

Village of Skaneateles
Planning Board Meeting
September 3, 2009

In the matter of the application submitted by Andrew Stringer for Adam Weitsman to vary the strict application of Section 225-A5, Density Control Schedule, for percentage of open area, left side yard set-back, front yard set-back and; Section 225-69d, Non-conforming buildings structures and uses, extension or expansion, to make renovations, additions and landscape improvements to the property and premises located at 45 West Lake Street in the Village.

Site Plan Modification

Present: Bruce Kenan, Chairman
 William Eberhardt, Member
 Douglas Sutherland, Member

Jorge Batlle, Clerk for the Planning Board
Riccardo Galbato, Attorney for the Planning Board

Robert Eggleston, Architect for the applicant
Jim Falso, Contractor for the applicant

Joy Richmond, Syracuse
Andrew Ramsgard, Skaneateles
Gregg Sgromo, Syracuse

Absent: Lauren Waite, Member
 Steve Krause, Member

Chairman Kenan opened the meeting at 7:30pm announcing the Weitsman application for 45 West Lake Street.

Robert Eggleston, architect for the applicant made the presentation. He said, "this is a modification to an approved site plan. Adam has, as we now officially know, purchased the 10 foot strip of property to the north of the property that he owns at 45 West Lake Street. What he'd like to do now that he has the ten feet, is just move the water garden and the walls that were approved prior over so that it is a little more spacious for him. In doing so, there's a slight increase in the area of the patio, because he's taken this structure and moving it over. So in dark is showing what's actually added to the program. There's just a little pilaster on each side of this curved element. Then they are taking sown this wall and putting up this wall over here to complete that.

As far as any of the coverages – it's less non-conforming than what had been approved prior. So, we are physically adding 76 square feet of patio area and 109 square feet of retaining wall area. But the variance that we received for the open space actually becomes better as we are

4.8% what's allowed, instead of 4.91. So we have slightly increased that. There really aren't any other issues. The 14-6, the original wall was a little greater - a little tighter than that but it's 14-6 now so it pretty much has kept all the variances in place but just moved it over upped the open space.

So what we are looking for is an amendment to this." The Chairman asked, "an amendment to what?" Eggleston said, "an amendment to approved Site Plan for 45 West Lake Street.

Eggleston continued, "also, we have put in a formal request to the Town Assessor to have these 2 properties merged. I haven't gotten any contrary information from Rick or Jorge that it is simply a request to the Assessor that they be merged together. In that there is no use on here, it doesn't make the lot any more non-conforming. If this has another house on it, obviously you couldn't do it because you can't have 2 houses on one lot. I, not sure if the Assessor has asked the Planning Board their opinion of this. I know in the Town they traditionally will just pass it by the Planning Board for the recommendation that there is no adverse effect as a result of that."

The Chairman asked Counsel, "there isn't technically a requirement of subdivision action on the part of the Planning Board to combine parcels?" Galbato said, "I looked at it. It is not defined as a subdivision, or re-subdivision. It's really a merger. A lot of times - the County Real Property Services or the local Assessor you are dealing with?" Eggleston said, "the procedure that's been well established in the Town, is we go to Ron Miller, the Town Assessor, and make the request. I have a copy of that request in the file. In the Town, they have an understanding. The Planning Board and the Assessor have an understanding that he just passes it by the Planning Board to make sure that there's no adverse effect of joining up. Sometimes there is. Sometimes you have houses on both and you can't do that. I don't know if he has done that with the Planning Board here or not. Then he just send notice into Tax Office and they merge the two." Galbato asked, "the County?" Eggleston said, "correct. We did send a copy of this to the City of Syracuse and have they responded back? I think they may have with no adverse comments in that part of this is within 50 feet of the Lake."

The Chairman said, "who do you send it to - the Department of Water?" Eggleston said, "correct, to Rich Abbott." The Chairman holding a form said, "you did get a response... *the City of Syracuse has no objection*. So this is an amended Site Plan Approval application, is that right? Does anyone have any questions?"

Galbato said, "(Section) 225-20 applies because you are doing some activities within 50 feet of the Lake line or any other approvals 225-20 C2, talked about any permits from the DEC or OGS, Army Corps of Engineers." Eggleston said, "there's no work in the Lake so we don't require any kind, so we are good to go. We are under an acre so there's no SPEDES Permit of soil disturbance or anything like that."

The Chairman asked, "can you provide a calculation that shows that the open space within the 50 foot buffer is greater than 90%?" Eggleston replied, "I can do that. I'm not sure if that actually..." "...I didn't see it there. It gives the whole site," said the Chairman. Eggleston said, "yes, I can provide that." Chairman Kenan said, "it certainly visually looks that way."

Galbato said, "Bob, can you talk about the water feature and the proximity to the sewer line. I believe there's a 20 foot easement that the Village has over that sewer line. Probably 10 feet on either side. We don't know if it is within the easement or not." Eggleston said, "we are obviously within the 20 feet easement, if that's what the easement is. I know this shows an approximate location. Actually, we are making it better because we are moving it farther away. I wasn't part of the original presentation so, what ever they said to compel you to approve the first plan, I say ditto."

Member Sutherland said, "they didn't provide, they didn't show where the sewer line was. It sort of came up later on. So it may be better than it was, if that's the exact line." The Chairman said, "I guess the question is can it be located such that it is ten feet away from the sewer line?" Eggleston said, "I don't believe so. Not without putting it right into this curved piece here." Galbato asked, "is there a scale on that? Previously there was an agreement between the Village and Mr. Weitsman that on the original site plan over some improvements that were made over the sewer line and easement of the Village. I don't have a copy of that. Mr. Byrne was out of the office today. I was told by the Mayor today that the Village easement is 20 feet, which probably means 10 feet on either side of the center line of the pipe." Eggleston said, "would that agreement that he is fully responsible should the Village need access he would provide access at his expense?" Galbato said, "haven't seen it. My understanding is that if the Village has to repair any of the sewer line, they don't have to replace what any improvements that the owner put on. See, that might reference the original Site Plan. Now we are amending it with out knowledge of what that said. We don't know what to do here on that issue." Eggleston said, "as it scales, we are not 3 feet off the center of the water line so we are 7 feet maximum encroachment into the ten foot path of the easement. I know, and I am confident that Adam Weitsman would update that agreement if you wanted to reference the new Site Plan."

Chairman Kenan said, "we had a telephone conversation earlier on the subject of segmentation. Can you enlighten the Board any on what the ultimate plan is?" Eggleston said, "apparently it has become common knowledge that in addition to buying this ten foot strip, Adam Weitsman has put a purchase offer in to buy the Donald Bennett property which is to the north. I have talked to Jim about that. In fact, he does have a contract to purchase. The purchase will not go through until next June, because Don Bennett wants to remain in the house until June. I believe it is his plan not to build any structures but to remove the house and to join and merge that to this property. I believe historically, this property was part of the original estate property and he'd like to return it back to that. It will have just plantings and gardens on it. There's no knowledge of any structures that would be built on it. But, I haven't seen any plans. I believe it's just to continue the property and have that just be planted gardens and lawn."

The Chairman asked, "are there any other questions?" Galbato asked Falso, "is that your understanding?" Jim Falso said, "100% no (cough) what-so-ever is on the table right now. It's just going to be manicured gardens and planting and possibly a bench or something like that. But no major hardscapes or anything is on the table what-so-ever right now." Member Eberhardt asked, "is there any stage beyond that? Is there anything beyond that phase?" Eggleston said, "well, now we are into Ed Little's property and I don't know if he's ready to sell. I don't know of any continuation of that." Falso said, "I don't think he's been approached at all on that." Eggleston said, "adding to that, the Donald Bennett property, while it has had some recent

improvements to make it a little more traditional, it is a contemporary home that's not traditional to the Village. I don't think there's any historic reference to that property."

The Chairman asked the Board, "any other questions? Anybody care to make a motion? This is an amended Site Plan Approval."

Attorney Galbato said, "I am concerned about this Board approving a Site Plan with something within 3 feet of a sewer line. So, if the Board is going to contemplate approval of the modified site plan, maybe it should be contingent upon Mike Byrne's approval or the Trustee's approval on review with regard to that issue." The Chairman asked, "what would you do about other improvements that are shown here that are shown over the sewer line?" Galbato asked, "there's been no change, right?" Eggleston said, "no change. There are retaining walls." Galbato said, "without the benefit of the existing agreement that was entered into about a year ago, between the village and the owner, I am uncertain of...trolling on these modifications."

Chairman Kenan said, "but with regard to any amended, any change to the earlier plan, you are suggesting as that one feature is shown, and that's all that's changed. It effects the sewer line, that feature." Galbato said, "this new wall is going over it too." The Chairman said, "that's not it there. There is the sewer line." Falso said, "this one used to cut through. Now it is further away from here." Member Sutherland asked, "that hasn't been installed yet? The one that goes to one that's going away?" Falso said, "no, not installed."

The Chairman asked for a motion? Member Sutherland said, "**I would move that we issue a conditional approval on the amended Site Plan subject to Mike Byrne's review of the sewer line and it's relationship to the water feature that's shown. If Mike feels that it's not a problem, this would then become a formally approved amendment to the Site Plan.**"

Member Eberhardt asked, "so we care about that segmentation?" The Chairman replied, "I called bob earlier today and asked him to bring what ever he could to explain to us." Eggleston said, "under SEQR this is an 'Unlisted Action' is that correct?" Galbato said, "the modification – under our own SEQR Code, the Village Code dealing with SEQR." Eggleston said, "which formally does not require SEQR review. It's exempt from SERQ review. So in that regard, it's hard to have a segmentation case against something that's not required. Although, and again, he hasn't actually closed on the other property so, although he has a contract to purchase it, nothing is final until that takes place. So, even the segmentation question could be premature, if it were a valid issue." Chairman Kenan said, "segmentation as a zoning issue is not restricted to SEQR. Although it is written specifically into the SEQR Regulations. But, in general, the issue is where there are land use controls, you can't get around them by coming in with a little bit of an improvement, and a little bit of an improvement. And each one is so small and insignificant that after a while they add up to something that is significant. So, the SEQR Law prohibits it and I think zoning rules generally discourage doing things in small increments. So, where an applicant has plans it is appropriate to enlighten the approving Board of them, which is why I asked that question. I'm not sure...satisfy yourself. I'm not sure we can require much more than we have."

Member Eberhardt asked, “do we care that it’s in the record that Mike Byrne looks at the too? It’s in the minutes.” Eggleston said, “it’s in the minutes and it’s been asked and it’s been answered. Obviously you feel that the answer is satisfactory that it wouldn’t cause future adverse considerations. If Adam Weitsman is successful in proceeding with his plans, which it looks like he legally is in contract, and continue in that faith, it actually would eliminate additional variances that were granted. In all likelihood his open space would be satisfied. He wouldn’t have any side yard set-back issues. So, a number- of assuming he merged the properties.” Galbato said, “and demolished the house.” Eggleston said, “correct. I think it would be premature to make that a condition. He doesn’t even have total control of the property. Obviously, if he comes in with a different plan, he doesn’t have any entitlements to that. It has to be looked at on its own basis. I am suggesting that if you feel it required acknowledgement – that you acknowledge that the question of segmentation has been satisfied. And there shouldn’t be any adverse effect.” Galbato said, “the motion is fine.”

Motion is seconded by Member Eberhardt. The vote was 3-0 in favor of the motion. The meeting was closed at 7:48pm.

email to: Meyer+Meyer, Eggleston, MJB
all Planning Board, Lotz, Galbato