

**Village of Skaneateles
Planning Board Meeting
July 9, 2018**

Area variance recommendation in the matter of the application of Duane Brown to vary the strict application of Section 225-A5 Density Control Schedule for Front yard set-back; Side yard set-back, left; Side yard set-back, right; Both side yards combined; and Section 225-69D Nonconforming Buildings, Structures and Uses, Extension or Expansion; to construct ground level deck, hot tub, vinyl fence and stone parking area at the property addressed as 13 East Lake Street in the Village of Skaneateles.

Present: Bruce Kenan, Chairman
 Brian Carvalho, Member
 Mike Perrone, Member
 Doug Sutherland, Member

Riccardo Galbato, Attorney for the Planning Board
John Crompton, Code Enforcement Officer
Dennis Dundon, Clerk to the Boards

Duane & Sandy Brown, applicants

Aron Kolb, Syracuse
Colleen Plimpton, 40 Academy St
Stacey Alburnio, Syracuse
Terri Roney, 46 E Lake St
Theresa Hothem, 34 Hannum St
Linda Balducci, 130 Orchard Rd
Mark Aberi, 56 Leitch, Ave
Gary Dower, 102 E Genesee St
Rudy Zona, E Syracuse
Bob Eggleston, 1391 E Genesee St

Excused: Stephen Hartnett, Member

At 7:51 pm, Chairman Kenan opened the matter of the Duane Brown application for 13 East Lake Street.

Mr. Brown explained that he wants to install a ground level deck, add vinyl fencing, and expand the driveway slightly in the area adjacent to the garage.

Chairman Kenan asked if the garage is existing? Mr. Brown said yes. Chairman Kenan observed that there is a minor decrease in open area, and variances are needed for existing

nonconforming left and right side yards. There will be no impact on the rear yard setback. Mr. Brown explained the changes referring to the site plan.

Member Sutherland asked how close the neighbor is to the driveway area to be added. Mr. Brown said the driveway actually extends over the property line and required an easement. Member Carvalho asked about the location of the house in relation to the driveway. Mr. Brown said the houses align with one another. Member Sutherland recommended that Mr. Brown present to the ZBA a letter of agreement from his neighbor, because of the amount of work contemplated close to the property line.

Member Carvalho, “I move that we recommend that the ZBA accept the required variances for the proposed deck, fence and driveway. Further that we recommend that the applicant meet with the neighbor to share his plans and submit a letter of agreement to the Zoning Board.” Member Sutherland seconded the motion. Upon the unanimous vote of the members present in favor of the motion, the motion was carried 4 – 0.

This matter was concluded at 7:57 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards

Village of Skaneateles Planning Board Meeting July 9, 2018

Continued discussion for Site Plan Review, Critical Impact Permit determination, Special Use Permit recommendations (supplemental apartment and multivehicle garaging), Area Variance recommendation to vary the strict application of Section 225-A5 Density Control Schedule for Minimum Open Area; Section 225-15(9) for height of building; Section 225-23 for supplemental apartment greater than 800 SF; in the matter of the application of Peer & Maureen Soderberg to construct a 12,350 SF sports barn with supplemental apartment, garage and carport at the property addressed as 44 State Street in the Village of Skaneateles.

Present: Bruce Kenan, Chairman
Brian Carvalho, Member
Mike Perrone, Member
Doug Sutherland, Member

Riccardo Galbato, Attorney for the Planning Board
John Crompt, Code Enforcement Officer
Dennis Dundon, Clerk to the Boards

Aron Kolb, architect, on behalf of the applicants

Colleen Plimpton, 40 Academy St
Stacey Alburnio, Syracuse
Terri Roney, 46 E Lake St
Theresa Hothem, 34 Hannum St
Linda Balducci, 130 Orchard Rd
Mark Aberi, 56 Leitch, Ave
Gary Dower, 102 E Genesee St
Rudy Zona, E Syracuse
Bob Eggleston, 1391 E Genesee St

Excused: Stephen Hartnett, Member

At 7:58 pm, Chairman Kenan opened the matter of the Soderberg application for 44 State Street.

