portable signs are specifically prohibited under the code [Section 225-61B.2].

Member Hartnett asked if this position related only to commercial signs. Attorney Galbato said that it would be a uniform prohibition, stating that there is no inherent right to place obstacles on a public-owned sidewalk, including a temporary sandwich board. Chairman Kenan asked Attorney Galbato if he had read the ordinance and agreed with the ZBA's conclusions. Attorney Galbato said, "I think the ZBA had good counsel on that" and went on to note that there are regulations governing signage on private property but no explicit authority in the code that allows for obstacles to be placed on a publicly-owned sidewalk.

Chairman Kenan said, "I'll offer a motion that the Planning Board concurs with the Zoning Board's interpretation of the existing Zoning language with regard to sandwich boards." Member Hartnett seconded the motion. Upon the unanimous vote of the members present, this motion was carried 4-0.

This matter was concluded at 9:40 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards

**Village of Skaneateles
Planning Board Meeting
February 4, 2016**

Area Variance recommendation in the matter of the Application of **Thomas & Karen Lunde** to vary the strict application of Section 225-A5 Density Control Schedule for Percentage of open area; and Section 225-14 (d) Swimming Pools, 25 ft. distance to lot lines; to construct 18 by 36 foot inground swimming pool with concrete surround and fencing at the property addressed as **5 East Lake Street** in the Village of Skaneateles.

Present: Bruce Kenan, Chairman
 Brian Carvalho, Member
 Stephen Hartnett, Member
 Doug Sutherland, Member

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

 Thomas Lunde, applicant

 Susan Dove, Village Trustee
 Gregg Erikson, Village Trustee
 Fouad Dietz, 2773 E Lake Rd
 Thomas Lunde, 5 E Lake St
 Carol Young, 46 W Lake St
 John Young, 46 W Lake St
 Bill Murphy, 2996 County Line Rd
 Joel Levine, 35 State St
 Mark Edwards, 12 Calemad Dr
 Chris Lake, 2668 Lincoln St
 Alan Johnson, 59 W Genesee St
 Kim Weitsman, 45 W Lake St
 David Loftus, 1583 E Genesee St
 Doreen Simmons, 38 W Lake St
 Dessa Bergan
 Janet Schadel

Absent: William Eberhardt, Member

Chairman Kenan called the matter of Thomas Lunde for 5 East Lake Street at 8:36 pm.

Lunde – My name is Thomas Lunde, nice to meet you all.

Kenan – We adjourned it last month because there wasn't anybody here to talk about it.

Lunde – Yeah, we're a couple of hours away. Karen and I recently purchased the property and house at 5 East Lake Street in October of this year. I used to own a house in Skaneateles in the late 80s; I am very familiar with the lake and village. The lake is definitely a jewel. My wife though is an ocean girl; she grew up in Massachusetts and I don't think she has ever seen a crystal-clear lake. She is the one who would like a pool in the property. We have had pools in several of our properties elsewhere. Essentially we are asking to put a pool in the rear of the property; the pool is 18 feet wide by 36 feet long, with minimal concrete. There's an existing 16 foot by 20 foot stone patio in the rear, there's a detached brick garage here at the end of the property and there is also a rock garden in the back of the property. We have located the pool to keep the stone patio and also keep the rock garden; modify it slightly about 5 feet. But other than that the property as it sits pretty much stays the same. There is a magnolia tree, I believe it is, which is right about here. Our desire is to dig that up, remove it, and put it back over here. It is a beautiful tree; we had a gentleman from Cazenovia who does that sort of thing who came over and gave us some suggestions. The placement of the pool on the property – there's two issues and that's why I'm in front of the Zoning Board, one is the setback on the right-hand side; we exceed it by 2.5 feet. Then the open space; if I'm not mistaken the code is supposed to be 80% of the square footage. The square footage of the property is 21,780 SF and with adding that pool as it sits and keeping the rock garden and patio as it is, we are over by 5%. I'm here to ask the Board to work with us to place a pool on the property and proceed accordingly.

Kenan – What is the; the drawing has a note saying move pool 4 feet to 6 feet away from driveway. So what is the intent on where the pool will be placed?

Lunde – I think that was a note that I had when I was looking at it. We have a couple of options here. We could put the stairs at the end, or we could put it on a corner, something like that. The note was if I could put the 3 foot concrete here bring it right back in here, something like this. So we have a little bit of grass.

Sutherland – Is that shoved over this way?

Lunde – No it would stay. We would keep this point and this point in the same spot.

Kenan – So the pool is what?

Lunde – The pool is 18 feet wide by 36 feet from this point to this point.

Kenan – But this says 27, and that's a bigger dimension than the length of the pool.

Lunde – Yeah, I'm not quite sure.

Sutherland – That's including the halo of concrete that's around it.

Kenan – But you said the pool is 36 feet long.

Lunde – Well this is; it is. These are my notes that I made. I don't have the formal survey because I gave the survey to the pool company. I don't have it back yet that shows the recent larger portion. But this back here is 70, and this is 70 and 12 from here, and this is 44.

Sutherland – This 44 looks like your 27 here. It looks like there is a break in your calculations.

Kenan – Our role in a variance request is to make a recommendation to the Zoning Board of Appeals. I don't think the Zoning Board could make a decision on it without having a drawing with accurate dimensions. It is confusing the way it is right now. If I had a scale, I'd scale it but that still doesn't answer the question. They have to approve a drawing and the drawing has to have the precise dimensions on it, to know what it is they are discussing.

Lunde – Right. I'll just give you a scale reference. This is 16.5 feet wide. So if you take that and add another 16.5 feet, that's about 32, and if you add 4 that's about 36. So even though this says 27... [Mr. Lunde discussed approximate dimensions with the Board]

Kenan – Why don't we do this. Depending on the Board's thoughts on the subject, if the Board is inclined to make a recommendation, you really need to have a drawing without the extraneous dimensions on it but with the correct dimensions on it.

Hartnett – Just looking at it, if that were one size smaller pool, you're not dealing with a variance, with the exception of the coverage.

Lunde – I know that but my wife, Karen, told me that she would like it 36. But if I have to reduce it, I'm sure I can reduce it.

Hartnett – The Zoning Board would be more inclined to push that direction. Having my experience with them, that may be something you'd want to consider.

Lunde – OK.

Kenan – So what I would do is get rid of all the extraneous dimensions that are on here, and then put very precisely what is the set back from the property line to the edge of the concrete that surrounds the pool and what are the dimensions of the pool. The other drawing that you've got here shows an 18 by 36 pool, but just make sure that those dimensions are on the other drawing as well.

Lunde – So what would be the process? If I modify the document per your request, what would my next step be?

Kenan – What's the pleasure of the Board?

Carvalho – I have a couple of questions. Are you planning on any landscape screening? Your neighbors, are they going to be looking at you jumping in your pool?

Lunde – Well right now there's really very little landscaping between the two properties. The neighbor has a fence that goes from here to here. I have two large, very nice full beech trees up here and I have one maple back here. As I said, there's the existing magnolia that we'd like relocate over here and then we'd put some landscaping about in here like this.

Hartnett – There's a screen required around the pool.

Lunde – Yes, absolutely

Hartnett – You should show that on here when you bring that in again.

Lunde – The fence is just for reference but it's pretty much right.

Sutherland – It would be helpful to have dimensions tied to the fence, material...

Lunde – It's per the code.

Sutherland – One of the things because houses are pretty close together here, being a little more precise with those things is helpful for the Board to make a decision.

Hartnett – Just a suggestion looking at the numbers here. One size smaller pool will take out your issues with the setbacks.

Lunde – So I'd just be dealing with the open space.

Kenan – And it would reduce that as well.

Dundon – Mr. Chairman. At the Zoning Board of Appeals meeting last week there was another pool application. Mr. Levine who is here this evening had submitted a letter addressed to the Village Board during that public hearing. We are not a public hearing here tonight, but he has given me the same letter. I forwarded that letter to the Village Board and they have informally asked that it be commented on by the Planning Board and the ZBA. I intended to bring that up later in the meeting but I wanted to make you aware of it during this application.

Kenan – What does the letter say?

Dundon – Basically that the village has not gotten its code right with regard to swimming pools and should make changes to add more restrictions.

Lunde – So how does that translate into my situation?

Dundon – At this point we are not a public hearing. The Planning Board will have an opportunity to look at this letter but it is a letter that is forward-focused with regard to more restrictions in the future, which would require changes in the zoning code.

Kenan – What about fencing around the pool area itself?

Lunde – Our plan is just to make it a fence right tight around here.

Kenan – That’s got to be shown on the plan also.

Hartnett – I just asked for that too.

Carvalho – Is it a wrought iron fence, can you see through it?

Lunde – You would see through it. What we would like to do is put a black chain link and then put landscaping on the perimeter so you wouldn’t see the fence.

Carvalho – I think we need to see all of this on a plan.

Kenan – I think you really need to resubmit. Clear the extraneous stuff off the plan that doesn’t belong there and is inaccurate. Put the pertinent dimensions on there. Show the fence and the landscaping that you are talking about so both the Boards can respond to it.

Carvalho – And with the landscaping I think we’d want to see some screening so you neighbors are not looking at you jumping in the pool.

Lunde – Just so I understand. I modify the documents to reflect your requests. So do I submit it back to the Planning Board?

Dundon, Carvalho, Kenan – Yes.

Member Sutherland, “I move that we continue this matter to our next meeting and adjourn this discussion to March 3, 2016 to consider amended plans as suggested by the Board.” The motion was seconded by Chairman Kenan. Upon the unanimous vote of the members present, this motion was carried 4-0.

Lunde – Just so I’m clear, you moved it to next month for the Zoning Board, correct?

Sutherland – No, for the Planning board. Typically what happens it goes to the Planning Board first which will consider it and make a recommendation if it’s an action that requires a variance.

Lunde – And do you know when next month’s Planning Board is scheduled?

Kenan – It will be the first Thursday.

Dundon – March 3rd.

Hartnett – For his planning purposes, even if he got a recommendation from us for the size that he has here, the ZBA could come back and tell you that it’s too large. Just to save some time for you, you may want to look at that as a plan B to help yourself.

Lunde – So revised documents submit it to the Planning Board on 3/4, then it goes to the Zoning Board March 22.

Hartnett – That would not need to come back to us if you had a smaller version that they would approve.

Lunde – And then ZBA is...

Hartnett – The approving authority. The Zoning Board...

Kenan – Zoning Board of Appeals, that's what ZBA stands for . Thank you.

This matter was concluded at 8:53 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards

**Village of Skaneateles
Planning Board Meeting
February 4, 2016**

Consideration of a recommendation to the Trustees on the matter of expanding metered parking to West Genesee Street west of Hannum Street and to the north end of West Lake Street.

Present: Bruce Kenan, Chairman
 Brian Carvalho, Member
 Stephen Hartnett, Member
 Doug Sutherland, Member

Riccardo Galbato, Attorney for the Planning Board
Dennis Dundon, Clerk to the Boards

Susan Dove, Village Trustee

Absent: William Eberhardt, Member

At 10:00 pm, Chairman Kenan noted that the Board had been asked by the Trustees to consider the matter of expanded metered parking.

Trustee Dove suggested that coming at the end of a long meeting if the Board didn't have the energy for it, the matter could wait until another time. Chairman Kenan thought that might be a good idea. He went on to say that everyone understands what the point of it is, is to encourage turn-over of parking spaces for visitors and residents alike, saying "Maybe everybody ought to go off and think about where we should extend it to" noting that it dealt with west on West Genesee but asking if it should it also go east on East Genesee and up some of the perpendicular streets; "I think about the extent of it, I think about how to manage it. I think the Trustees will figure out what the pricing structure is. That's going to vary over time anyway. Maybe we all think about it and next month have a discussion about it at the next meeting."

Member Sutherland said he was willing to do it tonight, for the record. Member Carvalho suggested that if we are looking at expanded parking, maybe thought be given to resident stickers. Chairman Kenan said part of the Mayor's thought process was to introduce a number for use by village residents in the parking pay stations.

Member Sutherland said, "I like meters. And one of the reasons I like meters is that they help define space better... Cars don't park very efficiently and so you end up losing spaces when everybody is going to one of the pay stations. The beauty of meters is it tells you that every 18 or 20 feet you get another space."

Mr. Dundon suggested that the Trustees might find it helpful for an indication from the Board tonight, as they go into Budget discussions. **Chairman Kenan said, "I'll make a motion that the board encourages the idea of extending metered parking beyond the area that's presently metered to include West Genesee St and perhaps East Genesee and some of the streets perpendicular to Genesee."** Member Sutherland seconded the motion. **Upon the unanimous vote of the members present in favor of the motion it was carried.** The Board will discuss this item further at its March meeting.

This matter was concluded and the meeting was adjourned at 10:10 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards

**Village of Skaneateles
Planning Board Meeting
February 4, 2016**

Area Variance recommendation in the matter of the Application of William Lynn to vary the strict application of Section 225-A5 Density Control Schedule for Percentage of structure width/lot width; and Section 225-14C(5)(a/b) Accessory Buildings, distance to lot lines or structures; to construct a 73.3 SF concrete planter and wood pergola for outdoor seating and to install a 48.6 SF storage shed with relocated parking stalls at the property addressed as 22 Jordan Street in the Village of Skaneateles.

Present: Bruce Kenan, Chairman
Brian Carvalho, Member
Stephen Hartnett, Member
Doug Sutherland, Member

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

Bill Murphy, architect, on behalf of the applicant

Susan Dove, Village Trustee
Gregg Erikson, Village Trustee
Fouad Dietz, 2773 E Lake Rd
Carol Young, 46 W Lake St
John Young, 46 W Lake St
Bill Murphy, 2996 County Line Rd
Joel Levine, 35 State St
Mark Edwards, 12 Calemard Dr
Chris Lake, 2668 Lincoln St
Alan Johnson, 59 W Genesee St
Kim Weitsman, 45 W Lake St
David Loftus, 1583 E Genesee St
Doreen Simmons, 38 W Lake St
Dessa Bergan
Janet Schadel
Bob Eggleston, 1391 E Genesee St

Absent: William Eberhardt, Member

Chairman Kenan called the matter of William Lynn for 22 Jordan Street at 8:53 pm.

Murphy – We are going to ask the Board to postpone for another month. We have been unable to receive the parking plan from the Village, so we're going to try to work more closely with the Village and try to procure that parking plan. At this time we have not received the parking plan from the Village for the municipal lot

Kenan – OK.

Murphy – I mean I'd be happy to go through everything again but.

Kenan – if we are going to put it off for a month let's not go through it again right now.

Hartnett – You also have some issues with the Village Attorney to square away also.

Murphy – We have copied Rick on the email and Bruce as well.

Dundon – What are you looking for specifically?

Murphy – We are looking for the parking lot layout, lot spaces of the municipal lot, so we can put them on our...

Kenan – We've had applications that have come through the Board before that had the full lot – all the striping and parking spaces laid out.

Murphy – What I did is very rudimentary a small photograph. We are going to postpone 'til next month but you can see here this is the existing photograph of the 3 spaces and this is the amount we are shifting it. We still stay inside of the parallel line that's created for the drive lane there.

The Board continued discussion that indicated that it was important for the Board to understand the lease language, since the Village Attorney has stated that the intent of the lease was to incorporate the property into the municipal lot for public parking. Mr. Murphy was encouraged to open conversation with Mr. Byrne.

Member Sutherland said, "I move that we continue this application and adjourn these discussions to our March meeting at the applicant's request." Member Hartnett seconded the motion. Upon the unanimous vote of the members present in favor of the motion it was carried 4-0.

This matter was concluded at 8:58 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards

**Village of Skaneateles
Planning Board Meeting
February 4, 2016**

Discussion on the matter of the application of Kim Weitsman for Site Plan Review Amendment to add 10 car parking lot, plantings, formal vegetable & cutting garden, walkway, pavilion and garden fence at the property (Krebs Restaurant) addressed as 53 West Genesee Street in the Village of Skaneateles.

Present: Bruce Kenan, Chairman
 Brian Carvalho, Member
 Stephen Hartnett, Member
 Doug Sutherland, Member

 Riccardo Galbato, Attorney for the Planning Board
 Dennis Dundon, Clerk to the Boards

 Bob Eggleston, Architect, on behalf of the applicant
 Doreen Simmons, Esq., on behalf of the applicant
 Kim Weitsman, applicant

 Susan Dove, Village Trustee
 Gregg Erikson, Village Trustee
 Fouad Dietz, 2773 E Lake Rd
 Carol Young, 46 W Lake St
 John Young, 46 W Lake St
 Joel Levine, 35 State St
 Mark Edwards, 12 Calemad Dr
 Chris Lake, 2668 Lincoln St
 Alan Johnson, 59 W Genesee St
 David Loftus, 1583 E Genesee St
 Dessa Bergan
 Janet Schadel
 Amy Allyn

Absent: William Eberhardt, Member

Chairman Kenan called the matter of Kim Weitsman for 53 West Genesee Street at 8:58 pm.

Eggleston – Kim Weitsman and Doreen Simmons are here as well. We had, just very briefly, we started this back in August with a parking plan that proposed to add 18 spaces south of the existing parking lot. We had a narrative for an amended site plan, critical impact permit and variance. We then came back with some alternatives; we had a proposal for a total of 25 cars

which would be instead of 28 cars, we had another plan with 22 cars, we then presented a color rendering that showed the gardens and what was green and the plantings that type of thing. Since then we've had a conversation; we sat down and talked about what might work out better as a result of comments from the public hearing and I had emailed you a copy of the plan dated February 1st. Again this was based on comments that we had at a workshop with a couple of you. So what we are proposing now; one of the major things we have heard in respect to comments was we have 10 parking spaces over here that are existing. Instead of coming out into here, we have kept the parking no further south than this existing lot. What we would do; there an existing drive for accessing the dumpster during non-operation hours. So what we propose to do is take out this little peninsula and add 3 parking spaces, basically on existing tarvia area. And then the other was we were talking about parking along the side here which has a minimal increase in blacktop and hard surfaces. What we would do is increase those currently a 16 foot wide driveway easement on this property which is also owned by the same people, but is a separate parcel with a two-family house. What we would add are 7 parking spaces over here so we would have an increase 10. So we are down to 20 parking spaces. We would heavily landscape. There is a couple of ornamental trees that we would relocate off to the side. We would heavily landscape this area along in here. We would still keep enhancement of some additional landscaping here. And we are working on an actual garden; it will be a vegetable garden where they can grow produce that they can use in the kitchen; it's one of the things that they wanted to add to the restaurant. So back here it would be strictly garden; there could possibly be an ornamental structure, taking cues from the old photographs that we have of the Krebs gardens. We are still talking about any sort of garden sheds where we can put tools because it is a working garden, would be located closer to the building near the dumpster fencing area. So the current proposal is that we would have these spaces. Also, [unintelligible] we are committing, because of what you heard from the people speaking in favor, it is really the senior people who have a hard time finding a parking space and walking a block or 2 blocks to the restaurant. These will be handicap parking which have legal ramifications. These would be reserved for senior patrons and basically; in other words it's not just anyone but it would be reserved for senior patrons who need a little closer accessibility for getting in.

Sutherland – How do you monitor that?

Eggleston – One of the biggest questions that they do have when people call for reservations is where do you park. That's something obviously when their reservation is taken they realize that you have an older couple that might have mobility issues. Then again if it's abused, what kind of people are using it. That has been the biggest issue that the restaurant has had – they do have a lot of senior people who like to come to the Krebs and that has been the biggest challenge that they have had.

Simmons – I'd like to speak to you about a couple of legal issues that have arisen in conversation with Rick Galbato. First of all Kim and Adam thank all the members of the Board, especially those who met with us individually to see if we could come up with a plan that would be acceptable to this Board. As you recall, at the time of the public hearing, Adam Weitsman stood where I am standing, and he indicated something quite extraordinary – and that is that he was going to put a deed restriction on this property. That's something that I think even Mr. Galbato would say is highly unusual; where we would have deed restriction where we would agree that

we would not extend the parking lot any further than what was approved by the Board. At that time we were asking for 18 more spaces, now we are down to 10. What also was extraordinary is that he would agree that this would be enforceable by any adjacent property owners. If they felt that the parking lot was being extended, or the plantings [unintelligible] were not being properly planted or maintained they would have a right to commence an action – after meeting with us to work out what the problem was – they could commence an action in court, and if they were successful they would have a right to attorneys’ fees. This came out of a meeting that we held with the neighbors; people had understandable concerns or questions concerning the actual layout. The big question people had was how many times are you going to come back? That seemed to be the biggest concern of those neighbors that were present who had questions. So Mr. Galbato advised at some point that this Board felt that every neighbor had to sign that deed restriction in order to be enforceable and we were asked to explore that. I spoke to one neighbor who was totally in favor of the project and she said ‘I have no opposition but we don’t want to sign anything. We don’t want to get into the legalese of it all.’ I think there were some lawyer jokes made. So we did some research and we provided Mr. Galbato *Case Natural Conservatory v. Congel*. That involved an easement in the Woodchuck Hill area here in Onondaga County where the neighbors had some concerns relative to a covenant that had been filed there, where the property owner wasn’t abiding by that restrictive covenant. And they brought an action in court and the court held that they did have standing even if they didn’t sign the agreement. And in Mr. Congel’s restrictive covenant there was not any language such as we have offered in ours, that we are acknowledging that the neighbors have standing; there would be absolutely no question that they would have the right to pursue Krebs in the event of a breach of that deed restriction. Then it was suggested that some of the neighbors felt that what if the Village Board changes? What if there are different elected officials and those people don’t support the restrictions in that deed restriction? I guess there was some thought to bringing in Finger Lakes Land Trust as a not-for-profit to have some type of a conservation easement on the property. I find this to be really unprecedented. I have spoken to at least a dozen architects, attorneys, land use attorneys – no one has ever heard of the Finger Lakes Land Trust basically enforcing a parking area. It just doesn’t seem to be applicable. I have reviewed their corporate purpose, I have reviewed their website; I just don’t see how this is really appropriate for that. So let me again repeat that if there was a violation of any of these restrictions; first of all I think it’s highly unlikely when you consider the practices of Kim and Adam Weitsman. They have kept their word on everything they said they were going to do with Krebs. They are good neighbors. They own both sides of the restaurant. So the chances that they are going to not comply with this site plan is highly unlikely. If they didn’t, the Village would have the ability to commence an action or to pursue them consistent with the restriction and if the neighbors were unhappy with the Village either for not handling it or how they handled it, they would have the ability to actually bring an action against Krebs to enforce the restriction and to receive attorneys’ fees. But this is very, very extraordinary what has been offered here. There is no reason for me to reflect back on the public hearing by count; I think there were about 20 people in favor and 4 people opposed. I can recognize that the people opposed were the folks closest to the property. But as far as what is good for the community here, this is creating 10 parking spots which really does not significantly change the current layout of the restaurant or the parking area. It will eliminate those spaces on West Genesee Street; it frees up more parking on West Genesee Street which several of the persons who appeared at the public hearing expressed a desire that that would occur. So from the perspective of the community, from the perspective of the neighborhood, I

just would encourage a positive vote. I think we have really addressed every issue that has been raised by this Planning Board and we have offered a concession on virtually all. Again we are down to asking for 10 parking spots.

Carvalho – Bob I have a question for you. The driveway sticking off the back of the parking area; what is the purpose of that? You said it was for the dumpster, but you have a walkway off the parking lot, why do you need it?

Eggleston – How it currently works is there are dumpsters on rollers. When the truck is scheduled to come, they roll these out. The truck pulls in, empties the load, backs into the parking lot and then pulls out. That's currently how it is and that's what was on the approved plan. So what I'm saying is this pavement is already here. These spaces would be scribed like the others. And the dumpster doesn't come during operating hours.

Carvalho – So this sidewalk is there already?

Eggleston – this sidewalk is here, that's there, all this pavement; the only additional pavement we have is taking out the curb and making that an additional parking space. Then we are just putting in the pavement for this, there's no additional drive area for it, it comes off the existing drive with parking at a 30 degree angle. They pull in, they pull out, they come over, they'll be these spaces are open so one could pull in here, back out and then pull out.

Kenan – So you had proposed at one time a deed covenant, a deed restriction covenant, whatever the right terminology is. Why do you not like the conservation easement as an alternative to that?

Simmons – Because this doesn't really; this is really not consistent with how conservation easements are normally used. We are talking about a parking lot, we are not talking about a wild area or an area that is intended to be conserved for public use.

Kenan – But if the Finger Lakes Land Trust is comfortable doing it, from the property owners' point of view, why is that not acceptable?

Simmons – The Finger Lakes Land Trust we believe is just not appropriate. We trust...

Kenan – What difference does it make if they're willing to enter into the agreement like any other conservation easement, if you were willing to do the deed restriction, why not accept the conservation easement as an alternative. And the point of it being with the Village and the Land Trust being signatories is it gives it that permanence that was the goal of the deed restriction to begin with.

Simmons – I'd have to say that the Village is as permanent, if not more permanent than the Finger Lakes Land Trust which is a not-for-profit with a purpose very different than a village. I am perplexed why the residents don't trust the Village. The Village will have the ability to pursue Krebs in the event that it does not comply with the parking restrictions as set forth in the

site plan. Why do you need to have another entity and a formal conservation easement, when a deed restriction with the Village in control is much more appropriate.

Kenan – The Village, actually if the move to consolidate governments gains steam, maybe the Village won't be here. But let's hope that doesn't happen and the Village is always here, the people who run the Village aren't always going to be here. They change. Every two years or four years, whatever the terms are, new elections, people come, people go – yeah there's a Village corporation, but it isn't the same officers running the corporation.

Simmons – Nor would it be for the Finger Lakes Land Trust. And again, not to sound too corny, but we have a democracy. We vote and elect Village officials and new members are appointed. If a neighbor feels that you are not doing the job, then they have the right to, themselves, pursue enforcement of these restrictions. I don't think there is anything in the Village, I don't think there is any property owner that has offered anything [unintelligible]. I asked Bob Eggleston if he was aware of anything of this nature in the Village or let alone let an independent not-for-profit be involved in that...

Kenan – Well therefore we shouldn't do it; if it's never been done before don't ever do anything for the first time.

Simmons – No, I'm not saying that Bruce.

Kenan – Doreen, I don't understand any of your reasoning.

Eggleston – And, and I guess...

Kenan – And just listen for a moment. The Planning Board is trying to find a way to accommodate what you want to do and safeguard the interests of the immediate neighbors and safeguard the interests of the Village long term. We have said it many times at these meetings, and not just on this property but in other instances like it – the Planning Board has tried always to maintain that balance between commercial activity and residential activity. And this is a restaurant; it's been there forever in a residential neighborhood. It has gotten along fine with the neighbors without parking in the back yard. It is an issue that obviously is of concern to the neighbors, but also to this Board and the Village. The more you pave areas in residential neighborhoods, the less they are residential neighborhoods. So we are trying to; you offered the deed restriction – great idea, it sounded like something that could work because it would give permanence to the request and the offer not to keep coming back over and over and over again for more – and whittle away at it -- because such things happen. It wasn't working for some reason. But the conservation easement could accomplish the same thing. And I haven't understood any of the reasons why you are rejecting it.

Simmons – The reason why is that it doesn't seem appropriate for the Finger Lakes Land Trust to be involved in the enforcement of a parking lot. It just doesn't comport with the purpose of that entity. I don't think there's any other property in the village that this has ever been proposed for. When you look at the corporate purpose of that entity, it is the job of the village to enforce...

Sutherland – One thing; it's really more protecting the green space behind the parking; it is not protecting the parking – nor is it administering the parking in any way. It is really protecting green space and their job is protecting green space.

Eggleston – Have they been contacted directly and are they; have they put together a set of terms as to undertaking this?

Kenan – there have been some similar documents have been found; there are shorter documents that would apply to a circumstance like this; one that would apply specifically to this property hasn't been drafted yet. But there have been call them prototype documents circulated. And the Land Trust and the Village, according to conversations, are willing to play that roll if the applicant will accept it.

Simmons – I'm not certain that the Krebs wants the Finger Lakes Land Trust controlling the garden in back. I don't think that's appropriate.

Kenan – That's all in how you draft the terms of the conservation easement.

Simmons – I am still thinking why is it that there is a feeling that the Village can't enforce this? Again to get back. The chances that the Weitsmans are not going to comply with this are next to zero. Setting that aside, why is it that the Village enforces every other site plan, every other approval in the Village. Why is it that this one should have a not-for-profit independent entity really controls what as you have stated is in the middle of a residential neighborhood. This is not a place where the public is even going to walk upon. I guess I'm asking why does the Planning Board feel so strongly that there has to be someone other than our elected officials/appointed officials that would be controlling this.

Kenan – Tell me who they are going to be in 30 years, 20 years, 10 years?

Simmons – Who is the Land Trust going to be in 20 years or 30 years? Who is going to be on their advisory board? We elect our Village officials and we trust that they will do what they are required to do in situations like this if there is a violation. I would ask why the Planning Board feels that the Land Trust needs to be involved? I've heard what you said but...

Kenan – It has the permanence, that's why.

Simmons – It's a not-for-profit. It could disappear within 10 years. The Village will never disappear. And we elect our officials. If it's the position of the Planning Board that that is the only way that they would approve the parking, then I guess I'd need to confer with my clients.

Eggleston -- And let's see that prototype document. You said it's out there.

Galbato -- I gave a form of it to Doreen late this afternoon. I'm sure she has not hasn't had a chance to read it yet.

Kenan – I'm sure that didn't have any specific language for this application.

Galbato – No it wasn't specific, it was more generic. It has to be tweaked of course.

Simmons – I don't think the Krebs is willing to entertain having a not-for-profit enforce the deed restriction. We believe that between the Village and the neighbors whoever is elected as a public official by everyone in our community would be more than capable without involving a not-for-profit.

Kenan – OK. What's the Planning Board's thought on the subject?

Galbato – Without an extension the Board has to act tonight. At the meetings before this we received extensions because we closed the public hearing months ago.

Hartnett – I can understand the reluctance to extend. From a personal side, I think I would need more input from counsel and I would implore the Weitsmans to take a look at what a proposed covenant with the Finger Lakes Land Trust would look like. And giving it another 30 days I don't think would be the worst thing.

Simmons – I think that in speaking to Kim and Adam they are at a loss to want to have the Finger Lakes Land Trust play a roll. If the Planning Board feels that this is a condition for permitting this site plan to be approved, then that would be at the discretion of the Planning Board. I would; I don't know if Mr. Galbato feels comfortable stating so, but I have spoken to Rick and it's very clear under that Congel that the Village and the neighbors have the right to enforce this. Again, there is nothing like this in the Village; the Weitsmans are bending over backwards in order to put in 10 parking spaces which will only alleviate the parking issues we already have on West Genesee street. And they have; this is the 4th plan, Bob, that we have put forth in front of the Planning Board. If the Planning board should choose to approve this without the necessity for the Finger Lakes Land Trust, I will be happy to continue to work further with Mr. Galbato if he needs to make additional changes to the proposed deed restriction that we provided on January 1st. I knew nothing about this easement until last week, but the concept that I reviewed with my clients, attorneys and land use planners – the use of this mechanism for this purpose just seems to be unprecedented. And we are at a loss as to why it is needed in this particular situation.

Allyn – I have a question. I was just wondering, are these spaces already marked?

Eggleston – No. Right now we have 10 spaces marked. This is a granite curb and there's grass in here. This is part of this driveway that's used for access to the dumpster. On this part we are only adding this much pavement. These are already parking spaces right here; these are not marked.

Kenan – So the ones that are marked as 11, 12 and 13 are new. 11 is landscaping, 12 and 13 are pavement.

Eggleston – Spaces 1 – 4 are designated, marked handicap. 5 – 10 are regular spaces. 11 is now a landscape peninsula, 12 and 13 is blacktop but not marked for parking and used for the dumpster access. And then 14 – 20 would be new asphalt added on the side of the existing driveway.

Johnson – I had thought that we would have a chance to go over the proposal; I have never seen it before. I don't think the Allyns have either.

Galbato – Mr. Chairman it was revised in discussions late last week when 2 members of the Planning Board met with counsel and Bob to try to see if some modifications could be made as proposals. Bob and the applicant considered it and it was drawn up earlier this week.

Johnson – So those parking spaces on the side directly face my house.

Eggleston – That's why we put them at an angle.

Johnson – It is completely objectionable to me. I think that if you want any kind of; I think you should change it. That flies in the face of my house.

Simmons – I also want to point out that giving a conservation easement on the property is much more of a relinquishment of property rights than is a deed restriction. You ask why a conservation easement would not be appropriate and that would be another reason. It most certainly would affect the value of the property.

Sutherland – I'd just point out very quickly that you can write conservation easements for pristine conditions or you can put a whole series of things that are permissible like gardens, and maintaining gardens and moving gardens around. It can be written so it is allowing that or other things that add up to that.

Kenan – Or it can be as simple as saying no more pavement than what is shown on the plan.

Simmons – Is there in the Village of Skaneateles any other parcel of this nature within your knowledge within a residential area? Is there any other place that you know of within the village or within even the county, where you have these kinds of easements?

Sutherland – We don't have a parking garage in the Village either. It's a small village.

Simmons – I'm just scratching my head why is it so important that it be treated differently than anybody else who comes before you and requests a site plan. I heard here today Stella Maris and that, I know, is just a subdivision, but there's going to be talk about other buildings there. I hear a significant 3 acre redevelopment of a parcel; I don't see them being asked for the Finger Lakes Land Trust to become involved. I think we can talk about it 'til we are blue. I think we both made our points, right?

Sutherland – The only thing that I would add is that you can craft the language for that in a way that, I think, would ease the concerns. It's the spirit that if you want to do anything you certainly

can do it. Also I think if you look at some of the activities of the Cazenovia preservation foundation there where they are doing things within that context, there are examples that are not unlike what we are looking at here. This is the first one for the Finger Lakes Land Trust, but I don't think there's anything that would prohibit them from doing it. I think maybe the perception is different from the reality.

Simmons – I'm not sure what having that; having what you described is any different from we were offering which is a deed restriction which is enforceable by the village.

Sutherland – Just my personal thought is if you look at the Scott Congel versus the neighbors thing at White Lake, the neighbors had to go through year of harangue in order to, and expenditure of dollars at risk, to protect that. That puts a lot of burden on the neighboring, potentially. Certainly in that case it did. Had it been a land trust that was enforcing those protections, a lot of neighbors would have slept better at night when the dispute began to gain ground. That was a pretty visible situation there. I think this one would be a lot cleaner and the combination of the Village and the Land Trust just strikes some of us at any rate as being more fair to the neighbors. It doesn't put them in the police business. It doesn't pit neighbor against neighbor, which potentially could happen if some people wanted to have things go one way and some wanted to have it another. It just seemed a lot cleaner, a lot tighter. And at the same time the language of it could be written so that the practical effect of keeping that as a green landscaped area rather than an asphalt area could be accomplished. It was no sleight of hand thing, we just thought it was a way to do it that addressed some of the concerns that we had.

Simmons – I guess in response to the Congel case, our deed restriction is very emphatic that we do not refuse for the neighbors to do it. And we can rely on the Congel case. We can rely on that very, very strong precedent which has been reiterated in over a dozen cases. I think that what you are describing as being important to be in an easement is what have in the restriction and we would be willing to sit down to enhance that along with the village.

Sutherland – I think that was kind of our thought – that if you can accomplish it with either one, why do you care which one?

Simmons – I guess we'd have to ask you why it is so important to have the Land Trust involved. We're just kind of talking in circles at this point.

Eggleston – Doreen would you like to take a 5 minutes; they have another case. You have another case correct?

Kenan – On our agenda? We have a number of things to talk about tonight.

Eggleston -- Can we have 5 minutes?

Kenan – Sure. Go right ahead.

This matter was briefly recessed at the request of the applicant at 9:35 pm.

This matter was back on the record at 9:40 pm.

Weitsman – I just want to thank you all for your time in the last few months, and all of our neighbors that you had to go through this. My husband and I have decided that based on our reputation and your village that we would not like to entertain anything with the Finger Lakes Land Trust. We feel that it is not relevant in this situation and I feel like our reputation will stand here. I would appreciate your voting tonight.

Kenan – To act tonight?

Weitsman – Yes. Thank you.

Kenan – Thank you.

Eggleston – Again the plan as currently presented is February 1st. We do have the narrative; while there might be a few slight adjustments, we have the critical impact criteria and the site plan criteria.

Kenan – What's the Board's pleasure?

Hartnett – Do we have the restrictions language in place adequately counsel?

Galbato – The Board really has a couple of choices, but either way you should act tonight, otherwise it would be a default approval. If you do choose to approve the revised site plan, I would recommend that it be contingent upon Special Counsel Galbato and Village Attorney Byrne approving the restrictive covenants naming the Village as a signatory as well and as offered by the applicant, the adjoining neighbors recognized to explicitly have standing. As well as that all prior conditions of the property that have been part of the original (December 2010) and any subsequent approvals remain in full force and effect. In either case you should go through the balancing test for site plan approval. In addition depending on how you go I'll talk about the adjoining parcel.

Kenan – What's the Board's pleasure?

Galbato – Want to do a SEQR review first?

Hartnett – I would much rather be able to do this with the actual agreement in hand versus just leaving it down to counsel. Would the applicant be willing to do that? Get that squared away and then we vote on it next meeting.

Simmons – We provided you drafts in October and we provided a redraft in November and in January; the last draft January 1 and it states exactly what we said – that the Village has full enforcement, it references and uses the language requested by Rick Galbato. There were the benefited owners, that are the property owners adjacent; all of their lot numbers were identified. I would think that what changes there would be to the document would be extremely minor. We are willing to work with Mike Byrne and Rick and to sit down as necessary to go through. But

we adopted all of the applicable changes that Rick had sent me back, when was that Rick, October? I have forwarded it to you.

Galbato – The Board has it as well. I don't know if they spent the time to review it because they were hopeful that the other. I would recommend that you start with the SEQR determination. Bob I believe you submitted the short form early on with the application. **This Board did; the SEQR review was done back in 2010 when the entire project proposal was in front of this Board, so I would recommend a negative declaration, declare yourself lead agency, uncoordinated review and that the project as proposed, given the record in front of us, there will be no significant environmental impact from the project as proposed.**

Hartnett – You have looked at the language closer than I have. Does that get the job done, so to speak?

Kenan -- I haven't.

Galbato – I don't think there's been a focus on that because the Board was attempting to work on the land trust portion of it and that's where their focus was. If the Village is a signatory, obviously Mike Byrne has to approve it, and that request has to be a condition.

Chairman Kenan said, "I'll make the motion of negative declaration that you recited a minute ago. Is there a second for that?" Member Carvalho seconded the motion. Upon the unanimous vote of the members present in favor of the motion, the motion was carried.

Kenan – I think the choices are an approval subject to the parties working out the language of the deed restriction covenant or a denial, or something in between, but that would be whatever you come up with.

Sutherland – I just note, but it's a little separate from what we are talking about but if something was to occur there there's a lot of deciduous stuff with leaves that are down in the winter months; I think you want some sort of barrier that's more permanent there.

Eggleston – Evergreen barrier?

Sutherland – It's evergreen or berm or some sort of combination of the two. If somebody is pulling in or backing out to leave, the spray of headlights could be pretty...

Kenan – Depending on the size of the material being planted, a staggered row of coniferous plant will give, effectively not totally impenetrable, barrier and that's what should be done.

Eggleston – Start out at 6 feet, 10 foot on center?

Kenan – I think the breadth is more important than the height of the material.

Carvalho – I think it needs to be immediately impenetrable. It can't be something that's 10 years down the road and grown in. It's got to be; the neighbors are living there right now; it's got to be right now.

Eggleston – Right. And the other thing we could do a temporary fence that would be 6 foot high until the evergreens fulfill the solid block. You're looking at it being impenetrable whether it be by berms or plantings.

Carvalho – I think it also should block the view from Genesee Street; you should not be able to walk down Genesee Street and see a big parking lot back there. It needs to go around that.

Sutherland – Your two arrows that show relocating trees; somewhere in the area of those two arrows you really need to get something that's dense and evergreen to...

Simmons – In front of the entrance?

Carvalho – At the edge of the new parking.

Sutherland – Where space 20 is; adjacent to space 20, it really needs to not be seen from the street.

Carvalho – So when you're walking down it looks like you are looking up the driveway of a residence not looking into a parking lot.

Kenan – Do we have a motion?

Chairman Kenan, "I'll make a motion that the Planning Board approve the plan subject to the screening discussion that we just had and subject to the parties being able to work out agreeable language in the Declaration of Restrictive Covenants listing the Village as signatory as proposed, and the adjoining property owners will be named and their properties will be named as having standing, but not be signatories, and that standing will run with the land. The final agreement will be subject to approval by the Village Attorney and Special Counsel. Also that Special Counsel approve an easement for parking spots 16 through 20 as they encroach on the multi-family property at 57 West Genesee Street As well as that all prior conditions of the property that have been part of the original (December 2010) and any subsequent approvals remain in full force and effect, except as modified by this drawing. And further, that the Board recommends approval by the Zoning board of variances for the reduction of open area on numbers 53 and 57 West Genesee Street, and further that the Board recommends that the Trustees act favorably on amending the Critical Impact permit if the Code Enforcement Officer deems it appropriate." Member Carvalho seconded the motion.

Galbato – I will want to list the current owner, the address, and the book and page of the deed of their property.

Eggleston – Basically, this has to be modified to reflect the plan, but we have listed all the property owners by tax map.

Simmons – It will be the book and page of the property so it will run with the land.

Eggleston – we will require a variance for lot coverage as a result. As well as modification of the Critical Impact permit, unless the CEO determines that to be unnecessary.

Sutherland – Will that be on the two-story frame structure, the restaurant or both?

Eggleston – It will be both. The Krebs property will have approximately 87% open area instead of 90. And 57 over here will have 83.2% open space taking these parking spaces away from the open area.

Galbato – Will it please the Board if Bob actually marks up one of the site plans? He's going to do an amended version for the ZBA anyway.

Upon the unanimous vote of the members present in favor of the motion, the motion was carried. Member Sutherland indicated that while he was voting in favor, he was not happy about it.

Ms. Simmons thanked the Board.

This matter was concluded at 10:00 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards

