

Village of Skaneateles
Planning Board Meeting
November 1, 2018

Area Variance recommendation in the matter of the application of TSK Property Holdings 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; Rear yard set-back; Minimum open area; Percentage of structure width/lot width; and Section 225-69D Nonconforming Buildings, Structures and Uses, Extension or Expansion; to expand the front porch, construct an addition to and increase the height of second floor; and construct a 6 by 4 foot mudroom and 10 by 14 foot patio at the property addressed as 54 Jordan Street in the Village of Skaneateles.

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

Riccardo Galbato, Attorney for the Planning Board,
John Crompton, Code Enforcement Officer
Beth O'Sullivan, Deputy Zoning Inspector
Dennis Dundon, Clerk to the Boards

Bob Eggleston, Architect, on behalf of the applicant

Gregg Eriksen, Village Trustee
Janet Aaron, Town Supervisor
Katherine Burke, 10 State St
C Baker, 10 State St
Jim Moore, 95 E Lake St
Holland Gregg, 3872 Jordan Rd
Ellie Jackson, 4467 Jordan Rd, student
Stacey Albunio, Syracuse
Julie Moore, 95 E Lake St

At 8:14 pm, Chairman Kenan called for the TSK Holdings discussion for 54 Jordan Street.

Mr. Eggleston said that the applicant had bought the property, intending to remodel it and sell it.

Member Sutherland noted that the houses at 54 Jordan and 71 West Genesee are very similar – both Greek revival houses that would receive extensive renovation. In the case of the Genesee

Street house one guy came in with it to be torn down, in the case of the Jordan Street house it's proposed to be restored.

Mr. Eggleston continued that they are proposing to put in a full second floor with 7 foot wall height. The windows will be changed because they have to meet code, including egress requirements. The original wood siding will be replaced with cement board siding. They want a full porch and to replace the small side entrance, the applicant proposes to add a mudroom. There is a shed in back that will be retained. Mr. Eggleston stated that none of the set-backs will be any more nonconforming except for the rear yard, because of the proposed patio. Open area will decline from 68.6% to 64.6%. Mr. Eggleston said that they have started talking with the neighbors.

Member Carvalho said that it is important to speak with the neighbors since the whole area is very tight. Member Sutherland asked if the applicant was going to live in the house? Mr. Eggleston said the house was being built to sell. Mr. Dundon asked Mr. Eggleston to prepare a rendering showing the proposed house and its relationship to neighboring homes. Mr. Eggleston said he would provide that context for the ZBA.

Member Sutherland, "I move that we recommend that the ZBA approve the requested variances based on plans dated 10.11.18, conditioned on the reuse of the existing clapboard or use of cement board siding installed with the smooth side out." Member Perrone seconded the motion. Upon the unanimous vote of the members in favor of the motion, the motion was carried 5 – 0.

This matter was concluded at 8:23 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards

Village of Skaneateles Planning Board Meeting November 1, 2018

Area Variance recommendation in the matter of the application of April Tucker to vary the strict application of Section 225-A5 Density Control Schedule for Side yard set-back, right; Both side yards combined; and Minimum open area; and Section 225-69D Nonconforming Buildings, Structures and Uses, Extension or Expansion; to construct a 17 by 18 foot two-story addition and a 68 SF one story addition to the house; construct a 15 by 8 foot addition to the porch; and construct a 24 by 30 foot garage with storage above and 17 by 14 foot deck at the property addressed as 44 East Elizabeth Street in the Village of Skaneateles.

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

Riccardo Galbato, Attorney for the Planning Board,
John Crompt, Code Enforcement Officer
Beth O’Sullivan, Deputy Zoning Inspector
Dennis Dundon, Clerk to the Boards

Bob Eggleston, Architect, on behalf of the applicant

Gregg Eriksen, Village Trustee
Janet Aaron, Town Supervisor
Katherine Burke, 10 State St
C Baker, 10 State St
Jim Moore, 95 E Lake St
Holland Gregg, 3872 Jordan Rd
Ellie Jackson, 4467 Jordan Rd, student
Stacey Alburnio, Syracuse
Julie Moore, 95 E Lake St

At 8:14 pm, Chairman Kenan called for the Tucker discussion for 44 East Elizabeth Street.

Mr. Eggleston said that the applicant has owned the house for 20 years. Now she intends to move into the house. The house is very small; just 709 SF on the first floor. After the proposed work it will not be a large house – 1900 SF with the additions. The applicant would like to have a 24 by 30 foot garage that has storage in it.

Mr. Eggleston continued saying that the existing house is nonconforming. The front yard setback is 13.9 feet versus a street average of 17.2 feet. Side yards are 10 feet on one side and 22 feet on the other. The proposed garage will be 17 feet off the neighbor's garage and 5 feet off the property line. The neighbor at #46 asked that the garage be moved further back. It is a 17 foot tall garage.

Member Sutherland asked about exterior finishes. Mr. Eggleston said it is currently metal siding that will be replaced with HardiBoard installed with the smooth side out. Mr. Dundon asked Mr. Eggleston to prepare a rendering showing the proposed house and its relationship to neighboring homes. Mr. Eggleston said it was unnecessary and he would do it only if the Chairman insisted on it. Member Hartnett said it "absolutely" would be useful for the ZBA. Mr. Eggleston then said he would provide that context for the ZBA.

Member Sutherland, "I move that we recommend that the ZBA approve the requested variances based on a revised site plan dated 10.29.18, conditioned on the replacement of existing siding with cement board siding installed with the smooth side out." Member Hartnett seconded the motion. Upon the unanimous vote of the members in favor of the motion, the motion was carried 5 – 0.

This matter was concluded at 8:31 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards

Village of Skaneateles Planning Board Meeting November 1, 2018

Continuation of the Public Hearing in connection with Critical Impact Permit determination in the matter of the application of Chris Newcomer on behalf of RJK Properties to change the use from C (16) Physical Fitness to C (21) Retail for the north portion of the first floor and the lower level at the property addressed as 42 East Genesee Street in the Village of Skaneateles. On information and belief, one potential tenant is Last Shot Distillery for use as a retail sales branch having samples for tasting.

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

Riccardo Galbato, Attorney for the Planning Board,
John Crompton, Code Enforcement Officer
Beth O'Sullivan, Deputy Zoning Inspector
Dennis Dundon, Clerk to the Boards

Gregg Eriksen, Village Trustee
Janet Aaron, Town Supervisor
Katherine Burke, 10 State St
C Baker, 10 State St
Jim Moore, 95 E Lake St
Holland Gregg, 3872 Jordan Rd
Ellie Jackson, 4467 Jordan Rd, student
Stacey Albunio, Syracuse
Julie Moore, 95 E Lake St
Bob Eggleston, 1391 E Genesee St

At 8:31 pm, Chairman Kenan opened the public hearing for RJK properties for Critical Impact Permit at 42 East Genesee Street. The Chairman explained that the applicant has requested that this matter be adjourned and continued to the Board's December meeting. The Chairman opened the public comment portion of the hearing. There was no one desiring to be heard.

Member Hartnett, “I move that we adjourn the public hearing and continue this matter to our December regular meeting.” Member Perrone seconded the motion. Upon the unanimous vote of the members in favor of the motion, the motion was carried 5 – 0.

This matter was concluded at 8:32 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards

Village of Skaneateles Planning Board Meeting November 1, 2018

Continued discussion regarding preliminary subdivision approval and site plan approval in the matter of the application of Gary Dower for a 7 lot subdivision including a 6 lot open space subdivision and 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
 Stephen Hartnett, Member
 Mike Perrone, Member
 Doug Sutherland, Member

Riccardo Galbato, Attorney for the Planning Board,
John Crompt, Code Enforcement Officer
Beth O’Sullivan, Deputy Zoning Inspector
Dennis Dundon, Clerk to the Boards

Bob Eggleston, Architect, on behalf of the applicants
Stacey Albunio, on behalf of the applicants

Gregg Eriksen, Village Trustee
Janet Aaron, Town Supervisor
Katherine Burke, 10 State St
C Baker, 10 State St
Jim Moore, 95 E Lake St
Holland Gregg, 3872 Jordan Rd
Ellie Jackson, 4467 Jordan Rd, student
Julie Moore, 95 E Lake St

At 8:33 pm, Chairman Kenan opened the discussion in the Mirbeau Gateway matter, which requires a 7 lot subdivision approval and site plan approval.

Mr. Eggleston said that the parties are in the final stages of working out the resolution. Further, the Board has received a letter from the Village engineer stating that the plans are in compliance with the Board’s prior approvals. Chairman Kenan clarified “with a couple of conditions.”

Attorney Galbato noted that the Board had received a prepared resolution for consideration. He noted a difference in the I&I fees from previous drafts in that there were separate fees established

in the Critical Impact Permits granted for the residential lots and the lodging units. Mr. Eggleston questioned the whether the amounts should have been based on \$12 or \$4 per gallon. Chairman Kenan suggested that the amount should be taken up with the Trustees, since they established the magnitude of the fees.

Member Sutherland asked to discuss the landscaping plan, specifically the plantings envisioned for the detention basin. He is a proponent of a natural looking environment with cattails rather than a mowed grass look. Ms. Albunio explained the approach of plantings using native species and natural grasses designed to be mowed 1 to 2 times per year. There would be some additional plantings made to provide “pops” of color.

Attorney Galbato explained that the resolution contains 18 notes that are to be applied to the final subdivision map that will bind future owners of the lots before it receives the Chairman’s signature. He noted that on page 10, there is the requirement that the architectural standards review is required for the residential lots. He also pointed out that completion of the drainage improvements contemplated in the Town’s agreement with Mirbeau is required within 12 months.

Chairman Kenan asked if the members were satisfied and prepared to move forward? He continued to describe the resolution. Upon no dissent, Member Carvalho moved the adoption of the resolution dated 11.1.18 and consisting of 14 pages. Member Sutherland seconded the motion. The vote was unanimously in favor of the motion.

**Regarding the Application of
Mirbeau of Skaneateles L.P.,
Eleroin LLC and Niorele LLC for
Site Plan Approval, Subdivision Approval,
Open Space Subdivision Approval,
And Lot Line Adjustment Approval for the
Mirbeau Gateway Development Project**

**RESOLUTION
VILLAGE OF SKANEATELES PLANNING BOARD
11.1.18**

WHEREAS, Mirbeau of Skaneateles L.P., Eleroin LLC and Niorele LLC (hereinafter jointly referred to as the “Applicant or Applicants”) have proposed to change lot lines to add land to the Mirbeau property owned by Mirbeau of Skaneateles L.P. for extended stay lodging and

stormwater detention basin as well as to create five (5) residential lots for single family dwellings. The project consists of the following: demolish a vacant 1,800 square foot former gas station; construct three (3) extended stay lodging buildings – nine (9) units and twenty-one (21) bedrooms; twenty-one (21) parking spaces; construct five (5) 2,000 square foot detached single family dwellings; relocate a Town water line and easement – providing new water line to Mirbeau from the Village system; and a seven (7) lot subdivision made up of the following: two (2) lot Subdivision creating Lot 7 and an Open Space Subdivision for Lots one (1) through six (6) (“Mirbeau Gateway Development Project”);

WHEREAS, on 1.7.16 the Planning Board recommended to the Village Board of Trustees that 1.86 acres of vacant land at the corner of West Genesee and Fuller Streets, which is to be annexed into the Village, be zoned A-2;

WHEREAS, by **Resolution on 1.14.16** the Village Board of Trustees adopted the Resolution and Order approving the annexation, with the A-2 zoning classification as recommended by the Planning Board. **The land considered for annexation consists of 1.86 acres of vacant land at the corner of West Genesee and Fuller Streets which is surrounded on three (3) sides by property in the Village;**

WHEREAS, the Planning Board has held discussions and public hearings (P) covering various aspects of this proposed project on 1.7.16, 4.7.16, 7.14.16, 8.4.16, 10.3.16, 11.3.16, 11.16.16, 12.1.16, 1.5.17, 2.2.17, 3.8.17, 4.6.17, 5.4.17(P), 6.1.17(P), 7.10.17(P), 8.7.17(P), 9.7.17(P), 10.5.17(P), 12.7.17, 1.4.18, 2.1.18, 3.18.18(P), 4.10.18(P), 5.3.18(P), 6.7.18, 7.9.18, 8.2.18, 9.6.18 and 10.4.18;

WHEREAS, on 11.3.16 the applicant modified the development proposal to develop lodging units as part of the development plan rather than the initial proposal to construct a medical office building complex;

WHEREAS, by **Resolution on 3.8.17** the Planning Board determined that the project is an **Unlisted Action** and declared themselves **Lead Agency** under SEQRA and indicated that it would circulate said **Part 1 of the Full Environmental Assessment Form** to the following list of **“Interested and Involved Agencies”** (Village of Skaneateles Board of Trustees, Village of Skaneateles Zoning Board of Appeals, Village of Skaneateles Municipal Board, Village of Skaneateles Director of Municipal Operations, New York State DEC, New York State DOT, Onondaga County Health Department, Onondaga County Planning Board and the Town Board of the Town of Skaneateles);

WHEREAS, in accordance with the **3.8.17 Resolution**, by letter dated **3.24.17** the Planning Board caused a letter to be sent to all the interested and involved agencies along with the **Full Environmental Assessment Form (FEAF) Part 1** for purposes of establishing the Planning Board as **“Lead Agency”** to conduct a SEQRA review of the Project;

WHEREAS, the Town of Skaneateles submitted a Consent to the Village of Skaneateles Planning Board acting as Lead Agency dated **4.3.17**;

WHEREAS, the Village of Skaneateles Board of Trustees submitted a Consent to the Village of Skaneateles Planning Board acting as Lead Agency dated **4.13.17**;

WHEREAS, the New York DOT stated in a letter dated 4.6.17 that any work on the State Rt. 20 will require a highway work permit;

WHEREAS, on 3.27.17 the Village of Skaneateles administratively referred the Mirbeau Gateway Development Project to the Onondaga County Planning Board for review and comment as required under General Municipal Law Section 239;

WHEREAS, on 4.12.17 Notice of Planning Board public hearing was published in the *Skaneateles Journal*;

WHEREAS, by Resolutions on 4.19.17 the Onondaga County Planning Board concurrently reviewed Preliminary Subdivision (S-17-29), Zone Change (Z-17-122), Site Plan (Z-17-123), Special Permit (Z-17-124), Area Variance (Z-17-125, and Other Authorization (Z-17-126) and on each resolution recommended the following:

“Modification prior to local board approval of the proposed action “The municipality must submit a copy of the Storm Water Pollution Prevention Plan (SWPPP) and/or any drainage reports or studies to the New York State Department of Transportation early in the planning process for approval and complete any appropriate mitigation as may be determined by the Department.” Further the Onondaga County Planning Board on each resolution offered the following comments:

- 1. The municipality is encouraged to give notice of the public hearing on the proposed action to all adjacent municipalities and/or any municipalities that may be impacted by the proposed project.**
- 2. Per the New York State Department of Transportation, the applicant is advised that a highway work permit is required for any work within the State right-of-way.**
- 3. The Board commends the applicant and the Village for their site design. The overall design, inclusion of sidewalks and landscaping, and use of land for stormwater management are in keeping with the character of the community and the 2015 Joint Town and Village of Skaneateles Comprehensive Plan by encouraging mixed land use and density, neighborhood walkability, and open area preservation.**
- 4. The Village is encouraged to ensure remediation of the former gas station building and site as applicable by working with the New York State Department of Environmental Conservation”;**

WHEREAS, on 5.4.17 Village Engineer, GHD, furnished a review letter for stormwater management, citing no significant adverse environmental impact and recommending reduction of the slopes for the detention pond;

WHEREAS, on 5.4.17 the Planning Board opened a public hearing and heard comments from the public regarding the proposed project. Further the Planning Board referred a question to the ZBA as to its willingness to grant area variances necessary for construction of the five (5) single family home portion of the project;

WHEREAS, on 5.20.17 the Planning Board at a Special Meeting met with Village Engineer, GHD, and Village Director of Municipal Operations to discuss the Mirbeau Gateway project in connection with SEQRA review;

WHEREAS, on 5.24.17 the ZBA discussed the Planning Board’s referral and adjourned the matter to its next meeting;

WHEREAS, on 6.28.17 the ZBA continued its discussion of the Planning Board’s referral and adjourned the matter to its next meeting;

WHEREAS, on 7.26.17 the ZBA resolved that the approval of any such area variances is vested with the Planning Board and that the ZBA does not have the authority to grant those area variances.

WHEREAS, on 9.26.17 Village Engineer, GHD, provided its analysis and findings for the project in connection with SEQRA determination;

WHEREAS, by **Resolution on 10.5.17** the Planning Board, as Lead Agency, issued a Negative Declaration which SEQRA Resolution stated in part:

“WHEREAS, the Planning Board has reviewed the following information as part of the SEQRA review:

Full EAF Part 1

Letter from Richard J. Brazell PE of the New York State DEC dated 1.8.10

Resolution regarding Determination of Environmental Significance Under SEQRA for the Annexation of property located in the Town of Skaneateles to the Village of Skaneateles dated 11.20.15

Resolutions from the Onondaga County Planning Board dated 4.19.17

Letter from Gary Dower to Richard J. Brazell, P.E. dated 8.17.17

Letter from Richard J. Brazell, PE dated 8.22.17

Letter from Village Engineer Nicholas Hyde, P.E. from GHD dated 9.26.17 and revised 10.2.17

Email and attachments from Gary Dower to Riccardo Galbato and Village Planning Board dated 10.3.17 at 2:45 pm

Memo from Director of Municipal Services Shannon Harty dated 10.5.17; and

WHEREAS, the Planning Board on this date has completed a thorough review of Part 2 of the Full EAF.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board declares this project to be a Type 1 Action under SEQRA;

FURTHER RESOLVED, the Planning Board has considered and incorporates the following findings and conditions which shall be part of any future Site Plan and /or Subdivision Approval of the project by the Planning Board:

- 1. The applicant shall be responsible for long term operation and maintenance of the proposed storm water basin in accordance will approved engineering plans and**

NYS DEC storm water regulations. The applicant shall provide an easement over the storm water basin and access areas to the Village such that if the pond is inadequately maintained, the Village could complete any necessary maintenance or repair work and charge the property owner/responsible party. In addition, the pond grading shall be revised to provide slopes of 10 degrees or less to allow for the use of riding/zero-turn mowers in the event the Village should have to perform maintenance.

- 2. The storm water basin shall be designed in accordance with all NYSDEC storm water regulations including treatment of the water quality volume (WQv).**
- 3. The applicant shall be financially responsible for all electrical transmission and distribution upgrades to the Skaneateles Electric Light utility that may be required to serve the proposed development electrical demands.**
- 4. The applicant shall provide LED light fixtures in accordance with the Village's new street lighting program. Fixtures should have a color temperature no greater than 3,000 k and shall be designed in such a manner or provided with shielding to prevent light shining on adjacent properties.**
- 5. The applicant shall properly decommission all existing monitoring wells in accordance with NYS DEC regulations. Copies of all documents related to monitoring well closures shall be submitted to the Village of Skaneateles Code Enforcement Office.**
- 6. The applicant shall provide excavation monitoring by a competent, qualified person for the duration of excavation activities in order identify any potential soil or water contamination and ensure proper notification to NYSDEC.**
- 7. The applicant shall submit the proposed plan for preventing potential vapor intrusion into the foundations of the proposed residences to the New York State Department of Health for review and approval.**

FURTHER RESOLVED, based on the foregoing, the Planning Board finds that this project will have no significant adverse environmental impact and hereby issues a Negative Declaration with regard to the proposed action; and

FURTHER RESOLVED, the Planning Board Chairman is hereby authorized and directed to complete and sign Part 3 of the SEQR Long Form; and

FURTHER RESOLVED, pursuant to SEQRA and 6 NYCRR Section 617.12(c), notice of this Resolution's Type 1 Negative Declaration shall be published in the Environmental Notice Bulletin";

WHEREAS, on 10.5.17 the Planning Board further recommended to the Village Board of Trustees that it modify the A-3 and A-2 zoning boundaries for properties west of Fuller Street;

WHEREAS, on 10.5.17 the Planning Board further recommended to the Village Board of Trustees that it modify the criteria for Open Space Subdivisions;

WHEREAS, on 1.11.18 the Village Board of Trustees adopted Local Law #1 of 2018 modifying the A-3 and A-2 zoning boundaries of parcels west of Fuller Street and further adopted Local Law #2 of 2018 which modified the criteria for Open Space Subdivisions in accordance with the Planning Board’s recommendations;

WHEREAS, on 2.1.18 the Planning Board recommended that the Village Board of Trustees grant Critical Impact approval for the Open Space Subdivision portion of the project subject to certain conditions; further recommended that the Village Board of Trustees grant Critical Impact approval for lodging use of Units A, B and C on the plans dated 11.17.17; and further recommended that the Zoning Board of Appeals (“ZBA”) grant a Special Use Permit for lodging use of Units A, B and C.

WHEREAS, on 2.14.18 Notices of ZBA and Planning Board public hearings were published in the *Skaneateles Press*;

WHEREAS, on 2.28.18 the ZBA conducted a public hearing on and granted the Special Use Permit for lodging use of Units A, B and C subject to several conditions;

WHEREAS, on 3.1.18 the Planning Board conducted a public hearing on the proposed Open Space Subdivision, and again recommended to the Village Board of Trustees that it grant Critical Impact approval for the Open Space Subdivision portion of the project; and further again recommended to the Village Board of Trustees that it grant Critical Impact approval for the lodging use portion of the project; and further recommended to the ZBA that it grant a Special Use Permit pursuant to Permitted Use Chart A(7) for Open Space Subdivision;

WHEREAS, on 4.11.18 Village Engineer, GHD, provided an updated review of the project, noting that easement over the stormwater basin, evidence of treatment of WQv on site, and plans for prevention of vapor intrusion were incomplete;

WHEREAS, on 4.30.18 applicant submitted revised plans to address these deficiencies;

WHEREAS, on 4.12.18 the Village Board of Trustees conducted a public hearing and granted Critical Impact approval for the Open Space Subdivision portion of the project and authorized the Planning Board to grant Open Space Subdivision Approval, “subject to the conditions adopted by the Village Planning Board on March 1, 2018, as follows:

- 1. The Village receipt of comments from the Village Engineer.**
- 2. The I & I Impact Fee as determined by the Village Trustees is to be paid by the developer prior to the sale of a lot or issuance of a building permit, whichever occurs first.**
- 3. No building or structure shall be located in any area in Lot 6 of the Subdivision Map.**

4. **The landscaping plan of Lot 6 including but not limited to the Detention Basin is to be approved by the Village Planning Board.**
5. **Among other things, the Final Subdivision Map and the Declaration of Easements, Covenants, Restrictions, Charges and Liens shall state that the owner of Lot 6 shall be responsible for the maintenance of the Detention Basin and appurtenances. The Village of Skaneateles retains the right to enter Lot 6 and the Detention Basin at any time and to correct any problems that may develop. The cost of said corrective measures shall be assessed against the owner of Lot 6 which shall constitute a lien on the real property. Upon failure of the owner of Lot 6 to maintain said Detention Basin, the Village of Skaneateles may perform such maintenance as it, in its sole discretion, deems necessary, and all reasonable costs thus incurred in performing such maintenance shall be recovered against Lot 6 and such assessment shall be a lien upon the real property.**
6. **Each owner of a lot agrees to be part of and subject to a Homeowners Association to be formed, which shall be subject to Village Planning Board Approval and Special Counsel to the Planning Board and Village Attorney Approval.**
7. **Each dwelling and structure in Lots 1 through 5 of the Subdivision Map will require compliance with Village Code § 225-17 Residential B and Commercial Mixed-Use C District Design Standards, as amended from time to time. Village Code § 225-17 will be made applicable pursuant to the Village Planning Board Open Space Subdivision Approval. Plans for each dwelling or structure in Lots 1 through 5 shall be submitted for review and approval to the Architectural Review Committee of the Planning Board. The property owner shall have a right to appeal any determination of the Architectural Review Committee to the full Planning Board.**
8. **Unless otherwise approved by the Planning Board, each lot shall comply with the lot contours as shown on the final site plan maps approved by the Village Planning Board.**
9. **A grading plan for each lot shall be submitted with an application for a building permit to determine that the grades comply with the Village Engineer and Planning Board Approval.**
10. **The applicant has represented that the property owner for Lot 7 will be the same owner as the existing Mirbeau Inn & Spa, 851 W. Genesee Street Road, Skaneateles, New York, Tax Map Nos. 006.1-01-01.0 and 047.-01-28.0, namely Mirbeau of Skaneateles L.P.**
11. **The property owner for Lot 7 will provide on-site supervisory management at all times in accordance with Village Code.**

12. The property owner for Lot 7 will be Mirbeau of Skaneateles L.P. who shall be responsible for the maintenance of Lot 6 including, but not limited to, the Detention Basin.
13. Pursuant to 225-36(D) a conservation easement shall be granted to the Village for Lot 6, the open space lot.
14. Approval by the Planning Board and Special Counsel to the Planning Board and Village Attorney of the Declaration of Easements, Covenants, Restrictions, Charges and Liens.
15. The approved Declaration of Easements, Covenants, Restrictions, Charges and Liens shall be recorded at the Onondaga County Clerk's Office simultaneously with the filing of the Subdivision Map.
16. It is not proposed that any water, sanitary sewer, stormwater drainage facilities or interior driveways/access roads be dedicated to the Village.
17. All infrastructure, including but not limited to, the stormwater drainage facilities, Detention Basin, water and sanitary sewer facilities must be completed by the developer and approved by the Village Director of Municipal Operations and Village Engineer prior to the sale of a lot or issuance of a building permit, whichever occurs first.
18. Pursuant to the Permitted Use Chart A (7), the ZBA must approve an Open Space Subdivision by a Special Use Permit";

Conditions imposed by the Board of Trustees:

1. The applicant shall pay an "I&I Impact Fee," in accordance with the requirements of Chapter 167, Article III (Use of Sewers). Said fee, in the amount of \$19,800.00 is calculated as follows:

Estimated sewer flow from the project:

$$5 \text{ dwellings} \times 3 \text{ bedrooms} \times 110 \text{ gal/day} = 1,650 \text{ gal/day} \times \text{Inflow and Infiltration (I\&I) Mitigation fee at } \$12/\text{gallon} = \$19,800.00$$

Said fee is to be paid by the developer prior to the sale of a lot or issuance of a building permit, whichever occurs first.

2. Approval by the Planning Board, Special Counsel to the Planning Board and the Village Attorney of the Conservation Easement to be granted to the Village for Lot 6.
3. The approved Conservation Easement shall be recorded at the Onondaga County Clerk's Office simultaneously with the filing of the Subdivision Map."

WHEREAS, on 4.12.18 the Village Board of Trustees opened and conducted a public hearing on the Lodging use of the project, adjourning and keeping the matter open to its meeting on 4.30.18;

WHEREAS, on 4.30.18 the Village Board of Trustees continued and closed the public hearing on the Lodging use of the project and granted “Critical Impact approval for the Lodging use of the project, subject to the following conditions:

1. The applicant shall pay an “I&I Impact Fee,” in accordance with the requirements of Chapter 167, Article III (Use of Sewers). Said fee, in the amount of \$27,720.00, is calculated as follows:

Estimated sewer flow from the project:

21 bedrooms (9 lodging units) x 110 gal/day = 2,310 gal/day x Inflow and Infiltration (I&I) Mitigation fee at \$12/gallon = \$27,720.00

Said fee is to be paid by the developer prior to the sale of a lot or issuance of a building permit, whichever occurs first.”

WHEREAS, on 5.16.18 notice of the ZBA public hearing was published in the *Skaneateles Press*;

WHEREAS, on 5.23.18 the ZBA opened and closed the public hearing and the motion to issue the Special Use Permit for the proposed Open Space Subdivision portion of the project failed;

WHEREAS, on 7.9.18 the Planning Board recommended to the ZBA that it issue a Special Use Permit for the proposed Open Space Subdivision based on the applicant’s 7.5.18 revised subdivision plan;

WHEREAS, on 7.18.18 notice of the ZBA public hearing was published in the *Skaneateles Press*;

WHEREAS, on 7.25.18 the ZBA opened and closed a public hearing and granted a Special Use Permit for the proposed Open Space Subdivision;

WHEREAS, on 8.1.18 the Village Engineer commented on the revised drawings;

WHEREAS, on 8.2.18 the Planning Board continued this matter to its regular meeting on 9.6.18;

WHEREAS, on 9.6.18 the Planning Board continued this matter to its regular meeting on 10.4.18;

WHEREAS, on 9.11.18 the Applicant submitted revised Open Space Subdivision maps dated 9.8.18;

WHEREAS, on 9.27.18 the Applicant submitted revised Site Plans dated 9.26.18, and Responses to the Village Engineer's 8.1.18 comment letter; and

WHEREAS, on 10.3.18 the Village Engineer, GHD, submitted its comments after consideration of the applicant's further submissions.

WHEREAS, on 10.4.18 the Planning Board continued this matter to its regular meeting on 11.1.18;

WHEREAS, on 10.22.18 the Applicant submitted revised Site Plan Maps dated 10.18.18 and consisting of Drawings 1 through 5 from Appel Osborne Landscape Architecture and Robert O. Eggleston dated 10.18.18, page 1, page 2 Site Plan, page 3 Grading Plan, page 4 Landscape Plan and page 5 Landscape Plan-Pond Enlargement;

WHEREAS, on 10.22.18 the Applicant submitted revised Stormwater Management documents dated October 2018, and Responses to the Village Engineer's 10.3.18 comment letter;

WHEREAS, on 11.1.18 the Village Engineer, GHD, submitted its comments after consideration of the applicant's further submissions on 10.22.18;

NOW, THEREFORE BE IT RESOLVED , based on the foregoing and the complete record, that, pursuant to the Critical Impact Approval and authority granted by the Village Board of Trustees on 4.12.18 and the Special Use Permit granted by the ZBA on 7.25.18, the Planning Board approves the Site Plan dated 10.18.18 and final two (2) lot subdivision and final six (6) lot Open Space Subdivision proposed by the applicants as shown on the Skaneateles Gateway Open Space Subdivision and Lot Line Relocation of Paul James Olszewski, P.L.S. dated 9.8.18 and revised Site Plan Maps dated 10.18.18 and consisting of Drawings 1 through 5 from Appel Osborne Landscape Architecture and Robert O. Eggleston dated 10.18.18 and the Planning Board Chairman is authorized to sign the final Subdivision Map subject to the conditions set forth in this Resolution;

FURTHER RESOLVED, that the final subdivision maps shall state the following:

- 1. Lots 1 through 5 are to be single family dwelling units located within the building envelopes as shown on this map;**
- 2. Lot 6 is to be forever open space and no building or structure shall be located in any area in Lot 6;**
- 3. Lot 7 is permitted to only have three (3) detached buildings for Lodging purposes only as defined the Skaneateles Village Code. Each said building is to have three (3) Lodging units with seven (7) bedrooms;**

4. **The detention basin and appurtenances are to be completed and approved by the Village Engineer prior to the issuance of a building permit.**
5. **Each dwelling and structure in Lots 1 through 5 of the Subdivision Map will require compliance with Village Code § 225-17 Residential B and Commercial Mixed-Use C District Design Standards, as amended from time to time. Village Code § 225-17 will be made applicable pursuant to the Village Planning Board Open Space Subdivision Approval. Plans for each dwelling or structure in Lots 1 through 5 shall be submitted for review and approval to the Architectural Review Committee of the Planning Board. The property owner shall have a right to appeal any determination of the Architectural Review Committee to the full Planning Board.**
6. **The I & I Impact Fee of \$47,520.00 as determined by the Village Trustees on 4.12.18 and 4.30.18 is to be paid by the developer prior to the sale of a lot or issuance of a building permit, whichever occurs first.**
7. **The landscaping plan of Lot 6 including but not limited to the Detention Basin is to be approved by the Village Planning Board.**
8. **Each owner of a lot agrees to be part of and subject to a Homeowners Association to be formed, which shall be subject to Village Planning Board Approval and Special Counsel to the Planning Board and Village Attorney Approval.**
9. **Unless otherwise approved by the Planning Board, each lot shall comply with the lot contours as shown on the final site plan maps approved by the Village Planning Board.**
10. **A grading plan for each lot shall be submitted with an application for a building permit to determine that the grades comply with the Village Engineer and Planning Board Approval. Grading plans will be reviewed by the Planning Board Engineer at the expense of the Applicants or property owner.**
11. **The Applicant has represented that the property owner for Lots 6 and 7 will be the same owner as the existing Mirbeau Inn & Spa, 851 W. Genesee Street Road, Skaneateles, New York, Tax Map Nos. 006.1-01-01.0 and 047.-01-28.0, namely Mirbeau of Skaneateles L.P. or successor.**
12. **In order to qualify for On-Site Supervisory Management under the Village Code, prior to the issuance of a building permit, (1) the ownership of Lot 7 shall be transferred to Mirbeau of Skaneateles L.P.; and (2) the owner of the adjoining parcel to the north, Tax Map No. 006.1-01-01.0, 851 W. Genesee Street, currently owned by Mirbeau of Skaneateles L.P. will provide on-site supervisory management for the Lodging Units for Lot 7 at all times in accordance with Village Code, as amended from time to time.**
13. **The property owner for Lot 7 will be Mirbeau of Skaneateles L.P. who shall be responsible for the maintenance of Lot 6 including, but not limited to, the Detention Basin.**
14. **The Final Subdivision Map and the Declaration of Easements, Covenants, Restrictions, Charges and Liens shall state that the owner of Lot 6 shall be**

responsible for the maintenance of the Detention Basin and appurtenances. The Village of Skaneateles retains the right to enter Lot 6 and the Detention Basin at any time and to correct any problems that may develop. The cost of said corrective measures shall be assessed against the owner of Lot 6 which shall constitute a lien on the real property. Upon failure of the owner of Lot 6 to maintain said Detention Basin, the Village of Skaneateles may perform such maintenance as it, in its sole discretion, deems necessary, and all reasonable costs thus incurred in performing such maintenance shall be recovered against Lot 6 and such assessment shall be a lien upon the real property.

- 15. Approval by the Planning Board and Special Counsel to the Planning Board and Village Attorney of the Declaration of Easements, Covenants, Restrictions, Charges and Liens.**
- 16. The approved Declaration of Easements, Covenants, Restrictions, Charges and Liens shall be recorded at the Onondaga County Clerk's Office prior to the sale of a lot or issuance of a building permit, whichever occurs first.**
- 17. It is not proposed that any water, sanitary sewer, stormwater drainage facilities or interior driveways/access roads be dedicated to the Village.**
- 18. All infrastructure, including but not limited to, the stormwater drainage facilities, Detention Basin, water and sanitary sewer facilities must be completed by the developer and approved by the Village Director of Municipal Operations and Village Engineer prior to the sale of a lot or issuance of a building permit, whichever occurs first.**

FURTHER RESOLVED, that the Planning Board incorporates the following additional findings and conditions as conditions of its approval of the Site Plan, Subdivision and Open Space Subdivision stated above:

- 1. Mirbeau of Skaneateles L.P. or its successors shall continuously own and be responsible for long term operation and maintenance of the proposed stormwater basin in accordance with approved engineering plans and NYS DEC stormwater regulations. The applicants and Mirbeau Skaneateles L.P. shall provide an easement, in a form acceptable to Special Counsel, over the stormwater basin and access areas to the Village such that if the pond is inadequately maintained, the Village could complete any necessary maintenance or repair work and charge the property owner/responsible party. Further, the applicants and Mirbeau Skaneateles L.P. shall provide a Conservation Easement, as required in Section 225-36(d) of the Village zoning code and in a form acceptable to Special Counsel, over the open space lot to the Village. In addition, the pond grading shall be revised to provide slopes of 10 degrees or less to allow for the use or riding/zero-turn mowers in the event that the Village should have to perform maintenance.**
- 2. The stormwater basin shall be designed in accordance with all NYS DEC stormwater regulations including treatment of the water quality volume (WQv).**

3. The Applicants, in accordance with the PSC New York Municipal Power Agency (NYMPA) Generic Tariff – effective date 12.1.98, shall be financially responsible for all material and installation costs due to electrical transmission and distribution upgrades to the Skaneateles Electric Light utility that may be required to serve the proposed development’s electrical needs.
4. The Applicants shall be financially responsible for all water transmission and distribution upgrades to the Skaneateles Water utility that may be required to serve the proposed development’s water service needs.
5. The Applicants shall be financially responsible for all wastewater system modifications and upgrades to the Skaneateles Sewer utility that may be required to serve the proposed development’s wastewater needs.
6. The Applicants shall file for and obtain, in advance, the necessary approvals and permits from the Village Director of Municipal Operations and applicants shall be financially responsible for all Village street reconfigurations, widening, improvements and repairs to Fuller Street as shown on the approved Subdivision Map and Site Plan subject to review and approval of detail drawings by the Village Director of Municipal Operations. Where necessary, applicants will file for and obtain, in advance, the necessary approvals and permits from NYS DOT for any work proposed to be done within the state right-of-way.
7. The Applicants shall file for and obtain, in advance, the necessary approvals and permits from the Village Director of Municipal Operations to install the sidewalks shown on the site plan. Such work will be done in accordance with Village sidewalk specifications.
8. Prior to any Village approvals/permit or building permit being issued by the Village, the Applicant will provide for review and approval of the Village Attorney and Special Counsel an escrow cash deposit, letter of credit or bond to the Village as security for the cost of the required public infrastructure improvements.
9. The Applicants shall provide LED light fixtures in accordance with the Village’s new street lighting program. Fixtures should have a color temperature no greater than 3,000 k and shall be designed in such a manner or provided with shielding to prevent light shining on adjacent properties.
10. The Applicants shall properly decommission all existing monitoring wells in accordance with NYS DEC regulations. Copies of all documents related to monitoring well closures shall be submitted to the Village of Skaneateles Code Enforcement Office.
11. The Applicants shall provide excavation monitoring by a competent qualified person for the duration of excavation activities in order to identify any potential soil or water contamination and ensure proper timely notification to New York State DEC.
12. If, during the excavation of a residential lot, soil or water contamination is identified (see item 11 above) the Applicants shall notify the New York State DEC and shall follow the direction of the New York DEC regarding any remediation measures required. Such remediation measures may include developing a plan to prevent potential vapor intrusion into the foundation of the proposed residence on such lot and any such plan shall be submitted to and approved by New York State DEC, New

York State Department of Health and any other New York State Agency having jurisdiction.

13. The Village understands that the Applicants have made certain agreements with the Town of Skaneateles concerning drainage improvements in the area. Substantial completion of such improvements within 12 months of the date of this Resolution is a condition hereto.
14. **The Village intends to continue to engage the Village engineer, which at this time is GHD, to perform periodic site work monitoring and inspections. Such work will be at the expense of the Applicants.**
15. **The Planning Board incorporates the letters of Village Engineer Nicholas Hyde, P.E. dated 10.3.18 and 11.1.18.**
16. **The Applicant has submitted a revised Stormwater Pollution Prevention Plan (SWPPP). The revised SWPPP is an abbreviated version. Only Section 6 from the previous SWPPP has been resubmitted. Prior to the start of Construction, the Applicant needs to compile a complete SWPPP to include the Stormwater design information submitted with the October 2018 plan and the remaining Sections from the September 2018 plan (Sections 1 through 5, 7, and 8).**
17. **The final subdivision map should identify the building envelopes.**

Motion by Brian Carvalho ; Second Doug Sutherland

Brian Carvalho Aye
Stephen Hartnett Aye
Michael Perrone Aye
Douglas Sutherland Aye
Chairman Bruce Kenan Aye

This matter was concluded at 8:44 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards

Village of Skaneateles Planning Board Meeting November 1, 2018

Recommendation to the Code Enforcement Officer on the matter of the license application submitted by Skaneateles Suites for continued operation of a hotel at the property addressed as 12 Fennell Street in the Village of Skaneateles.

Recommendation to the Code Enforcement Officer on the matter of the license application submitted by Katherine Burke for continued operation of a bed & breakfast homestay at the property addressed as 10 State Street in the Village of Skaneateles.

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

Riccardo Galbato, Attorney for the Planning Board,
John Crompton, Code Enforcement Officer
Beth O'Sullivan, Deputy Zoning Inspector
Dennis Dundon, Clerk to the Boards

Bob Eggleston, Architect on behalf of Skaneateles Suites
Katherine Burke, applicant

Gregg Eriksen, Village Trustee
Janet Aaron, Town Supervisor
C Baker, 10 State St
Jim Moore, 95 E Lake St
Holland Gregg, 3872 Jordan Rd
Ellie Jackson, 4467 Jordan Rd, student
Julie Moore, 95 E Lake St

At 8:45 pm, Chairman Kenan opened the discussion of licensing, saying that the Board has before it two recommendations for licensing applications. These applications are pursuant to a local law that was passed over a year ago that required that licenses be issued and annually renewed. In considering these applications, there are a number of requirements that need to be satisfied, and therefore facts that need to be known. Chairman Kenan continued saying that the Board is not in a position to go through the paperwork submitted and to know or to investigate the appropriate status of each property. He believes it is appropriate for the Code Enforcement Officer to conduct the necessary investigation and to report the facts to the Planning Board.

Member Perrone, “I move that we adjourn this matter and continue consideration of the licensing applications to our December meeting pending findings of fact from Code Enforcement.” Member Hartnett seconded the motion. Upon the unanimous vote of the members in favor of the motion, the motion was carried 5 – 0.

This matter was concluded at 8:48 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards

Village of Skaneateles
Planning Board Meeting
November 1, 2018

Consideration of comments in the matter of a proposed revised application form for Floodway Development Permit.

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

Riccardo Galbato, Attorney for the Planning Board,
John Crompton, Code Enforcement Officer
Beth O'Sullivan, Deputy Zoning Inspector
Dennis Dundon, Clerk to the Boards

Gregg Eriksen, Village Trustee
Janet Aaron, Town Supervisor
C Baker, 10 State St
Jim Moore, 95 E Lake St
Holland Gregg, 3872 Jordan Rd
Ellie Jackson, 4467 Jordan Rd, student
Julie Moore, 95 E Lake St

At 8:49 pm, Before beginning the next topic, Chairman Kenan explained that the Weitsman application did not appear on the agenda due to lack of timely submission of application materials.

Chairman Kenan said that the members have been provided with a revised version of the proposed Floodway Development Permit Application for review. He said that given the complexity of the agenda for this meeting, it may not have received the appropriate amount of attention. He suggested that the members review the revised draft and provide any comments directly to the Trustees on their own.

This matter was concluded and on motion of Member Sutherland, seconded by Member Carvalho the meeting was unanimously adjourned at 8:51 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards