

REGULAR MEETING, VILLAGE BOARD OF TRUSTEES
MONDAY, JUNE 22, 2009
7:00 P.M.

PRESENT: Mayor Bob Green, Trustees Marc Angelillo, *Kathryn Carlson, Sue Jones, and Tim Lynn, Codes Enforcement Officer (CEO) Jorge Batlle, Director of Municipal Operations (DMO) Bob Lotkowitz, Police Chief Lloyd Perkins, Municipal Board Commissioner Alan Dolmatch, Planning Board Member Steve Krause, Village Attorney Byrne

OTHERS	Nate Robson	Skaneateles JOURNAL (Auburn CITIZEN)
PRESENT:	Phil D'Angelo	Superintendent, Skaneateles Central Schools
	Richard Clayton	Severn Trent, Operator for Wastewater Treatment Plant
	Cliff Abrams	37 State Street
	Stephen Ansteth	39 Jordan Street
	Bette Congel	6 Wicklow Drive
	Bob Eggleston	Local Architect, Offices at 4361 Jordan Road
	Jackie Keady	4 East Genesee Street
	Andrew Legg	Applicant for Subdivision, 20 Highland Street
	Eloise Luchsinger	44 East Genesee Street
	Aaron Moss	39 Jordan Street
	Anne Perkins	5106 Onondaga Road, Syracuse (Mrs. Lloyd Perkins)
	Dan Riordan	101 East Genesee Street
	Dan Roche	39 West Lake Street
	Linda Roche	45-56 East Genesee Street
	Arnold Rubenstein	2 East Genesee (President, N. Shore Property Owners)
	Ruth Schermerhorn	879 Franklin Street
	Richard Schmidt	26 East Genesee Street
	Julie Sharpe	52 East Genesee Street
	Sallie Thompson	615 Hartlot
	Jim Williams	13 Jordan Street
	Steve White	18 East Genesee Street
	David Yulke	89 West Elizabeth Street

Public Hearing, Critical Impact Permit for Legg Subdivision

At 7 p.m., Mayor Green referenced the Affidavit of Publication from the June 11, 2009, issue of the Skaneateles JOURNAL for a public hearing to consider a Critical Impact Permit for the 3-lot Legg Subdivision off 20 Highland Street.

(Insert Affidavit of Publication)

At Mayor Green's request, Architect Bob Eggleston read through his responses to the specific criteria for a Critical Impact Permit for the development of two "flag" lots (2 and 3) to be subdivided from the property of Andrew Legg at 20 Highland Street.

(Insert Eggleston "Critical Impact Criteria" Report)

Mayor Green noted that there have been stormwater issues to the east of this property and inquired if anything could be done to create a berm around the perimeter of the property. Mr. Eggleston said that will be taken into consideration as the two houses are designed, adding that the Planning Board is requiring Site Plan approval before the issuance of a building permit. CEO Batlle said County Planning expressed concern with the drainage, too, and he was surprised that they hadn't contacted Mr. Eggleston but agreed that Site Plan approval by the Village Planning Board would be the appropriate time for drainage review. David Yulke said his property is directly north and at a lower elevation. He asked if there is any chance of having the property cleared. Mr. Legg said they don't want to take out any trees

Public Hearing, Critical Impact Permit for Legg Subdivision (Cont'd)

now before a house is sited. Village Attorney Byrne observed that Site Plan approval is a public process, but CEO Batlle said it's only a public hearing when part of a major subdivision application. The Village Board agreed that when a specific application for a building permit is received and the Planning Board considers Site Plan approval for each of the lots, notice should be provided to the abutting property owners and a public hearing held. Village Attorney Byrne agreed to make that a condition of approval, adding it to Item 3 on Page 5 of the resolution. On the motion of Trustee Jones, seconded by Trustee Lynn, it was resolved and unanimously carried (4-0 in favor) to grant a Critical Impact Permit to Andrew Legg for the creation of 2 additional lots from his property at 20 Highland Street.

(Insert Copy of Resolution with Added Condition of Public Hearing for Site Plan Approval)

Public Hearing, Local Law #1 of 2009, Modify Off-Street Parking Requirements

At 7:30 p.m., Mayor Green referenced the Affidavit of Publication from the June 4, 2009, issue of the Skaneateles JOURNAL for a public hearing to consider proposed Local Law No. 1 of 2009 to modify the off-street parking requirements of Section 225-58 of the Village Code.

(Insert Affidavit of Publication)

Mayor Green commented that probably everyone agrees our parking facilities are inadequate and overburdened at this time of year and the Village continues to address the problem. He highlighted the major changes of the proposed local law:

- 1) all existing structures in the Village will be deemed to be in compliance with parking requirements as of July 1st and shall only be required to provide additional space as required by a change of use, alteration or addition of new occupiable space
- 2) instead of two parking spaces for a dwelling unit of 1,500 square feet or less only one and one-half spaces will be required
- 3) retail space will be the same as office space in requiring one parking space per 300 square feet of gross floor area
- 4) the parking space deficit shall be determined by the Codes Enforcement Officer (CEO)
- 5) churches, libraries, and municipal buildings shall be exempt from payment of the parking deficit fee.

Village Attorney Byrne said since these issues will be administered by the CEO and no longer treated as a variance, there will be a quicker determination. He noted that there also would no longer be any rebuttable presumption which should reduce the number of parking space deficits.

The Board addressed each of the comments made by CEO Batlle from an e-mail sent late this afternoon and following discussion agreed: 1) when a change of use results in an increase (but not a decrease) in the number of required spaces grandfathered as of July 1, 2009, the "bar" will be re-set to that new number resulting from the change of use; 2) the square footage of a dwelling unit will be based on the gross floor area [as opposed to the footprint]; 3) the term "professional office" will be stricken from home occupation [B.(3)b]; 4) that the issue of tandem parking will be studied further; and 5) the exemption from the parking deficit fee for churches, libraries, and municipal buildings would apply village-wide not just in the Downtown "D" District.

*Trustee Carlson arrived

CEO Batlle inquired whether the Zoning Board of Appeals (ZBA) could provide a variance since this fall under zoning and Village Attorney Byrne answered, no. He explained that any deficit would be determined by the CEO and while the ZBA could hear a complaint on the CEO's calculation and determine if it were correct, they could not vary the amount of the fee. (This feature will be discussed further by the Trustees.)

Public Hearing, Local Law #1 of 2009, Modify Off-Street Parking Requirements (Cont'd)

Trustee Lynn suggested and the Board agreed that the requirement of one and one-half parking spaces for each dwelling unit of less than 1,500 square foot be applicable for multifamily dwellings as well as one-and-two family dwelling, townhouses and cluster housing. Mayor Green opened the floor for public comment.

Alan Dolmatch (author of the original Chapter 225 on Parking and committee member of the proposed amendment) said he feels the purpose and language of the proposed local law are good, providing a win-win situation. It preserves the legal status without imposing a hardship or loss, but will inhibit development which worsens the parking situation. The proposal relaxes parking for office use, making it the same as retail.

Bob Eggleston, local architect, thanked the Village Board for their efforts and for including the design professionals in the development of this proposal. He said he's in favor, but recorded a few suggested "tweaks" which he read.

(Insert Bob Eggleston's E-mail of June 22, 2009)

Arnold Rubenstein of 1 East Genesee Street and President of the North Shore Property Owners Association said he appreciates the Board's "grandfathering all the parking that exists today", but has questions with regard to what happens after July 1, 2009, regarding a second future change of use after payment for a deficit of spaces, a parking permit holder not finding a vacant space, oversale of permits beyond lot capacity, and the need to legitimize tandem parking.

(Insert Arnold Rubenstein's memo to the Board)

Aaron Moss, local real estate agent, said if there is a change of use which reduces the number of spaces required from the "grandfathered" count and then there was a re-lease of the property resulting in a change of use and an increased number of spaces, he feels it should revert back to the higher grandfathered number of spaces.

Richard Schmidt, owner of 26 East Genesee Street and long-time parking champion, suggested that the code provide a definition of habitable and occupiable space. He expressed grave concern that the fee of \$7,500 per deficit parking space places an unreasonable burden on the downtown businesses and property owners.

Steve White, partial owner of 18 East Genesee Street, said requiring owners who tear down their building to start over with establishing the count for on-site parking is an unfair penalty and many of the attendees agreed. Mr. White also said he agrees with Aaron Moss that if a change of use results in reducing the number of spaces, lowering the "bar", they should not be penalized and have to pay the fee for a later change of use and increased number of spaces. He commented that the downtown property owners pay a ton of tax money, give people jobs, and don't demand services, so he feels it's unfair to keep burdening them.

Jim Williams of 11 Jordan Street said the grandfathered spaces should remain when a building is replaced or we'll limit development. He, too, felt that the burden for creating the Parking Trust Fund, is being placed on the backs of the business owners when everyone uses the parking.

Bette Congel said she had a downtown business in the 70's and 80's and she supports the store owners who are being burdened, cautioning that the Village has two stores now with brown paper covering their windows and we'll have more.

Linda Roche, owner of 54 East Genesee Street, said her building would have been rented two months ago but her prospective tenants weren't going to pay the \$37,500 parking deficit fee. In this economy, she noted that many merchants may only be in business a year, so there is more change of use occurring. She also felt that it isn't right to penalize a building that is a fire trap and needs to be re-built.

Rob Kiltz, owner of 42 East Genesee, said he had planned to put a spa in space which was previously commercial, but with the \$50,000 parking fee, he's less likely to move that way in this economic climate. He said just as everyone contributes for the fire station and ambulance, all should contribute to parking.

Mayor Green said it's pretty apparent that the whole parking issue is complicated. The Village revised it 4 or 5 years ago, but felt it wasn't working, so we attempted to revise it and make it fair. He said he appreciated everyone coming and their comments. He said the public hearing will remain open and we'll take it up again at 7 p.m. at the July 13th meeting. Julie Sharpe asked about changes and Village Attorney Byrne said we'll post revisions to the Village website.

Richard Schmidt reiterated that if a building needs to be replaced, it should be, and they should be able to keep their grandfathered number of spaced.

Sallie Thompson (representing a "splinter group" of the Skaneateles Artisans interested in renting space at Linda Roche's building) said it appears their only option to open now before the board adopts a revised local law would be to come up with parking money.

Minutes

On the motion of Trustee Jones, seconded by Trustee Angelillo, it was resolved and unanimously carried (5-0 in favor) to approve the minutes of the Regular Meeting of June 8, 2009, as presented.

Bills

On the motion of Trustee Jones, seconded by Trustee Carlson, it was resolved and unanimously carried (5-0 in favor) that bills from Abstract #2 be audited and paid as follows once Mayor Green is satisfied with DMO Lotkowitz' inquiry into the payments to Highway Safety Products (for safety vests) and Share Corporation (vegetation control):

General Fund	Vouchers	61 - 112	Checks	11070 - 11121	\$101,741.62
Sewer Fund	Vouchers	8 - 18	Checks	3313 - 3323	32,143.77
Water Fund	Vouchers	7 - 15	Checks	2815 - 2823	8,734.77
Electric Utility Fund	Vouchers	9 - 26	Checks	3824 - 3841	68,404.96

It was further resolved to authorize payment of \$1,812.67 from the Parkside Escrow (CM22) to Stearns & Wheler (T&A 48735) and \$182.45 from the Parking Trust (CM24) to Ber-National Control, Inc. (T&A 48736).

School's Tennis Courts at Austin Park

School Superintendent Phil D'Angelo presented the Bernier Carr Group plan of June 19th, showing the existing four-court layout, the new layout with two additional courts to the west and the relocated walking path, and a third drawing of the grading plan. He noted that three trees will be removed and six trees added, the variety and location to be specified by the Village. The existing benches will be relocated, as well as the John Abbott memorial stone. Some additional lighting is anticipated, but the details for that need to be worked out. Planning Board Member Steve Krause said the suggestions from PARCS have been incorporated and he and the Planning Board are satisfied with the plan. Village Attorney Byrne inquired if the Planning Board looked at the sub-grade and Mr. Krause answered, no. Mayor Green said he would like to know that there was sub-surface investigation and Superintendent D'Angelo said it may be detailed on other drawings. On the motion of Trustee Lynn, seconded by Trustee Jones, it was

School's Tennis Courts at Austin Park (Cont'd)

resolved and unanimously carried (5-0 in favor) to approve the tennis court layout as shown on the June 19th drawing contingent upon review of sub-base drawings by Steve Krause, DMO Lotkowitz and the Village engineers if deemed appropriate and contingent upon satisfactory execution of an Intermunicipal Agreement.

Power Outage at Middle School

Mayor Green referenced Superintendent D'Angelo's letter of thanks to the Village Light Department for their work to repair the short in the underground cable at the Middle School on June 5th.

Not-For-Profit Organizations Participating in the Curbstone Festival

The Board agreed to have the Milfoil Eradication Project representatives use space in front of the Village Office and to authorize the Skaneateles Swimming and Diving Team to sell sandals on the corner of the M&T Bank lawn during the Curbstone Festival. They would not authorize the Auburn "Champions for Life" to conduct any sales in a Village Park as no commercial activity is permitted in the parks, but they can sell raffle tickets, baked goods and bottled water on private property (M&T lawn, Library, etc.) as they have in past years.

Thanks to Kevin Young of Village DPW

Mayor Green referenced an e-mail from Donna Himelfarb of Sachem Drive who wrote giving thanks to Kevin Young who rescued her "from a back-up sewer mess on a Saturday night" and "worked magic on the sewer clog".

OSHA Safety Training

DMO Lotkowitz reported that Village and Town laborers will be attending their annual OSHA safety training course all day tomorrow. Mayor Green commented that Gene Prescott does an excellent job.

Authorize Extension of SRCT Agreement of 1999

On the motion of Trustee Angelillo, seconded by Trustee Lynn, it was resolved and unanimously carried (5-0 in favor) to authorize Mayor Green to sign the extension of the SRCT agreement to July 31, 2009.

Sump Lines Discharging into the Sanitary Sewer System

DMO Lotkowitz reported that the Municipal Board was recommending to the Village Board that the Village require elimination of any sump pump lines which may discharge into the sanitary sewer system. He said this is part of the DEC's requirement for our mitigation of infiltration and inflow and would be part of our CMOM (Capacity, Management, Operation and Maintenance) Plan. Village Attorney Byrne said the local law of 8/11/1958 is clear that sump connections to the sanitary sewer systems are not permitted, new or pre-existing, and he offered to write an explanation to Municipal Board Member Peter Moffa who had expressed concern.

OPK Payment for Services on Kane Avenue Fire Station

On the motion of Trustee Jones, seconded by Trustee Angelillo, it was resolved and unanimously carried (5-0 in favor) to approve the use of Fire Station Project funds to make final payment to QPK architects in the amount of \$161,292.90, which includes the Village balance on two invoices billed in January and April of 2006.

Executive Meeting

At 10:25 p.m., on the motion of Trustee Carlson, seconded by Trustee Jones, it was resolved and unanimously carried (5-0 in favor) to enter into an Executive Session to discuss a matter of potential litigation. The Executive Session ended at 10:45 p.m.

Contract Renewal with Police Chief Lloyd Perkins

On the motion of Trustee Jones, seconded by Trustee Angelillo, it was resolved and unanimously carried (5-0 in favor) to authorize Mayor Green to sign the contract renewal with Chief Perkins at \$33.62 per hour. This rate represents the same dollar amount increase as received by the highest ranking subordinate in accordance with the provisions of General Municipal Law 207-m. It was further resolved that Chief Perkins be permitted to buy back two weeks vacation.

Special Meeting on Proposed Local Law No. 1 of 2009

The Board agreed to meet at 6:00 p.m. on Tuesday, June 30th, to discuss modifications to proposed Local Law No. 1 of 2009, amending the parking space variance.

The meeting was adjourned at 10:50 p.m.



Sally L. Sheehan
Village Clerk

State of New York

Onondaga County, Village/Town of Skaneateles

Kathleen Weldon of the City of Auburn, in Cayuga County, being duly sworn, deposes and says:

That she is the Advertising Assistant of Lee Publications, Inc. publishers of The Skaneateles Journal, a public newspaper printed and published weekly in the City of Auburn, and distributed in Onondaga County, and duly authorized to make this affidavit, and regarding

6/22 Street Parking Requirements Village of Skaneateles

of which annexed is a printed copy, was published in said paper 1 time namely on the 3rd day of June, 2009.

Signed Kathleen Weldon

Sworn to before me, this 4th day of June 2009.

Carol Speach

Carol Speach, Notary Public

Carol Speach
Notary Public
State of New York
01SP6139936
Qualified in Cayuga County
Commission Expires 01/17/2010

6/22 Street Parking Requirements
NOTICE OF PUBLIC HEARING
VILLAGE OF SKANEATELES
Notice is hereby given that the Board of Trustees of the Village of Skaneateles, Onondaga County, New York, will hold a public hearing at the Regular Meeting of the Village Board of Trustees on Monday, June 22, 2009, at 7:30 p.m. at the Village Office, 46 East Genesee Street, Skaneateles, New York, to consider proposed Local law No. 1 of 2009 to modify the off-street parking requirements of Section 225-58 of the Village Code.
Dated: May 26, 2009
Sally L. Sheehan, Village Clerk
Village of Skaneateles
T1, 6/3

Village of Skaneateles

From: Bob Eggleston [roeggleston@hotmail.com]
Sent: Monday, June 22, 2009 6:45 PM
To: Mike Byrne; JORGE BATLLE (Village Email); WILLIAM EBERHARDT; BRUCE KENAN; doug sutherland; lauren waite; steve krause; Lisa Banuski; Lee Buttolph; Larry Pardee; John Cromp; Craig Phinney; carlson.kam@gmail.com; marcange57@hotmail.com; ragreen11@msn.com; 'Sue Jones'; tim@gslaw.com
Cc: andy@ramsgard.com; abdolmatch@roadrunner.com; Ric Galbato
Subject: RE: Proposed Local Law #1 of 2009 // Revision of Parking Space and Loading Berth Requirements (Chapter 225)

Mike Byrne and the Board of Trustees:

I took another look at the proposed changes to the Zoning Law and have a couple comments and found several possible oversights when correcting the language. Please accept these as my comments for the Public hearing.

- When reviewing this with the joint boards, it was expressed that a building that was being torn down and redeveloped, would not lose it's grandfathered parking consideration. I have re-read **Section 225-58A(2)** several times and am not sure about this. It specifically states "applications for new construction (including demolition and reconstruction) and applications for change of uses, or alteration which adds occupiable space to an existing structure shall conform to the requirements of this article." But 'reconstruction' is not included in the next sentence that exempts existing space "... the applicant shall be required to provide only such number of parking spaces-as is required for the change of use, or the alteration and addition of new occupiable space."
- In this section, is the use of the word "occupiable space" intentional - opposed to 'habitable'? ('occupiable' is misspelled on the last line of **Section 225-58A(2)**).
- In the work session, we talked about reducing the number of spaces required for apartments, in that many small apartments may have none or one car associated with it. We talked about small apartments under 800SF requiring one space, similar to an accessory apartment. This was not added and should be. In the downtown district, not every apartment under 800 sf is an 'accessory apartment' by definition. The law was amended to have dwelling units less than 1,500 SF require 1 1/2 parking spaces. The trouble with the way it was put in the law is that it is under section **225-58B(1)(a)** for 'One and two families dwellings' instead of **225-58B(1)(b)** 'Multiple family dwellings' where it was intended.
- **Section 225-58B(1)(a)** - The term "conversion of existing dwellings" is no longer used in the zoning law.
- **Section 225-58D** - "Tandem parking is prohibited." This is a practice used in many of the older residential lots for single family dwellings where the driveway is only 10 or 12 feet wide. It is also used in the downtown district when creating parking garages in the lower level of buildings to help satisfy the parking requirements. This has been successful for dwelling units where one family is in control of the cars. I recommend adding the phrase "except where both cars are controlled by a single dwelling unit."
- 225-58E(4) uses the word "variance". The law has been amended to use the phrase "parking space deficit". This should be corrected to be consistent.
- 225-58E(6) uses the phrase "obtaining a variance or waiver". This should be amended to use the phrase "having a parking space deficit" to be consistent.

While rebuttable presumptions have been removed from the law, which will simplify the process of reviewing applications, it appears the right for an application for a variance has been preserved. If a property has special circumstances, they still have the right to apply for a variance to reduce the required parking and make their case before the Zoning Board of Appeals.

Thankyou for making this amendment process an inclusive process receiving points of views from all sectors of the community.

To Board of Trustees Village of Skaneateles

RE: proposed parking law

My name is Arnold Rubenstein and I am here as President of the North Shore Property Owners Assoc. I am speaking on the negative side of this question as I find too many ambiguities in the proposed law as written that need clarification.

I thank you for grandfathering all the parking that exists today in the historic district. But since all the building owners can experience vacancies, especially in these tough financial times, all my questions are raised as post July 1,2009.

1. Post July 1, a building owner, through change of use, purchases 2 village parking spaces for \$15000.00. At some future date, through another change in use, that building no longer requires the 2 spaces.

(a) Does the building owner loose the 2 spaces?

(b) If at a later date the building, through another change in use again requires the 2 spaces, does the building owner now have to repurchase the 2 spaces paying another \$15000.00?

2. What if someone entitled to park in the village lot by virtue of purchasing a permit cannot find a vacant space?

3. What happens when all spaces for downtown vehicle permits have been purchased? I am assuming that for \$7500.00 an actual space is provided. Or will the village continue to create phantom spaces even though a substantial fee has been paid?

4. Some of the buildings in the historic district have tandem parking spaces. Not recognizing the tandem parking spaces as legitimate will make the parking problem worse, not better. In my case I have 4 wide tandem parking thus providing space for 8 cars. By lease I provide 4 parking spaces to the store and keep 4 spaces for the residential unit. This has worked fine for 16 years now. I fail to see how any change in this arrangement will benefit me or the village, other than to allow the village to collect \$30000.00 if I have a change in use and I cannot count the 4 tandem spots.

Please consider these questions as an effort to point out potential future problems if the proposed law is passed as written. Thank you for your attention to these issues.



Arnold Rubenstein

State of New York

Onondaga County, Village/Town of Skaneateles

Kathleen Weldon of the City of Auburn, in Cayuga County, being duly sworn, deposes and says:

That she is the Advertising Assistant of Lee Publications, Inc. publishers of The Skaneateles Journal, a public newspaper printed and published weekly in the City of Auburn, and distributed in Onondaga County, and duly authorized to make this affidavit, and regarding

6/22 V~~B~~ Legg Subdivision Village of Skaneateles

of which annexed is a printed copy, was published in said paper 1 time namely on the **10th** day of **June, 2009.**

Signed Kathleen Weldon

Sworn to before me, this 11th day of June 2009.

Carol Speech

Carol Speech, Notary Public

6/22 ZBA Legg Subdivision
**VILLAGE OF SKANEATELES
NOTICE OF PUBLIC HEARING**
Please take notice that the Board of Trustees of the Village of Skaneateles, Onondaga County, New York will hold a public hearing at the Village Office Building, Board Room, on June 22, 2009 at 7:00pm, pursuant to Article XI (regarding Critical Impact Permits) of the Village Zoning Law to consider an application submitted by **Andy and Julie Legg** per Section 225-52(L) [sewer flows] for the creation of a 3 lot subdivision called "the Legg Subdivision" located off 20 Highland Street in the Village of Skaneateles.
A copy of the application is available at the Village Office for inspection. All interested persons will have the opportunity to be heard.
dated: June 5, 2009
By Order of the Village Board of Trustees
Sally Sheehan, Village Clerk
T1, 6/10

**Carol Speech
Notary Public
State of New York
OISP6139936
Qualified in Cayuga County
Commission Expires 01/17/2010**

ROBERT O. EGGLESTON, ARCHITECT

4361 Jordan Road

Skaneateles, New York 13152

June 16, 2009

Village Board, Critical Impact Permit

Village of Skaneateles

46 East Genesee Street

Skaneateles, New York 13152

Re: John Andrew and Julie Legg – Legg Subdivision

20 Highland Street

Tax Map No 006.-01-29.1 and 047.-04-10.0

CRITICAL IMPACT CRITERIA

As a supplement to the drawings and narrative submitted with this application, the following statements will assist in determining the critical impact of this project.

- A) *“The plans for the proposed critical impact use meet the prescribed requirements of this chapter, including all of the regulations contained in this chapter for the district in which located.”*

This subdivision meets all zoning requirements for density control schedule in the A-2 District. No variances are required.

- B) *“The proposed critical impact use will not have an adverse impact upon the character or integrity of any land use within the immediate neighborhood having a unique cultural, historical, geographical, architectural, or other special quality of similar magnitude.”*

This subdivision provides for two new dwellings that will be in character with the neighborhood as allowed by zoning. The lots are larger than many existing lots on Highland Street.

- C) *“The proposed critical impact use is in harmony within the visual and physical context of the immediate neighborhood.”*

The new houses will be set back from the street behind the existing Legg house and use an existing driveway for access. Flag lots are not uncommon in the village.

- D) *“Such critical impact use and site development plan are in harmony with and will not impede the orderly development or redevelopment of the general neighborhood and the location, nature and height of buildings, structures, walls, fences and parking areas will not discourage the appropriate development and use of adjacent lands or adversely affect existing land use in close proximity to the subject site.”*

(315) 685-8144

(315) 685-0548 fax

Member of the American Institute of Architects

The proposed houses will meet the density control schedule allowed by the A-2 Zoning District and will be consistent with other dwellings in the neighborhood. Most of the adjacent properties have been developed.

- E) *"The proposed critical impact use is to be developed in such a way as to ensure maximum amenities will be available to the site based upon a consideration of the site plan and functional requirements of the proposed critical impact use, including a specific finding that all structures, equipment and materials are reasonably accessible for police and fire protection and that the water supply, sewage disposal and surface drainage systems are adequate to serve the proposed critical impact use."*

Access to the lots will be on a 30 ft wide strip with an existing 11 ft wide driveway. This will provide the required access for emergency vehicles. This access strip and another 20 ft wide utility easement will provide adequate access for utility including enough pitch for gravity sewer lines. A watercourse to the west provides natural drainage from the site and when a house is proposed for the new lots, the Planning Board will do a Site Plan Review.

- F) *"Traffic controls for vehicular and pedestrian movement are designed to protect the safety of the general public and the occupants, employees, attendants, and other persons for whose benefit the use is intended."*

(1) *In making this determination, the Board of Trustees shall review but need not be limited to the following considerations.*

(a) *Location and adequacy of parking and loading facilities.*

(b) *Pedestrian rights-of-way.*

(c) *Traffic regulatory devices.*

(d) *Location number and design of points of ingress and egress.*

(e) *Accessibility to emergency vehicles with particular emphasis on proximity to structures, no-parking or no-loading zones or areas and provision for turning and free movement.*

(f) *Storage facilities for snow.*

(g) *Age and mobility of all persons for whose benefit the use is intended.*

(h) *Speed limits upon and general character of public highways in close proximity.*

This project has little impact on traffic and pedestrian movement, in that only two dwellings will be added to the neighborhood. The Planning Board will review an application as each lot is developed with a specific site plan layout to assure the proposed building and driveway meets these criteria as they apply to a single family dwelling.

- (2) *Compliance with the provisions of Article X hereof shall not preclude a determination that the foregoing requirements have not been met."*

N/A

- G) *"The proposed critical impact use shall comply with the provisions of Chapter 167, Article III, Use of Sewers, of the Village Code, as amended by Local Law No. 1-1994 and as it may be amended in the future, and all applicable laws, rules and regulations of the Village, United States and New York State governments (Added 3-22-1999 by L.L. No. 1-1999)*

Dwelling units are assumed to use less than 400 gallons per day of water. Because two new dwellings are proposed for this subdivision, this application exceeds the 400 g/d and is subject to pay an I & I Impact fee: Septic design is based on 110 g/d per bedroom which assumes two people occupy each bedroom. The total number of bedrooms in both houses is unknown. A 3 bedroom house is designed for 330 g/d yet most families do not have 6 people. The Village has proposed a \$8,400 I & I Impact fee which @\$4/gallon of I & I remediation and 3 gallons of I & I per gallon of water uses equal 700 gallons per day expected water use for the two lots.

**REGARDING THE APPLICATION OF ANDREW AND JULIE LEGG
FOR CRITICAL IMPACT APPROVAL – 20 HIGHLAND STREET**

RESOLUTION

BACKGROUND

This matter comes before the Board of Trustees for Critical Impact approval, pursuant to Article XI of Chapter 225 of the Village Code. The matter was referred to the Board of Trustees following Conditional Preliminary and Final Subdivision approval, and a positive recommendation to this Board for Critical Impact Approval, by the Planning Board, subject to certain conditions.

The matter is now before the Board of Trustees for Critical Impact review pursuant to the application of the property owners.

A public hearing was opened on June 22, 2006, at which time the Trustees heard a presentation by representatives of the applicant. The public hearing was then closed on June 22, 2006. There has been no opposition to this application.

The Trustees have considered the determinations and rationales expressed by the Planning Board in this matter.

REQUIRED FINDINGS

Pursuant to Village Zoning Law Section 225-54 (Critical Impact Permits), Subsection F (Basis for Determination), the Board of Trustees is required to take into consideration the public health, safety, morals and general welfare..." and are required to make various findings. After full consideration of all information and material presented, the Board of Trustees finds as follows:

- a. The plans submitted for the proposed subdivision and related improvements meet the prescribed requirements of Article XI and all applicable regulations.
- b. The proposed subdivision and improvements will not have an adverse impact upon the character or integrity of any land use within the immediate neighborhood having a unique cultural, historical, geographical, architectural or other special quality of similar magnitude.
- c. The proposed subdivision and improvements are in harmony with the visual and physical context of the immediate neighborhood.

- d. The proposed subdivision and improvements and site development plan are in harmony with and will not impede the orderly development or redevelopment of the general neighborhood and the location, nature and height of buildings, structures, walls, fences and parking areas will not discourage the appropriate development and use of adjacent lands or adversely affect existing land use in close proximity to the subject site.
- e. The proposed subdivision and improvements will be developed in such a way as to insure maximum amenities will be available to the site and the new structures will be reasonably accessible for police and fire protection, and the water supply, sewage disposal and surface drainage systems are adequate to serve the proposed subdivision.
- f. Traffic controls for vehicular and pedestrian movement are adequate to protect the safety of the general public and the occupants of the proposed subdivision.
- g. The proposed structures will comply with the provisions of Chapter 167 (Sewers) of the Village Code, including Section 167-35 G (I&I Impact fee).

ADDITIONAL CONSIDERATION

In making this determination the Board of Trustees is mindful of the following additional factors:

- a. That the parcels to be subdivided, on which the proposed improvements are to be built, were once part of the adjoining premises to the east now known as 20 Highland Street.
- b. That the proposed new structures are shielded from view from Highland Street and Franklin Street.
- c. The two new residences to be constructed by the applicants will be served by a shared driveway from Highland Street. Lot #2 will include a 30' wide strip of land, which will contain a driveway serving Lots 2 and 3 over which Lot 3 will enjoy an easement. The easement will be established by recorded instrument, to be reviewed by the Village's Special Counsel prior to being recorded.
- d. The two new houses to be constructed in this subdivision will also be served by a shared sanitary sewer lateral connecting to the sanitary sewer line in Highland Street. The shared lateral will extend approximately 200 feet from Highland Street, which creates an increased risk for infiltration

and inflow of ground water or surface water (I&I) into the lateral. In order to minimize said risk, the applicants will be required to submit engineered drawings for the sewer lateral to the Village's Director of Municipal Operations for his approval, prior to construction, together with approval from the Onondaga County Health Department. The Director of Municipal Operations will also be provided with notice of commencement of construction prior to the installation of the sewer lateral.

- e. No improvements will be constructed within the portion of Lot 3 which lies outside the corporate limits of the Village.

Therefore, based upon all of the foregoing, the Board of Trustees hereby grants Critical impact approval to the applicants, subject to the conditions imposed by the Planning Board, which are recited below:

"FURTHER RESOLVED, this Conditional Final Subdivision Approval Resolution is subject to the following conditions and prior to the signing of the final subdivision map for the Legg Subdivision the following shall occur:

- 1) The final subdivision map state that "No Structure may be built in Town Portion of Lot 3. Area of Town Lot may be used to meet Village Density Control Requirements."; and
- 2) The final subdivision map state that "No building permit will be issued for Lots 2 and 3 until the utilities to service Lots 2 and 3 and the driveway to service Lots 2 and 3 for ingress and egress are installed and approved the Village of Skaneateles.";
- 3) An Easement Agreement for ingress and egress and utilities be prepared by the applicant and be approved by the Planning Board; and
- 4) The Easement Agreement be referenced in the final subdivision map of the Legg Subdivision and be filed simultaneously with the filing of the final subdivision map at the Onondaga County Clerk's Office; and
- 5) The applicant shall obtain approval for a road cut onto Highland Street from the Village of Skaneateles (Note: curb cut already exists); and
- 6) The subdivision and final subdivision map comply with the provisions of Sections 190-19 and 190-20 of the Village Code prior to the signing of the final subdivision map of the Legg Subdivision by the Chairman of the Planning Board; and
- 7) The applicant to submit engineering drawings for the sewer lateral(s) to service Lots 2 and 3 to be reviewed and approved by Bob Lotkowitz of the Village or, if the Planning Board determines it necessary, the Village Engineer; and

- 8) Approval of the Onondaga County Health Department; and
- 9) Referral and Recommendation with no adverse comment from the Onondaga County Planning Board; and
- 10) This subdivision is subject to Article XI Critical Impact Uses and Critical Impact Permits and the applicant shall obtain any and all necessary Critical Impact Permits from the Village Board of Trustees (This condition is deemed satisfied by means of the Trustees' Resolution of June 22, 2009); and
- 11) The applicant post the Inflow and Infiltration (I&I) Fee as determined by the Village of Skaneateles; and
- 12) The final subdivision map state that "No building permit for a single family dwelling or accessory structure will be issued for Lots 2 and 3 until the owners of Lots 2 and 3 obtains Site Plan approval from the Planning Board of the Village of Skaneateles."

FURTHER RESOLVED, that the applicant agrees to complete to the satisfaction of the Village of Skaneateles all infrastructure, including but not limited to, electrical lines and appurtenances, water and sewer lines and appurtenances, storm water system and appurtenances; and

FURTHER RESOLVED that the curb valves/individual water shut offs shall be located within the Village of Skaneateles right of way; and

FURTHER RESOLVED that the developer shall file with the Village the approved as-built drawings to show the location of all infrastructure; and

FURTHER RESOLVED, that the developer shall deposit money in escrow sufficient to cover the cost, if any, of the Village's engineer for review, inspection of construction of the subdivision, including but not limited to all infrastructure, pursuant to the Village Code.

FURTHER RESOLVED, that the final subdivision map of the Legg Subdivision is subject to approval of the Planning Board Attorney, Village Attorney, Village Engineer and the Village Department of Public Works prior to the signing of said map by the Chairman of the Planning Board; and

FURTHER RESOLVED, that pursuant to Village Law Section 7-728 this conditional final subdivision approval shall expire within 180 days after this resolution granting such approval unless all requirements stated in such resolution have been certified as completed. The Planning Board may extend the time the conditional subdivision approval must be submitted for signature in accordance with Village Law Section 7-728(7)(c)."

Additionally, the following further conditions are imposed by the Board of Trustees.

1. As required by Article 167 (Sewers), Section 167-35(G), the applicant shall pay an I&I Impact fee of \$8,400 to the Village Clerk/Treasurer prior to the filing of the subdivision map. (The Impact fee is calculated as follows: 2 homes x 350gpd = 700 gpd x 3:1 offset = 2,100 x \$4 per gallon = \$8,400.)

2. The Owners of Lots 2 and 3 agree to complete to the satisfaction of the Village of Skaneateles all infrastructure, including but not limited to, electrical lines and appurtenances, water and sewer lines and appurtenances, storm water system and appurtenances. The Owners of Lot 2 and 3 shall submit engineering drawings for the sewer lateral(s) to service Lots 2 and 3, to be reviewed and approved by the Director of Municipal Operations, or, if the Village of Skaneateles Planning Board determines it necessary, the Village Engineer.

3. Prior to the issuance of a building permit for Lots 2 or 3, the applicant shall submit a proposed site plan(s) to the Planning Board for review and approval. The Planning Board shall conduct a public hearing, on notice to abutting owners, and shall give particular emphasis to surface drainage and its impact on adjoining properties.

Adopted this 22nd. day of June, 2009

Motion made by Trustee Jones

Seconded by Trustee Lynn

Those voting in favor Mayor Green and Trustees Angelillo, Jones and Lynn

Those voting in opposition None (Trustee Carlson absent)