Mr. Kolb introduced himself as a representative from Mr. Manning's firm. He described his current understanding of the project as the construction of an 11,242 SF sports barn, a supplemental apartment and a four-car garage. Approvals required include:

- Special permit to allow the garaging of more than three vehicles
- Special permit for supplemental apartment

- Variance for minimum open space at 44 State Street – Existing open space is 94.4% according to Mr. Cromp. Proposed is at 84.1% where 85% is required
- Variance for a 1086 SF supplemental apartment; larger than the 800 SF allowed due to 286 SF porches
- Variance for minimum open space at 40 East Elizabeth Street – Existing is nonconforming at 80.7%, proposed is reduced to 67.7%. The access drive to 44 State Street
- Critical Impact Permit. Mr. Kolb questioned the basis for this determination. He then presented data on the cumulative floor area existing and proposed and in discussion it became clear that, based on the proposed construction, floor area would be in excess of 21,327 SF when including Elizabeth Street and the basement at 44 State. The threshold for Critical Impact is 20,000 SF. Sewer flows from the new barn are 237 GPD; combined with the existing residence it will be in excess of the 400 GPD threshold. Mr. Dundon suggested that the applicant prepare a narrative addressing each of the critical impact uses in the code for the Board’s consideration. Mr. Kolb indicated his awareness of the information requested by the Municipal Board to aid its review.
- There is no variance required for height, based on TDK Engineering’s confirmation of height calculations.

Chairman Kenan recapped that the Planning Board actions include site plan approval (which will require additional engineering for storm water and drainage) and Critical Impact Permit upon recommendation from the Municipal Board. For the ZBA, there are recommendations on Special Use Permits for supplemental apartment and multi-vehicle garaging, as well as recommendations on variances for open space and the size of the supplemental apartment.

Member Sutherland suggested that the Board could forward its recommendations to the ZBA, hear their decisions, and then consider the detailed engineering for storm water management before site plan approval is considered.

Attorney Galbato suggested that the Board could declare itself lead agency under SEQRA for an unlisted project to receive coordinated review. **Chairman Kenan, “I move that the Planning Board declares itself lead agency under SEQRA for this unlisted action that will receive coordinated review by Village Board of Trustees, Municipal Board, Zoning Board of Appeals, Volunteer Fire Department, Director of Municipal Operations, Code Enforcement Officer and County Planning Board.” The motion was seconded by Member Sutherland. Upon the unanimous vote of the members present in favor of the motion, the motion was carried 4 – 0.**

Chairman Kenan went on to express concern that the Board does not know what quantity of traffic may be generated by this new facility. He is also concerned about adding a second driveway to a single family home residential lot as the only access to the proposed complex, since it is no longer from State Street, as the original plan was. When he looks at the plan, he doesn’t know why their existing driveway doesn’t suffice for that purpose, saying “I realize there’s a garage in the way, but given the scale of the undertaking maybe it makes sense that the garage be moved. That is better than putting two driveways on a relatively narrow lot on Elizabeth Street at the limit of the property on each side.” In response to a question from the

Chairman, Mr. Kolb said that the 40 East Elizabeth Street lot is 77 feet wide. Chairman Kenan recognized the conflict with the porte-cochere, but suggested that, at the very least, they should consolidate to a single driveway at the Elizabeth Street property, rather than the two that are proposed at the limits of a 77 foot lot. Member Sutherland said that he would hate to see a building cluster removed for the purpose of installing a driveway over that parcel, noting that it is a single-family house on a lot. The Board agreed that the applicant's team should, at a minimum, find a way to consolidate driveways, and discussed possible alternatives.

Chairman Kenan asked "what's the expectation on what the owners will do to get up the hill?" Mr. Kolb said he didn't know. Chairman Kenan posited that they could walk up and down the hill, or could get in a car and drive around. He suggested that functionally a connecting driveway should have been left in as part of the plan regardless of the desire to minimize variances.. Member Carvalho said it is unlikely that the parents occupying the accessible apartment will walk up and down to the main house.

Member Carvalho expressed concerns about safety aspects of the Elizabeth Street driveway, recalling similar concerns expressed by neighbors during the public hearing. He said that with kids, neighbors, and construction traffic, that the Elizabeth Street entrance does not seem like a good idea. He suggested that the planning team look at the comments from neighbors and consider making modifications to address some of the concerns.

Chairman Kenan asked again about the problem with the State Street driveway. Mr. Kolb said that the Soderberg trailer is too large to fit under the porte-cochere. After inspecting the site plan, the Board concluded that there may be room to get past the porte-cochere on the north side. Chairman Kenan asked about the grade. Mr. Kolb estimated that it is about a 10% grade. Member Sutherland thought that the Elizabeth Street entry may be easier to pull into.

Chairman Kenan asked if the Board wished to consider acting or did it prefer seeing a revised plan. The consensus favored a revised plan, incorporating a single driveway. Mr. Kolb was reminded that the Municipal Board needed some additional information in order to consider a recommendation on Critical Impact.

Attorney Galbato said that since the Board had closed the site plan public hearing, it will need an extension of the 62 day statutory period for the Board to act. Mr. Kolb said that Daniel Manning Architect will agree to that extension and was asked to send an email to that effect. After the applicant's representatives had thanked the Board, Mr. Cromp clarified that the existing open space stands at 94.4%, and also clarified that Critical Impact is required due to (1) total floor area greater than 20,000 SF, (2) vehicular activity, and (3) source load for sewer.

Chairman Kenan said that the matter would be continued to the August meeting of the Board. This matter was concluded at 8:40 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards

Village of Skaneateles Planning Board Meeting July 9, 2018

Continued discussion regarding preliminary subdivision approval, site plan approval and recommendation to ZBA for special permit in the matter of the application of Gary Dower for a 6 lot open space subdivision, lot line adjustment for development of new lodging structures and construction of 5 one-family dwellings as part of the proposed Mirbeau Gateway development project at the corner of Fuller and West Genesee Streets in the Village of Skaneateles.

Present: Bruce Kenan, Chairman
Brian Carvalho, Member
Mike Perrone, Member
Doug Sutherland, Member

Riccardo Galbato, Attorney for the Planning Board
John Crompton, Code Enforcement Officer
Dennis Dundon, Clerk to the Boards

Bob Eggleston, architect, on behalf of the applicants
Gary Dower, applicant
Stacey Alburnio, on behalf of the applicant

Colleen Plimpton, 40 Academy St
Terri Roney, 46 E Lake St
Theresa Hothem, 34 Hannum St
Linda Balducci, 130 Orchard Rd
Mark Aberi, 56 Leitch, Ave
Rudy Zona, E Syracuse

Excused: Stephen Hartnett, Member

At 8:41 pm, Chairman Kenan opened the matter of the Mirbeau Gateway application.

Mr. Dower stated that they are requesting a recommendation in favor of the ZBA's granting a Special Use Permit for Open Space subdivision as required in the Village Code based on a newly-designed access driveway configuration to serve the five residential dwelling units proposed for Fuller Street. He recounted that at the Board's last meeting there had been a good discussion of a design that minimized curb cuts on Fuller Street. The new design that has been recently submitted is an attempt to follow through on that while also addressing concerns expressed by the ZBA and the Fire Department regarding the sizes of the lots, their harmonious relationship with the neighborhood and providing additional access points for fire fighting.

Chairman Kenan recalled that the Board's previous recommendation for Special Permit approval was turned down by the ZBA. Mr. Dower explained that while the Planning Board felt that traffic safety issues of egress sight lines and minimum number of curb cuts were important, the developer concluded that it was important to maintain the detention basin design while expanding lot width from 50 feet to 60 feet and to move the main driveway to the mid position. That new location works pretty well and the increase in lot width to 60 feet and overall lot size improves the harmonious relationship with the neighborhood. More driveway access points should be more satisfactory to the Fire Chief.

Chairman Kenan recalled that the Board preferred the driveway access on the north side of lot 1. Mr. Dower said it was difficult to do that while retaining the detention basin design and increasing the lot width. Member Sutherland said that he would prefer to have the access aligned with Highland Street, but he is OK with the alternative. Member Carvalho said the 60 foot lot width is better.

Mr. Dower asked that if the Planning Board considers this plan a good compromise, he would ask that the Board refer it to the ZBA for consideration. Chairman Kenan asked if the Board is satisfied? He continued that the revised driveway pattern provides good access and that the plan addresses the ZBA's interest in seeing the lots getting larger. This seems like a good compromise. Member Sutherland said that he revised plan does not have 5 curb cuts and reduces the need for residents to inch their way out between parked cars. Mr. Dower called it "a better approach." Member Perrone asked if this addresses the Fire Chief's concerns. Mr. Dower acknowledged that it is a compromise between the Boards' differing views, but it does provide closer access for some lots. He continued that the ZBA was concerned about this aspect because it was not sure that the Planning Board had explicitly focused on fire safety. Chairman Kenan said that -- with access via Fuller Street, the mid-driveway configuration and the continued ability to access the rear driveways -- this design has improved fire safety access; better than normal.

Member Carvalho, "I move that the Planning Board recommends that the ZBA grant a special use permit for the proposed open space subdivision per the July 5, 2018 revised plans. Further that the Planning Board acknowledges that it has discussed fire safety, but believes that traffic safety is as important or more important." Member Sutherland seconded the motion. Upon the unanimous vote of the members present in favor of the motion, the motion was carried 4 – 0.

Chairman Kenan said that the matter would be continued to the August meeting of the Board. This matter was concluded at 8:50 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards

Village of Skaneateles Planning Board Meeting July 9, 2018

Consideration of further extension of time to complete grading requirements subject to a resolution by the Planning Board made December 7, 2017 to implement actions necessary for CEO Crompt's issuance of a temporary certificate of occupancy for the property known as Lot 38 of the Parkside Village Subdivision in the Village of Skaneateles.

Present: Bruce Kenan, Chairman
Brian Carvalho, Member
Mike Perrone, Member *Recused*
Doug Sutherland, Member

Riccardo Galbato, Attorney for the Planning Board
John Crompt, Code Enforcement Officer
Dennis Dundon, Clerk to the Boards

Bob Eggleston, architect, on behalf of the applicant
Mark Aberi, applicant
Rudy Zona, P.E., on behalf of the applicant

Terri Roney, Esq., representing the owners
Linda Balducci, owner, 130 Orchard Rd

Excused: Stephen Hartnett, Member

At 8:51 pm, Chairman Kenan opened the consideration of a further extension of time for Mr. Aberi to gain approval of affected lot owners and to complete acceptable grading on Lots 37, 38 and 39 in the Parkside Village Subdivision. Attorney Galbato noted that at its last meeting the Board had granted an extension until tonight's meeting. Since then there have been numerous emails and correspondence on this subject. Chairman Kenan asked if the Board was ready to grant an extension?

Ms. Roney asked to address the Board before it made that motion, and said she is here representing the Balduccis, the owners of lot 38. She discussed the previous plan reviewed by Mr. Hyde (Village engineer) and said that Mr. Zona has removed the house that was previously depicted on Lot 37 as requested by the Village engineer to avoid any confusion about approving a site plan before it was even before the Board. She continued that Mr. Zona has also adjusted swales and grades to be wholly on lots 37, 38 and 39; without any work required on Lot 36. She showed the Board a series of photographs of the existing condition of Lot 38, saying that "conditions are poor", and that the Balduccis are frustrated by having lived under such

conditions since December of 2017. Further they are embarrassed that they don't have an adequate lawn or landscaping in place after a long period of occupancy, when other houses near them have been started and been completed. Chairman Kenan asked if the grades exist today? Ms. Roney said they do. Chairman Kenan asked about the GHD letter dated July 9, 2018 and asked if that constituted approval? The owners have an approval of the current plan from the Witters (Lot 39) and were hoping for GHD's final sign-off before the meeting. She asked that the Board accept this as the final grading and drainage plan subject to GHD's final sign-off.

Chairman Kenan said that with the retaining wall in place, this lot just sheet drains until it eventually hits this swale or that swale.

Mr. Zona said that they have met all of GHD's conditions; (1) remove grades and he proposed house shown on Lot 37, (2) leave the Lot 38 retaining wall in place, and (3) only show grades necessary to tie into swales.

Attorney Galbato said that assuming this gets approved by the Board then he will promptly prepare drainage easements for lots 39, 38 and 37 where the Village would have the right to go in if the property owners fail to maintain upon reasonable notice.

After some further discussion, **Chairman Kenan, "I move to accept the grading and drainage plan C-1 dated July 9, 2018 as the acceptable drainage plan which was the subject of the Temporary Certificate of Occupancy for the Balduccis and the Agreement with Mark Aberi, subject to the Village Engineer concurring with this approval and scheduling a preconstruction meeting before work commences. This action is further subject to receipt by the Village of an updated letter of agreement from the owners of Lot 37. This action is further subject to the development of an easement agreement acceptable to Special Counsel and the execution of drainage easements by the owners of lots 37, 38 and 39." Member Sutherland seconded that motion. Upon the unanimous vote of the members voting in favor of the motion, the motion was carried 3 – 0, with Member Perrone recused and abstaining.**

On motion by Chairman Kenan, seconded by Member Carvalho, this matter was concluded and the meeting unanimously adjourned at 9:03 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards