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STATE OF NEW YORK COUNTY OF ONONDAGA
TOWN OF SKANEATELES PLANNING BOARD

In the Matter of DISCUSSION
of Major Subdivision
LOVELESS FARM DEVELOPMENT, LLC
Tax Parcels 051.-01-39.1 and 051.-02-18.1

PLANNING BOARD DISCUSSION in the above
matter, conducted at 24 Jordan Street,
Skaneateles, New York before JOHN F. DRURY, CSR,
RPR, Notary Public in and for the State of New
York, on April 28, 2015, 7:30-9:10 p.m.

BOARD MEMBERS PRESENT:

- MARK TUCKER, Chairman
- SCOTT WINKELMAN, Planning Board Member
- JOSEPH SOUTHERN, Planning Board Member
- BETH ESTES, Planning Board Member
- DONALD KASPER, Planning Board Member
- SCOTT MOLNAR, Planning Board Attorney
- JOHN CAMP, Planning Board Engineer
- HOWARD BRODSKY, Planning Board Planner
- KAREN BARKDULL, Planning Board Secretary

FOR THE APPLICANT:

- ANDREW LEJA, ESQ., Hiscock & Barclay
- THOMAS DUSSING, Environmental Design & Research
- JOANNE GAGLIANO Environmental Design & Research

Reported By:
John F. Drury, CSR, RPR
Court Reporter 471-7397

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Leja

THE CHAIRMAN: welcome everyone.
Tonight we're going to continue with the
Loveless subdivision, see what new
information we've got, and we'll see
where we go from there. You're welcome
to listen, this is not a public hearing.

8 And you're welcome to take comments. If
9 you go to another meeting within 10 days
10 before. And I don't know if there is
11 anything else the Board thinks for me to
12 address on this? That pretty well sets
13 it. And I thank you for being
14 cooperative with us, all of you in the
15 past. Those representatives want to
16 come forward, state your name for the
17 record.

18 MR. LEJA: Good evening Mr. Chairman,
19 ladies and gentlemen of the Board, my
20 name is Andrew Leja, an attorney with
21 Hiscock & Barclay, counsel to the
22 Applicant. With me tonight from
23 Environmental Design and Research are
24 Tom Dussing and Joanne Gagliano.

25 If I may I would like to present a

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1 Leja
2 quick summary where we are and what we
3 see this meeting as accomplishing
4 tonight.

5 THE CHAIRMAN: I would like to, I
6 don't know, but I think we would like to
7 know what the changes are, why that has
8 helped us to a better process, in your
9 opinion.

10 MR. LEJA: Right. Since my last
11 formal appearance before you we've had a

12 couple of informal meetings with town
13 representatives to discuss various
14 aspects of the project. And we've come
15 away with that, I think of finding some
16 common ground on some matters of
17 interest to the Board. And we have made
18 some revisions to the plans, as you see
19 before you. Mr. Dussing will present a
20 description of what those revisions are
21 for the Board. After which we hope to
22 receive your thoughts and comments on
23 your review of the Board to date.

24 And with an eye towards hopefully
25 trying to move forward and complete the

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5

1 Leja
2 SEQR process for the application. And
3 as you know, SEQR process needs to be
4 done before any determination of a final
5 nature can be made. And hopefully once
6 SEQR is accomplished we move quickly
7 into the sketch plan consideration.

8 As the Board knows, typically there
9 is a period of time passage between
10 preliminary designs like this and sketch
11 plan considerations. And then another
12 time period between sketch plan and
13 preliminary plat approval. To allow the
14 Applicant to provide further details and
15 proofs that the ideas in the sketch plan
16 actually come to fruition at the design

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table.
In this case however, as you know, the Applicant has invested time up front and front-loaded that process to try to provide much more of a typical design detail than one would see as part of a typical sketch plan. But in this case nevertheless, we hope that we can move forward with SEQR as much as possible

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Dussing
and complete that process so we can then move on to sketch plan.
So I'll have Mr. Dussing present a description of the changes to the project, after which we'll be happy to hear your thoughts and continue on.
MR. DUSSING: The changes are, and this a comparison to the November 2013 version to which we just submitted. Is back in November of 2013 we had 17 lots. And right now we're providing for 15. we eliminated a lot on the east side and we eliminated a lot on the west side. I'm just reading from the page 3.
The open space requires 27.93 acres, which is 60 percent of development. We are providing over that right now with both submissions. It's about the same, a little bit less actually in the new

21 Skan42815 Loveless
22 submission. There was a concern about
23 the trees along West Lake Road. We're
24 proposing to relocate those down the
25 hill and then provide some type of
sustainable vegetation between where

7

1 Dussing
2 they were and the backs of the lots. So
3 that's a change.

4 The impervious is required to be
5 under 10 percent, and in both scenarios,
6 the 2013 and then the most recent one
7 we're still under 10 percent.

8 The buildable open space provided is
9 essentially the same with the new. The
10 different reference is that it is not
11 fragmented. And when I say it's not
12 fragmented, we removed all of the open
13 space and the private driveways and
14 anything that was, you know, tucked in
15 little slivers behind. So it's all
16 contiguous in large chunks and not
17 sprinkled throughout the right-of-ways
18 and behind lots.

19 We also eliminated, or reduced the
20 number of open space that's in the lots
21 themselves, which is allowable by code.
22 But we were able to, by eliminating a
23 couple lots and moving things around, to
24 reduce the number of lots that have been
25 open space.

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Dussing

The overall vegetation that's remaining has increased slightly, so that's an improvement.

The bridge, we relocated that to the south, which now it's, because of the distance it has to cover, it was at a slight angle, now it's a little bit more perpendicular to the stream itself, it's instead of 190 feet across, it's 175 feet. The disturbance to the ravine, and when I say the ravine, not in the banks, but just, if you look at what you have to do to cut down trees straight across, if you pick, you know, the distance it's a pretty easy one, 90 x 30 or whatever. It's a little less, just because of the length. And it was as close as 40 feet at it's most northern end to the historic property to the north. Now it's 150 feet away, which is an improvement.

Back in 2013 the access trail down to the shared lakefront was not included and now it is included as an improved

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Dussing

walkway.

3 The fire lane improvements, and fire
4 department, that was always included in
5 the last submission in 2013 and it's
6 also included now. And I met with the
7 fire chief and measured their largest
8 vehicle. And when we, you know, come
9 back with the preliminary plat, where
10 it's all mathematically correct, we'll
11 have all those turning radii worked out.
12 So that it works for all their equipment.

13 The open space fragmentation, it was
14 fragmented in our last submission and
15 now it's unfragmented. And I already
16 described that.

17 Then the east side building height
18 restrictions, there were none back in
19 2013, and we're voluntarily taking and
20 reducing Lots 5 and 6 by five feet for
21 the visual impacts.

22 So those are the changes, based on
23 what we heard at our last meeting and
24 the couple of work sessions.

25 PBM KASPER: Which ones are 5 and 6?

10

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1 Dussing Q&A

2 THE CHAIRMAN: They're not numbered.
3 (Mr. Dussing pointed them out).

4 MR. DUSSING: The two 5 and 6 are
5 the two that are closest to Fire Lane
6 17. One more thing is, we reduced the
7 building envelope on Lot 1, so that we

8 could increase the open space. It was
9 like 20 or 30 feet that we reduced it,
10 pushed it back and increased the open
11 space by the building envelope of Lot 1.
12 So that was one other item.

13 BY PBM WINKELMAN:

14 Q. What's the square footage of the
15 building envelope on Lot 1? Pretty small?

16 A. (Dussing) It's pretty small.

17 Q. It is small, what is it?

18 A. I don't know off my head, that's
19 something that we can provide. But it's consistent
20 with what has been presented all along in every
21 submission. We may have tweaked it and shortened
22 it but we haven't --

23 Q. Same square footage, you just tweaked it?

24 A. Yes. I don't know if it's the same
25 square footage but it's not substantially changed.

♀

11

1 Dussing Q&A

2 THE CHAIRMAN: Do you want some
3 input, is that what you want now, Tom?

4 MR. DUSSING: I wouldn't mind
5 approval, but I'll take input.

6 BY THE CHAIRMAN:

7 Q. One thing is looking on the landscaping,
8 moving those trees down, that's not going to help
9 much for keeping that open. I think what you need
10 to do, if you do something there it needs like a
11 dwarf tree or something like that, something that

12 isn't going to be 20 feet or something like that.

13 If you want to do something like that.

14 A. Yes, when we come back --

15 Q. The pines are going to grow up eventually,
16 whether they're up there or down there.

17 A. What we'll do is pick a species that
18 works for the Applicant and also works for the
19 Board as far as look and growth.

20 Q. Then you take, you have Lot 5, 6, what's
21 this over here, they aren't numbered at all.

22 A. That's 2. And then 3 is the big lot,
23 the two acre lot. And then 5 and 6. We're going
24 to renumber them through whatever, but based if
25 you do a comparison.

♀

12

1 Dussing Q&A

2 Q. If I was referring to something. Lot 3
3 seems to be, this really hasn't shifted much
4 really, moving over anything Lot 3 is like a
5 double lot now?

6 A. Yes, it's one building envelope and
7 anywhere within that building envelope you can fit
8 whatever house that he wants. Of course it goes
9 through site plan approval.

10 BY MR. MOLNAR:

11 Q. Is the building envelope 2.03 acres?

12 A. No, the lot.

13 BY PBM ESTES:

14 Q. This doesn't have any of the lots here.

15 A. This is the lot and this is just the
16 area of the house it sits in.

17 Q. So you're saying the building envelope
18 will be anywhere inside these locations?

19 A. Yes. The house can be in any.

20 BY THE CHAIRMAN:

21 Q. You haven't figured out what the
22 percentage is for each lot yet, you haven't got
23 that far really?

24 A. No. The one thing I forgot to mention
25 is you did ask, and I did provide cross-sections

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Dussing Q&A

2 that are represented A, B and C. There was a
3 concern by the Board that if you're running, if
4 you're looking at cross-section A from Fire Lane
5 17 going north, you wanted to make sure that there
6 was a nice gentle step between the houses. You
7 didn't want to just have go in and carve and have
8 them all at the same level. So that's what we're
9 depicting.

10 And as I was looking at this, I was
11 curious what was the slope between my house and my
12 neighbor's, and it's about 12 percent. Took a
13 picture of it. So it's a gentle slope in my
14 opinion. My wife runs a registered daycare, kids
15 play there all the time, so.

16 Q. So now you're going to cut out for each
17 house or take the hill out for a level area?

18 A. If you remember, you asked us to provide
19 some mitigation for the visual from West Lake Road.
20 So we moved the buildings down, pushed them a

21 little bit forward. Two of them we put some
22 height restrictions on it. And by doing that
23 we're going to have to, you know, excavate some of
24 that area.

25 But to meet the grades for like

14

1 Dussing Q&A

2 driveways and buildings that you want to have
3 flat, and to show a stepped, actually did a
4 preliminary grading plan, and this is the results
5 of that, where we looked at the slopes and, you
6 know, tried to mimic what you guys were looking
7 for, a staggered development, not just a carved
8 out bowl that's flat.

9 BY PBM ESTES:

10 Q. Once you do that grading what is the
11 slope then?

12 A. They're going to just be 20 percent off
13 the Fire Lane 17. And then it's going to be
14 relatively flat for the building envelope. And
15 it's depicted right here, 20 percent and relatively
16 flat. And then approximately 12 percent to the
17 next building envelope, flat. 8 percent, 8
18 percent, and then the buildings themselves are flat.

19 BY PBM KASPER:

20 Q. The dotted line is this area?

21 A. Correct.

22 BY THE CHAIRMAN:

23 Q. You're taking basically 5 feet there and
24 10 feet on the next one?

25 A. Correct. Then cross-sections B and C

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1 Dussing Q&A
2 show it going from the other direction, which
3 shows a maximum of 30 percent slope. And then
4 having a small swale, just on the upstream side,
5 and taking that down to some storm sewer, so it
6 goes around. And then going back down in a 30
7 percent, and then having it, some portion of the
8 building envelope flat.

9 Q. Isn't the whole building envelope area
10 or just where the houses are?

11 A. If you look at the, starting from the
12 property line in the front of the houses, it's
13 mimicking the slope. And then we are doing a cut
14 to flatten out and give a flat area for the
15 buildings to go.

16 Q. And how much of that -- is the whole
17 building envelope going to be done that or just
18 for the house is what I'm saying? Because the
19 house is going to fill the whole thing.

20 A. It will be for the house and whatever
21 back yard area. And that will be part of the site
22 plan application.

23 Q. That's an 18 foot cut there showing,
24 right?

25 A. Yes. 30 percent slopes are mowable, you

1 Dussing Q&A
2 can cut the grass. As I was driving down Genesee

3 Street from East Lake, the number of houses that
4 are in that one-on-three, 30 plus percent slope,
5 that are all nice manicured grass. And change in
6 elevation between those are much steeper than
7 these. So I mean there is an example right in the
8 village that shows that it works for erosion and,
9 you know, being maintained.

10 BY PBM KASPER:

11 Q. This is a swale that's going to cut in?

12 A. Yes, a small swale. So that anything
13 from the road and in that area above the houses
14 we'll redirect that around. That's the best way
15 of controlling erosion and getting the storm water
16 around the steeper slopes. So that's what we're
17 planning on doing, and we'll armor it of course
18 with erosion control and go through and anchor it.

19 BY PBM ESTES:

20 Q. You still have erosion control down in
21 this area as well?

22 A. Oh, yes, it will be complete contract
23 drawings, that will, you know, a storm water
24 pollution prevention plan submitted and reviewed
25 by the town engineer and go to all the DEC

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1 Dussing Q&A
2 requirements and it will have stormwater
3 detention, water quality, and all the erosion
4 sediment control permanent and temporary.

5 Q. These are going to increase, because
6 we're getting an additional runoff because of
7 putting the slope down in here?

8 A. No, those, regardless of the slope,
9 regardless of any changes in elevation to the
10 grade, those would always be the same.

11 BY PBM KASPER:

12 Q. You're not changing the grade in any of
13 this area other than the ponds and the swales?

14 A. I think we would have to change the
15 grade just based on, you know, doing some work.

16 BY PBM ESTES:

17 Q. Have you removed all the common space
18 that was originally here?

19 A. There will have to be some grading. But
20 we're not cutting it 10 feet, if that's what
21 you're asking me, we're filling it 10 feet. There
22 is no big change for that. It's a gentle slope,
23 we're going to want to run and balance that so
24 it's flat so they can put the recreation
25 facilities in there.

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1 Dussing Q&A

2 Q. Recreation facilities, we're talking
3 other buildings, swimming pools and structures
4 here?

5 A. I don't know what they're planning on,
6 but those are all approved uses. Recreation space
7 can have tennis courts, basketball courts and all
8 that. That's all approved use in open space per
9 the town code. So it's always been.

10 Q. So where is our preserve?

11 A. Everything that's grey, whether it's

12 dark or light. And that's still preserved, that's
13 still open space. Just allowed uses for
14 recreational facilities in open space. And that
15 hasn't changed. That has always been the plan of
16 some recreation facility. I'm not sure what the
17 Applicant has in mind. But again, that will be
18 something that will come in front of the Board, so
19 you always get to see it in detail.

20 So those are the big changes which
21 they're not really that big, they're just tweaks.

22 Q. Are these numbers for -- based on just
23 these lots or something being built here?

24 PBM KASPER: The whole subdivision.

25 Q. Open space?

♀

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1 Dussing Q&A

2 A. Open space.

3 Q. But the buildable open space?

4 PBM KASPER: Open space, buildable
5 and non-buildable.

6 A. Buildable open space required has to be
7 75 percent of that. Anything that's in light grey
8 is buildable open space. Anything in dark grey is
9 non-buildable open space. So there is a 60
10 percent open space required and then you've got to
11 have 75 percent of that 60 needs to be buildable,
12 and 25 can be not buildable.

13 BY THE CHAIRMAN:

14 Q. How close are you on the impervious
15 surface of the whole project, if you start
16 building in the rec area?

17 A. That's included in the impervious. So
18 driveways. When we come back --

19 Q. I'm saying starting to put some part of
20 structure in here?

21 A. We have driveways on a lot meant for
22 buildings, public roads as well as an allotment
23 for, you know, sidewalks and patios. And then the
24 recreation area. So when we did a rough
25 calculation we included all that.

20

1 Dussing Q&A

2 Q. And like tennis courts?

3 A. Yes. We actually, tennis court,
4 basketball court and a swimming pool, and we laid
5 it in there and said, okay, you know, the distance
6 each way and say that's their allotment, if they
7 choose to do that they can do that. So that was
8 built in. So it does meet, it's below the 10
9 percent allowed for the entire subdivision.

10 BY PBM ESTES:

11 Q. So when we talk about returning any
12 parts of this back to meadowland or to -- there is
13 very little the way it's drawn here that's
14 actually going to get returned to any sort of
15 meadowland. Because this is going to be built up.
16 And this you've got built into a building lot, so
17 it's all manicured lawn.

18 And this we just randomly discussed,
19 could be anything from roads, patios, tennis
20 courts, basketball courts, swimming pools. So

21 Skan42815 Loveless
that leaves this little spot right here?

22 A. This area here will be natural
23 vegetation and has low maintenance, low growth,
24 cut it twice a year, same thing up here.

25 PBM WINKELMAN: Is there a pointer

21

1 Dussing Q&A

2 around here? Like to do it on the
3 screen so we can all see.

4 A. So this area here can be recreation
5 area, pool, tennis court. This area here that's
6 the detention basin, and you know, some channel or
7 conveyance that can all be some type of natural
8 vegetation, native, that can be low-grow, where
9 you don't have to maintain it, cut it all the
10 time. And then the same back here. That's
11 something that we'll discuss with the Board as far
12 as the look. And we have an expert in plants,
13 Joanne, so she'll be asked to look at that type of
14 vegetation and how it can, as you say, come back
15 to a meadow. It may even be certain type of
16 vegetation that's an improvement over meadow, but
17 that's something we'll have to talk about.

18 BY THE CHAIRMAN:

19 Q. That's where you're going to get into
20 further by mowing, or what type of house for the
21 homeowners association?

22 A. Yes, I mean that's something that we're
23 going to have to address in the preliminary plat
24 in some detail. And we just want to make sure
25 that, you know, we're hitting the big ticket items

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Dussing Q&A

2 that you guys had as far as, you know, impacts to
3 visual, you know, the environment, you know, the
4 existing vegetation, those type of things. And
5 this is the, you know, based on the work sessions
6 this is what we came up with to reduce those
7 impacts.

8 Q. The other one keeps coming up is the
9 bridge. I don't know if anyone wants to, that's a
10 tough one, putting that across there. That's a
11 little bothersome to a number of us. How it's not
12 going to impact that ravine?

13 A. Well, the only impact to the actual side
14 slopes and the bottom would be cutting trees.
15 We'd leave the stumps and everything. So there is
16 not going to be a direct impact to the ravine
17 outside of there is going to have to be an outlet
18 to these basins, the one outlet. And there is an
19 existing channel somewhere in this location that's
20 already heavily eroded and it's starting to have a
21 gully form, a pretty substantial gully. And we're
22 going to put the pipe in that area and then
23 restabilize. So actually it will be an
24 improvement over existing conditions.

25 Q. That definitely needs stabilization

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Dussing Q&A

2 there, because it's cut back in there.

3 A. Yes.

4 BY PBM KASPER:

5 Q. So the only, on the bridge the only
6 disturbance is during construction. Once it's
7 built and stabilized won't be anymore?

8 A. For the bridge?

9 Q. In the ravine.

10 A. Well, the only disturbance in the
11 ravine, we'll say it's the dark grey, will be the
12 construction of that outlet pipe, and then the
13 stabilization of it. And then cutting the tops of
14 trees that may be in the way. There won't be any
15 other equipment in the bottom of it disturbing any
16 of the banks and bottom foot. During construction
17 and after construction.

18 Q. The abutments for the bridge will be
19 outside?

20 A. They'll be outside of the -- the hundred
21 foot area is up here, and we're suggesting that
22 you put the abutments, there are some soil borings
23 that were got, they were obtained, and the
24 geotechnical engineer, I think it's Empire Geo,
25 recommended spread footing, there is stiff enough

24

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1 Dussing Q&A

2 soils to do that. But that is something that will
3 be designed. Whether it has to be piles.

4 But in any event, if you extend the
5 bridge back as far as you requested, and I brought
6 a graphic of that, what you end up doing is there
7 is a greater impact to the adjacent area. And

8 it's that dash line. Because you have to have a
9 substantially bigger girder depth. And to do that
10 you're going to have to remove where I have it
11 hatched off, that soil.

12 So if you want to reduce the impact of a
13 bridge, you want to shorten it and have the
14 abutments, you know, within 10 feet or whatever
15 the geotechnical and structural bridge engineers
16 design it to, so it's stable and it will be there.
17 And then will design it to New York State DOT
18 regulations and codes and all that.

19 So that's what we're recommending, is
20 that the longer you make the bridge, it doesn't
21 necessarily reduce the impact. And I think, and I
22 can't speak for this, I think John can speak of
23 the intent of what the hundred foot setback was.
24 Because we talked about it in a meeting at his
25 office. And I guess I don't want to steal his

♀

25

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Camp

2 thunder, describing it, because is it was their
3 firm that came up with that criteria.

4 MR. CAMP: One of the primary
5 original intent of a hundred foot
6 setback from water courses was to use an
7 example, to be considered in a situation
8 where a parking lot say, might be
9 constructed where the water would sheet
10 off the parking lot and toward the water
11 course. We felt that that hundred foot

12 Skan42815 Loveless
setback would provide an adequate
13 filtering distance for water to move
14 through vegetated grass or forested area
15 in order to clean the water.

16 We have, if I remember correctly,
17 the Board has relaxed that hundred foot
18 requirement in situations where the
19 drainage was cut off and directed to the
20 stormwater management facility via
21 curbing or swales or some other means.
22 So that was the primary reason that that
23 water course was set back, we came up
24 with it.

25 PBM ESTES: The primary or one of

26

1 Dussing
2 the primaries, as you indicated starting
3 out?

4 MR. CAMP: That was the biggest
5 reason. I mean there were a few other
6 reasons, but that was really, water
7 quality is the biggest reason. You
8 know, if water is captured and otherwise
9 directed away from the water course then
10 that, in our opinion would justify a
11 relaxation of that setback.

12 MR. DUSSING: So if you look back at
13 the screen, what we have planned is the
14 swale that will run from this location
15 to the south to the north. And there
16 will be a storm sewer that will pick it

Skand2815 Loveless

17 up, storm sewer that brings it down
18 here. And then somewhere in this area
19 will be a water quality facility. And
20 then that will drain into our storm
21 water detention. And then that will
22 discharge through a pipe into, you know,
23 and improve that erosion gully area to
24 the stream.

25 And on this side the same thing,

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Dussing Q&A

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water from this area and these areas may
3 come down here to a facility, goes
4 across the same kind of treatment train
5 or could come across the street and come
6 down through here.

7

So prior to the detention basins
8 we'll have water quality facilities and
9 then detention after that. And that's
10 something that is not only to town law,
11 but New York State DEC stormwater law.

10

11

12

So that's done in every project.

13

BY PBM SOUTHERN:

14

Q. The driveway off the north end of bridge
15 to the house, has that been shortened from what it
16 was in the other location?

17

A. (Dussing) Yes, the bridge came here to
18 like this location and came around. So it may be
19 slightly shorter, but it's not substantially
20 different.

21 BY PBM KASPER:

22 Q. Is the elevation less grade on this
23 compared to the one before as far as, that land
24 before, it was up on the higher side. It would
25 have been a little bit steeper?

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1 Dussing

2 A. I'm looking at the contours. And the
3 bridge, whether it was located here or here is
4 about the same elevation. The difference is that
5 instead of being 40 feet away from this property
6 line and that's historic, now it's approximately
7 150 feet away. Which there was a concern about
8 screening of that driveway and bridge along here.

9 Now that concern shifts down and there
10 is more opportunity to do, if the Board wanted to
11 do that, in the site plan, that could be more
12 easily addressed.

13 MR. DUSSING: Other developments
14 that I just wanted to let you know is
15 again -- other thing is and I know
16 you're fully aware of this, but I just
17 wanted to repeat it. We supplied a
18 substantial amount of environmental
19 assessment data; a substantial amount of
20 visual assessment data; cultural
21 resource assessment. We've actually
22 taken previous development schemes to
23 detail contract drawings, which have
24 been reviewed by the town engineer, and
25 substantially -- I mean they find it

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Dussing

acceptable. There may be little tweaks here and there, but nothing that would change the kind.

Hydrologic and hydrology study for the entire watershed was completed and reviewed by the town engineer and found acceptable. The Health Department has found, and they verbally have found the septic systems acceptable.

The New York State DOT, we submitted an application for review and they find the driveway locations acceptable, which if they didn't, I don't know how they couldn't because they're existing.

We prepared a full stormwater pollution prevention plan that was submitted to the town and reviewed.

We self imposed the height restriction on two lots that we talked about.

Streets and driveways all meet slopes and construction materials and widths per code. We sat with the fire chief and reviewed the plan, and verbally

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Dussing

he found it acceptable.

3 Skan42815 Loveless
we meet all the required setbacks.
4 And also based on the two work-sessions
5 we made those modifications to the plan
6 that we hope that this is closer to what
7 you will find acceptable than the
8 previous submissions.

9 BY PBM KASPER:

10 Q. Do you have the map where you can maybe
11 overlay the high conservation, all different
12 values of the conservation you come up with to
13 match it with a subdivision plan?

14 A. (Dussing) I believe I do.

15 Q. So we know where the lot falls.

16 PBM SOUTHERN: I would like to see
17 where this lays out.

18 A. Here is the map, although to Board has a
19 differing opinion of what is high, medium and low.
20 So you'll have to overlay your, you know, your
21 determinations on that. But -- oh, you have that.

22 MR. BRODSKY: Is that the same map?

23 SECRETARY: No.

24 MR. DUSSING: This overlay is also,
25 it's been modified, so.

♀

31

1 Dussing

2 BY MR. MOLNAR:

3 Q. Is that the former overlap?

4 A. Yes. Right here is Lot 1. Along here
5 is Lots 2, 3, 5 and 6. And then on the other side
6 there is one lot that fits right in this area
7 here, the road comes in and terminates in a

8 cul-de-sac right in this location. And there is
9 three lots, one, two and three in here. And then
10 there is a driveway that tucks back here with four
11 lots in this wooded area just to give.

12 PBM KASPER: According to this it's
13 medium, is that right?

14 SECRETARY: Yes. That was the last
15 meeting.

16 PBM ESTES: So the top of the wooded
17 row there is considered medium.

18 SECRETARY: That's what you said in
19 January.

20 PBM ESTES: Just looking at what we
21 have here.

22 MR. DUSSING: You had some
23 determination differing from ours. So
24 you would have to go to that. But
25 that's our determination based on a

♀

32

1 Dussing Q&A
2 process.

3 PBM WINKELMAN: At the last meeting
4 we talked about the steep slopes on the
5 east side being upgraded to at least
6 medium conservation value.

7 THE CHAIRMAN: Right.

8 PBM ESTES: So we don't have a
9 current overlay.

10 PBM WINKELMAN: No.

11 PBM KASPER: Do you want to move on

12 Skan42815 Loveless
across the street or are we done with
13 this part?

14 THE CHAIRMAN: Tom, things haven't
15 really moved much down the hill on this
16 side have they? Not from the last
17 submission, looks about the same.

18 MR. DUSSING: So here's the last
19 submission. And if you look at where --

20 BY THE CHAIRMAN:

21 Q. There is no distance, would be nice from
22 the distance to the road line down?

23 A. (Dussing) This line is the same as the
24 line that's shown back here. So the building
25 envelopes have moved down. These are maximum

33

1 Dussing
2 building envelopes, they're -- they meet the, you
3 know, if you look at like, there is like 30 foot,
4 30 feet, and then you know, it abuts right up to
5 the septic system. So before we had the buildings
6 all being built way in the back.

7 PBM WINKELMAN: With no setback off
8 the lot line?

9 MR. MOLNAR: 30.

10 PBM WINKELMAN: There is 30?

11 MR. DUSSING: Old one was 30.

12 PBM ESTES: It's the same.

13 MR. DUSSING: Well, it's a larger
14 envelope, so it's -- and when we looked
15 at the grading, the buildings are like
16 shown down. The building envelope here

17 has allowed them to build other
18 impervious, if he wants to put in a
19 patio.

20 PBM ESTES: They could also build
21 the houses right up there too. I know
22 we get site plan review, but this hasn't
23 changed. To Mark's point it hasn't
24 changed.

25 THE CHAIRMAN: Yes, that's what I'm

34

1 Dussing
2 trying to get at. Really hasn't change
3 much.

4 MR. MOLNAR: Has the Board overlaid
5 within the building envelope a primary
6 residence envelope so that you have two?
7 Therefore, you control the placement of
8 the primary residence even if other
9 improvements may be constructed, patios
10 and the like.

11 MR. DUSSING: To meet your criteria
12 of the 12 percent and the driveways and
13 the impervious, the lots have to -- the
14 buildings have to -- houses have to be
15 down in these areas or the calculations
16 will exceed the 10 percent for the total
17 development. So we can during
18 preliminary plat easily be addressed.
19 we can show a line that says --

20 THE CHAIRMAN: I've always stressed

21 would be nice to move them down some, is
22 what I stressed. I think that's what we
23 have to look at as we go along, so if we
24 can limit what we're doing. I know
25 you're giving height here. Still I just

35

1 Dussing

2 feel it's up just a little too much.

3 MR. DUSSING: I can tell you that
4 they are substantially moved down the
5 hill with substantial elevation change
6 from what they were on this plan. And
7 the visual impact that we have, showed
8 you that. We can provide during the
9 preliminary plat a preliminary scheme
10 plan that shows that also. I mean
11 that's something that we can address. I
12 know what you guys are looking for and
13 it's what we're planning on doing.

14 BY THE CHAIRMAN:

15 Q. My other question is this Lot 2, is
16 there a way to reduce this lot a little and then
17 slide this over to give you a little more openness
18 along the driveway right-of-way here? Like this
19 is two acres, let's drop it down to one and-a-half
20 or something, and then just slide this stuff over
21 so it gives you a little more openness?

22 A. (Dussing) The right-of-way, although
23 this Fire Lane 17, which isn't going to be
24 changed, that is a 66 foot right-of-way. And this
25 is a configuration of lots, the Applicant is

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Dussing

interested in the Board, you know, making comments
on.

Q. That's what I'm doing is making a comment.

A. Yes, I'll bring it to him, but I mean I
guess.

THE CHAIRMAN: Just a thought if you
shift this a little, it will give you
more openness along here. 66 isn't that
wide in my profession.

PBM ESTES: I think when you look at
this and if you visually say, everywhere
you have white, basically, you have
either pavement or mowed grass. And
then where you have that whole
recreation area you're going to have
built up recreation spots. So the whole
idea of this being naturalized becomes
extremely minimal. which makes it look
like a straight run of the mill
development off the side of the road.
And I think that's what we're mostly
concerned with. We're not going to see
the open space, we're not going to see
any naturalization of that land coming

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Dussing

back.

3 My other question is, you've got
4 dark grey as being unbuildable and we've
5 got a bridge going right across the
6 unbuildable. So it's unbuildable
7 because you're saying that you can put
8 the bridge there because it's going
9 across the unbuildable land. So it can
10 we have any kind of building structure
11 we want or because we have something is
12 considered unbuildable?

13 MR. DUSSING: Bridges by their
14 definition are to span unbuildable land.
15 So the function is exactly what you want
16 there. You can't put a house there.
17 But a bridge, that's the purpose of the
18 bridge is to span unbuildable,
19 untravelable area, whether it's
20 environmentally sensitive or it's, you
21 know, it's not property needed for flood
22 protection.

23 So I think the definition is,
24 looking at more of building structures,
25 not culverts and bridges and that type

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1 Dussing
2 of infrastructure that we all enjoy
3 traveling to and from, you know, home
4 and office.

5 Mr. Molnar and Howard, please tell
6 me if I'm wrong, I would love to.

7 PBM ESTES: You can use the
Page 32

8 definition to fit that the way you just
9 defined it.

10 PBM WINKELMAN: But the whole lot
11 Number 1, is in high concentration value
12 land. That's the thing. That's the
13 whole gist of the open space subdivision
14 is to protect significant open space.

15 PBM ESTES: He's done none of that
16 here.

17 PBM WINKELMAN: By far that's your
18 most significant space, that ravine and
19 that little spit of land and that
20 pristine shoreline.

21 MR. DUSSING: I mean let's look at
22 Lot 1. Just because it's white doesn't
23 mean it's going to be cut grass. Again,
24 during site plan approval, you know, if
25 Mr. Green does put his permanent

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1 Dussing
2 residence there he has the option to
3 leave trees and screening and natural,
4 which I think would please the Board.
5 And he's well aware of that. But, you
6 know, there is a lot of lots that are
7 tucked within these wooded areas along
8 both shorelines of the lake. And it's
9 consistent with what people do when they
10 want to buy lakefront property, they
11 want to put a house there. So it's no

12 Skan42815 Loveless
different than the house next door and
13 the house next door and on and on.

14 PBM ESTES: It is different because
15 you pocketed inside of it in a very
16 sensitive ravine area.

17 MR. DUSSING: If you do it correctly
18 it can actually be beautiful, both when
19 you're on the property and when you're
20 looking at it.

21 PBM WINKELMAN: So we're giving up
22 conservation value in that area. So why
23 do you have the whole rest of the
24 property basically like a conventional
25 subdivision? It's just suburbia.

40

1 Leja

2 MR. LEJA: I think you're confusing
3 conservation value with leaving things
4 absolutely untouched. There is a
5 difference between the two. You can
6 promote and preserve the conservation
7 value of an area while still allowing
8 building within it. You don't have to
9 leave everything pristine and untouched
10 to preserve conservation value.

11 PBM WINKELMAN: There is a big grey
12 area within the two.

13 MR. LEJA: But I think it's
14 important for the Board to recognize
15 when you say we're sacrificing
16 conservation values. Not necessarily

17 so. You are actually providing
18 preservation of conservation value by
19 allowing responsible building
20 development per your site plan, per your
21 exhaustive town codes that allow for
22 exactly that in that area.

23 MR. MOLNAR: Furthermore, the
24 conservation value is to be arrived at
25 in the conservation analysis and

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♀

1 Leja
2 findings. And as you know the code also
3 provides that the Board is obliged to
4 determine meaningful restriction in
5 order to preserve the conservation
6 value. So then the question will come,
7 once the conservation analysis moves
8 forward what controls does the Board
9 feel are appropriate to preserve the
10 value?

11 And those controls might be a
12 limitation of clear-cutting in any of
13 the high conservation areas. There may
14 be a permissive ability to permit the
15 construction of structures. But it's
16 going to be limited to within the
17 building envelope or however the Board
18 sees fit. So the Board still has an
19 opportunity to preserve conservation
20 value.

21 MR. LEJA: And the decision the
22 Board makes in that respect in terms of
23 attempting to impose conditions to
24 preserve conservation value could be
25 viewed as precedential for other

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1 Leja & Molnar
2 development all around the lake. Good
3 and bad precedent can be set.

4 PBM WINKELMAN: We'd like to set a
5 good example.

6 MR. LEJA: That's exactly what we
7 are doing in this five year process.

8 MR. MOLNAR: Speaking of the
9 conservation analysis, and just to
10 extend upon where, before we move to the
11 second area of the other side of the
12 road, extending Andy's comments earlier.
13 Yes, we had a discussion concerning the
14 completion of SEQR in terms of sequence
15 for the transaction.

16 And when I was developing the draft
17 conservation findings resolution, as you
18 all saw or when I circulated it, there
19 is one big gap in the beginning of the
20 draft resolution. There are many gaps.
21 We have things to work out such as the
22 effect of the adapted proposal on top of
23 the conservation values map and how we
24 can overlay that on and determine what
25 controls will be required and so forth.

1 Molnar
2 But the sequence of events, because
3 the conservation analysis is a condition
4 precedent to moving forward with the
5 sketch plan, which is obviously in terms
6 of sequence, the next step before you
7 get to the final sketch plan and site
8 plan approval and subdivision, it is one
9 of the approvals that the Board is asked
10 to make in terms of the overall
11 application.

12 And because that is so, I think it's
13 useful that the Board had a very
14 meaningful and lengthy discussion,
15 dialogue on the conservation and values
16 and analysis and proposed findings, and
17 speaking in those terms generally. So
18 that the Board is as familiar as it can
19 be with the quality of the property with
20 which you're going to now render an
21 examination under SEQR.

22 The dialogue and the information
23 that the Board elicited from the
24 Applicant and all others is important.
25 And that information needs to be used

1 Molnar
2 for the SEQR so that the SEQR is

3 Skan42815 Loveless
complete, before the conservation
4 analysis and findings is complete.
5 Because that is essentially an approval
6 leading to other approval, if and when
7 they occur for this application.

8 So now that we've, the Board has
9 undertaken this, these steps, I agree
10 with Andy that the Board now also needs
11 to focus upon keeping that information
12 that's been gleaned in the forefront,
13 that focuses upon SEQR, and move forward
14 with the SEQR process to complete it to
15 a determination. And then after which
16 these other areas will be addressed,
17 these other approvals requested will be
18 addressed.

19 PBM ESTES: So we finish the SEQR
20 before we finish the conservation
21 analysis?

22 MR. MOLNAR: I recommend that. Andy?

23 MR. LEJA: If I may point out. In
24 your own subdivision code. 131-3C(7),
25 it states that the conservation findings

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1 Leja
2 as adopted by the Board shall be
3 incorporated as part of the sketch plan
4 approval. Not in advance of the sketch
5 plan process, but actually incorporated
6 into the sketch plan approval itself.

7 Moreover, your zoning code,
Page 38

8 148-9G(1)(C) also references the
9 incorporation of the findings from the
10 conservation analysis determination by
11 this Board into the sketch plan
12 approvals process. So I think there is
13 a melding to your counsel's point, there
14 is a melding between the conservation
15 findings and the sketch plan approval
16 that takes place. But in order to
17 achieve that SEQR needs to be completed,
18 because of course sketch plan approval
19 is a discretionary approval and that is
20 subject to completion of SEQR before it
21 can be achieved.

22 PBM KASPER: Doesn't make sense.
23 SEQR is for us to review after it's all
24 mitigated. We know there is challenges
25 to SEQR here, it's the raw land for them

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1 Molnar
2 to develop it. Part of SEQR is they
3 mitigate a lot of those issues for us to
4 come up with a negative SEQR. So how
5 can we do a SEQR without approving site
6 plan?

7 MR. MOLNAR: I think the Board has
8 to look at what it's done to get to this
9 point. And that information is very
10 important for you to make a
11 determination under SEQR. You have a

12 Skan42815 Loveless
13 proposed layout, you have reasonably
14 addressed engineering issues. You have
15 requested a number of times additional
16 information from the Applicant. So that
17 you can look at the mitigating factors,
18 such as voluntary restriction on height,
19 lowering the grade, and preserving view-
20 sheds and otherwise addressing the
21 application. And all those important
22 forms.

23 And that is an important part of how
24 you get to SEQR. So I agree that it all
25 needs to come out, but it can't all come
out, it certainly can't all come out in

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1 Brodsky
2 terms of approval of conservation
3 analysis and findings, which will be
4 incorporated into the sketch plan until
5 SEQR is complete.

6 MR. BRODSKY: I might suggest that
7 you might view SEQR as an analytical
8 tool. Not as an approving or denying
9 tool, but an analytic tool, so that
10 there may be issues that you say, okay,
11 air quality is not affected and we're
12 satisfied with that and we've looked at
13 that issue and we're done with it.
14 which is most of the time is the type of
15 conclusion you draw.

16 But other times you may say, we need
Page 40

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17 to look at something further and we want
18 the Applicant to analyze this further
19 and give us options or mitigation
20 measures. Because take the distance
21 from the road that Mark referenced,
22 analyze that further and show us either
23 alternatives or mitigation measures to
24 address our concern about visibility and
25 distance from the road.

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1 Brodsky

2 So it doesn't -- it gives you
3 choices, it gives you an analysis. It
4 doesn't give you -- it does not give you
5 a conclusion. You decide that in the
6 sketch plan phase. But you can use, I
7 think you can use SEQR in that way.

8 PBM KASPER: So you're saying we
9 don't make a determination, positive or
10 negative?

11 MR. MOLNAR: Yes, you do.

12 MR. DUSSING: Let me remind the
13 Board that again, I'll just go through
14 the list: Full assessment, visual
15 assessment, the cultural resource
16 assessment, detailed contract drawings
17 that were reviewed by the town and town
18 engineer, hydrologic and hydrology
19 studies, review with New York State DOT,
20 full SWP prepared in detail and project

21 in conformance with or the ability to be
22 in conformance with New York State DEC
23 requirements, self imposed restrictions.

24 we've provided, you know, code
25 compliant drawings. Fire department was

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Dussing

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consulted, and calculations. I don't

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think any other development may have had

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that much analysis prior to, you know,

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to make a SEQR determination.

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MR. MOLNAR: Right, but I think the

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primary issue for resolution is the

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conservation analysis, the preservation

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of high, medium and low conservation

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value property. And what the Board just

11

went through with the Applicant, trying

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to assess those issues is the most

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meaningful issue in the process of SEQR

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before the Board.

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PBM ESTES: So it lends itself, if

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this is still a major concern for the

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Board, that when we go through SEQR it

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becomes an unmitigated issue which makes

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it more likely that --

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MR. MOLNAR: I think the Board has

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at its disposal the mitigation factors

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offered by the Applicant. The height

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restrictions, the removing of the pine

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trees and etc. in order to help you make

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your determination on significant.

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Estes & Molnar

PBM ESTES: Except for the actual high conservation and medium conservation areas.

MR. MOLNAR: Right, those aren't complete yet, because you can't achieve that approval without fulfilling SEQR.

MR. DUSSING: Let me ask a question. The Board makes a negative, you know, declaration on this, that doesn't mean that the sketch plan is approved.

MR. MOLNAR: No.

MR. DUSSING: So still have to go through the sketch plan.

MR. MOLNAR: It can be with conditions. And the condition can be your proposed findings, your thought out restrictions control and other measures concerning the conservation analysis, but you have that at your disposal as well.

PBM KASPER: But shouldn't we actually approve the conservation value of the land first? Because that's going to determine how it falls in the SEQR,

Brodsky

the values of that thing. Because it's

3 Skan42815 Loveless
not going to change. It can't mitigate
4 the conservation values.

5 MR. MOLNAR: I think you can vet it
6 to a reasonable conclusion, but I
7 recommend against approving it until the
8 SEQR is done. Because it is a
9 discretionary approval, which is
10 prohibitive until SEQR is complete.
11 Sorry, those are the regs.

12 PBM KASPER: I just saw it differently.

13 MR. BRODSKY: I just want to
14 suggest, if following Scott's point and
15 what we just talked about in terms of
16 the map, I would like to suggest that
17 the Applicant submit an updated version
18 of their proposed conservation analysis
19 map as most recently construed. And one
20 based, do a map depiction on the overlay
21 or on the air photography as they had
22 previously done. But do a second
23 version of the conservation analysis
24 overlaid on the proposed sketch plan so
25 you can see how things interact, how the

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1 Brodsky
2 proposals are interacting.

3 MR. MOLNAR: I think there is an
4 existing conservation analysis that's on
5 the photography.

6 MR. BRODSKY: That one, yes. I
7 didn't think that was current.

8 MR. DUSSING: Yes, that's still
9 current. That's based on our evaluation
10 of it. I mean that's easy enough, we
11 can supply that for the sketch plan and
12 the conservation determination at the
13 next meeting.

14 MR. BRODSKY: And then overlay it
15 onto the sketch plan.

16 MR. DUSSING: Absolutely, that's
17 very easy. More than happy to do that.

18 MR. BRODSKY: This does not reflect
19 the conversation or -- you have to
20 resolve how this reflects your
21 conversation of last meetings in terms
22 of the medium value land.

23 PBM ESTES: Right, because that's
24 not the map that we all talked about at
25 that last meeting.

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1 Brodsky

2 MR. MOLNAR: I think you did suggest
3 that the steep slope would be determined
4 medium versus, on the conservation
5 values figure 4, it's low.

6 MR. BRODSKY: Right.

7 MR. DUSSING: I would like to have
8 the Board draw what they want and we can
9 draw a line and shade it. I don't want
10 to make that determination for the Board
11 because I'm not sure I understand, you

12 Skan42815 Loveless
13 know, exactly what you're looking for
14 and how it should lay out. So if you
15 want a map that depicts that, I would be
16 more than happy to take the map that you
17 guys mark up and make those changes, and
18 then overlay our version of the
19 conservation with the current sketch
20 plan. And then your determination or
21 your values of high, medium low with the
22 sketch plan. Not a problem, very easily
23 done.

24 MR. BRODSKY: I think the steep
25 slope version map would probably come
very close to what you were discussing,

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1 Brodsky
2 which they did as part of the initial
3 analysis.

4 MR. LEJA: We would still prefer
5 that the Board, because the Board went
6 through extensive discussion about what
7 it wanted in terms of high, medium and
8 low. We would prefer that the Board
9 supply that to us, so we work off the
10 exact map that you're talking about,
11 instead of approximation. No offense
12 Howard, but I don't want to deal with
13 approximation at this time.

14 PBM KASPER: We have to talk about
15 it, the Board.

16 THE SECRETARY: Need the minutes.

17 THE CHAIRMAN: Last meeting I
18 thought we had it pretty close to what
19 we were thinking.

20 PBM SOUTHERN: Again, is it on the
21 SEQR review?

22 MR. MOLNAR: In anticipation of the
23 SEQR review, so to speak.

24 PBM KASPER: Biggest thing was the
25 steeper slopes. High value.

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1 Leja

2 MR. LEJA: I think Mr. Southern
3 makes a point, anything you provide to
4 us is not final.

5 PBM SOUTHERN: No.

6 MR. LEJA: It is draft and will be
7 treated as such.

8 PBM SOUTHERN: Same thing with the
9 SEQR review, we'll find something we're
10 uncomfortable with, for lack of
11 information, we can ask you for the
12 information before you continue or
13 before you make a declaration.

14 PBM KASPER: I thought once we
15 started that was it.

16 PBM SOUTHERN: No, you take your
17 vote when you're satisfied with whatever
18 the conclusions are you draw.

19 PBM KASPER: SEQR can go on more
20 than one meeting.

21 Skan42815 Loveless
MR. MOLNAR: Conservation analysis,
22 it's 148-9G(1)(a). As part of any of
23 sketch plan submission for open space.
24 Unless required by conventional solution
25 an Applicant shall submit a conservation

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1 Leja
2 analysis consisting of inventory maps,
3 description of land and analysis of the
4 conservation value, the various site
5 features; and then they're listed. So
6 it's been submitted by the Applicant and
7 it's been -- the Board has determined
8 that the Applicant submission is not
9 acceptable for present purposes. So the
10 Applicant is asking the Board to define
11 how it found the draft conservation
12 analysis unsupported.

13 So now it's our opportunity to
14 identify how and where. And we can do
15 that from the last meeting minutes. In
16 order to achieve a final draft
17 conservation analysis of values, one
18 map, then overlay upon, overlay that map
19 on top of the proposed sketch plan as
20 presented.

21 MR. DUSSING: Yes.

22 PBM WINKELMAN: This is the stuff
23 that was submitted April 10th by
24 appellant Osborne. Got some
25 conservation analysis on it. We'll get

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1 winkelman
2 together and get a map together of the
3 conservation analysis, that sounds good.

4 THE CHAIRMAN: Should have it from
5 the last meeting, January.

6 PBM WINKELMAN: Got to actually put
7 it down on a map.

8 THE CHAIRMAN: Right. wouldn't take
9 much to do that.

10 PBM WINKELMAN: Actually in the
11 future it might be in the Town's best
12 interest to have almost an independent
13 analysis done. Because we've run into
14 this before where we're tweaking things
15 and changing things and it would be
16 better off to kind of get a third-party.

17 MR. LEJA: I would respectfully
18 suggest you need to change your code in
19 that regard.

20 PBM WINKLEMAN: Thank you.

21 MR. LEJA: Code requires from the
22 Applicant as part of the submittal.

23 MR. MOLNAR: For the Board to approve.

24 PBM ESTES: Board shall --

25 PBM WINKELMAN: Use your discretion

1 winkelman
2 and hire somebody.

3 MR. LEJA: Keep it mind that it
4 costs considerable time and money to
5 produce one of these analyses.

6 PBM WINKELMAN: I know, but there
7 was so many omissions of things. We've
8 been through this so many times.

9 MR. LEJA: I respectfully disagree.

10 PBM WINKELMAN: We've been through
11 this so many times, Andy, it's getting
12 old.

13 MR. LEJA: What I'm saying is if you
14 expect the Applicant to pay, to submit
15 the conservation analysis as part of
16 your code, only to automatically require
17 an independent analysis, then you should
18 omit the Applicant's responsibility.

19 PBM WINKELMAN: Thank you.

20 THE CHAIRMAN: How long?

21 THE SECRETARY: I need another week,
22 it will be verbatim, I'm not quite done.

23 MR. MOLNAR: Once those are prepared
24 and finalized.

25 THE SECRETARY: I can shoot in the

59

♀

1 Molnar

2 draft.

3 MR. MOLNAR: Would the Board like to
4 task Howard and I with the duty to do
5 that? Take the minutes and identify,
6 okay steep slopes were medium versus
7 low. And other areas were high versus

8 medium. And try and determine from the
9 minutes what the Board's inclination is
10 for the conservation analysis. Put it
11 together on one of the overlays and
12 we'll forward it to the Applicant or
13 forward it to the Board, this is our --

14 MR. BRODSKY: Understanding what you
15 want. And then if you accept it it goes
16 to the Applicant.

17 THE CHAIRMAN: That's correct.

18 MR. BRODSKY: And they put in their
19 good graphics.

20 THE SECRETARY: Still have to
21 approve the minutes.

22 MR. MOLNAR: Then in that way it's
23 preliminary, and it's I guess more
24 vetted, but not final, in order for the
25 Board to move on towards SEQR.

♀

60

1 West Side (Dussing)

2 THE CHAIRMAN: There was someone
3 wanted to go to the west side now.

4 PBM KASPER: West side changes there.

5 MR. DUSSING: Changes on the west
6 side include removing a lot here. So we
7 removed one lot on the east side and we
8 removed one lot on the west. So what we
9 ended up doing, we have three lots here
10 and we opened this up and moved the lot
11 lines over so they still meet the one

12 Skan42815 Loveless
acre minimum. Before they were, you
13 know, 1.2 acres, 1.3. And we were able
14 to gain more open space here.

15 PBM WINKELMAN: Again, the open
16 space is in the shaded?

17 MR. DUSSING: Yes, everything that's
18 shaded grey is open space. Anything
19 that's dark grey is not buildable,
20 whether it's a wetland or steep slope,
21 which is defined in the code.

22 PBM WINKELMAN: Now I know in the
23 past there is 148-9G(10) open space
24 land. Preserved open space may be
25 included as a portion of one or more

61

1 west side (Dussing)
2 large lots or may be contained in a
3 separate open space lot.

4 MR. DUSSING: So here's a lot that
5 has open space included in it and here's
6 two others. Before we had open space,
7 and several of these lots, all of these
8 lots, and there was some down in here.
9 So we got rid of all that fragmentation
10 and we reduced the number of lots to
11 three that have the buildable open space
12 contained within them.

13 And it's the back of the building
14 envelope, has to be a hundred feet to
15 the open space, start of the open space.
16 And that's how the lots are laid out.

17 MR. BRODSKY: Excuse me, I think you
18 have open space also overlapping in Lot
19 1 and 2.

20 PBM WINKELMAN: On the east side.

21 MR. DUSSING: Yes, on the east side.

22 THE CHAIRMAN: We're on the west.

23 MR. BRODSKY: Same principles apply.

24 PBM WINKELMAN: What I'm reading in
25 here, the key word is "large lots."

62

1 winkelman

2 Preserved open space may be included in
3 a portion of one or more large lots or
4 may be contained in separate lots. And
5 these are all one acre lots, aren't
6 they? You've got open space as part of
7 a one acre lot?

8 MR. DUSSING: That's correct.

9 PBM WINKELMAN: I wouldn't exactly
10 call them large lots, but you know, then
11 you've got your septic leach fields
12 there, we talked about that before.
13 Conservation value, the expansion, Lots
14 on 11 and 12. Even on the one up the
15 road. And as far as management-wise
16 it's much easier if they're all in like
17 a separate lot, you know.

18 When it comes time to cutting trees
19 on Lots 11 and 12, who's going to
20 enforce it when they start cutting their

21 Skan42815 Loveless
own trees down, just a little easier
22 when it's all in a separate lot.
23 PBM SOUTHERN: How would you suggest
24 we do that? How would you reconfigure?
25 PBM WINKELMAN: Just have the open

63

♀

1 winkelman
2 space not on any private lots.
3 Especially because they're so small,
4 they're only one acre.
5 PBM SOUTHERN: Just remove it from
6 there and say it's not open space anymore?
7 PBM WINKELMAN: Probably need to
8 compensate it someplace else.
9 PBM SOUTHERN: That's what I'm
10 saying, where do you see that happening
11 there? I'm just trying to see where it
12 can be done; not against it.
13 PBM WINKELMAN: I'm just saying if
14 it's open space, fine on large lots,
15 but, means they're small lots, I don't
16 think it works.
17 THE CHAIRMAN: Anyone else have any
18 other comments as a way to take care of
19 it besides eliminate a lot?
20 PBM ESTES: I think to repeat
21 overlay and conservation areas.
22 PBM KASPER: Actually I think open
23 space on the lots might be good. If we
24 can control it then the people -- if
25 they own a whole one acre lot they would

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Board

have the right to come in and clear-cut it, whatever they want to do. By us taking some of that as a conservation open space we're going to restrict them to do that. Especially those two lots.

PBM ESTES: Just that what Scott is saying, it's hard to manage.

PBM KASPER: They're going to control.

MR. MOLNAR: If the homeowner controls then you rely upon the homeowner to be in compliance.

PBM KASPER: In a way we're restricting them from clear-cutting that lot and making it all lawn.

PBM WINKELMAN: Right, but it's unenforceable, very unlikely it can be enforced.

PBM ESTES: They have the septic system right on top of it, so there is going to be clear-cutting it.

MR. LEJA: No, no. I'm sorry, no, the septic systems are not on top of the open space lots in Lots 11 and 12.

PBM KASPER: The grey area.

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Board

MR. LEJA: Yes, but if you look

3 Skan42815 Loveless
below that there is still a significant
4 amount left.

5 PBM KASPER: You probably really
6 can't count where the septic is because
7 we're not going to control that, if they
8 have a septic problem they're going to
9 come and disturb it.

10 PBM SOUTHERN: They'll have to.

11 MR. DUSSING: This shows the
12 proposed tree line, so that could be
13 grass. And they can't put swing sets,
14 they could put swing sets, but couldn't
15 put pavement and structures on top of it.

16 THE CHAIRMAN: Are those mounds in
17 that area or don't you know?

18 MR. DUSSING: Those are not mounds.
19 I don't think there is a mound on this.
20 I think everything is shallow
21 infiltration trench with pre-treatment.
22 But we have part of the engineer design
23 for the septic.

24 PBM WINKELMAN: Not the conventional
25 kind, not a raised, it's not a mound

♀

66

1 Dussing
2 type, more of an engineered type
3 pre-treated and then put out through the
4 drip line?

5 MR. DUSSING: To be honest with you,
6 I've never designed one, so it's hard
7 for me to.

8 PBM WINKELMAN: We can put on land
9 with some limited ability.

10 MR. DUSSING: We do perc tests to
11 all these, so that's designed to the
12 perc that's available.

13 PBM WINKELMAN: Right, but for an
14 engineered system. You can't throw in a
15 conventional system. This is a no
16 brainer, you guys need to super engineer
17 these to make more.

18 MR. DUSSING: Right, that's
19 absolutely true. And they're done and
20 they're approved by the Health Department
21 and people use them so they work.

22 PBM KASPER: Very few conventional
23 systems around Skaneateles Lake. I have
24 no problem with them taking conservation
25 on people's lot. Not on all the lots,

67

♀

1 Dussing
2 on the large chunks like that, I won't
3 have a problem.

4 PBM WINKELMAN: Not the one acre lot.

5 PBM ESTES: So this is an area
6 different from earlier scenarios, we now
7 have building lots both in the wooded
8 areas and down in the one point was
9 called farmland, right. 14, 15, 16.

10 MR. DUSSING: Right here is wooded
11 and that's farmland, general. This is

12 Skan42815 Loveless
in direct response to I think four years
13 ago saying that you wanted to have the
14 lots pushed back.

15 MR. LEJA: Rural siting.

16 PBM WINKELMAN: I voiced my opinion,
17 I think that's a mistake. Because
18 that's land --

19 PBM ESTES: Now on the road, the
20 farmland.

21 MR. DUSSING: Also remember that
22 even though this, because of the hundred
23 foot setback is not open space, that's
24 the tree line that's going to be
25 proposed. So that these are tucked

68

1 Dussing
2 within the woods. So they may not meet
3 the definition. But I could easily show
4 that grey, you know, the woods area,
5 it's still kind of tucked around all
6 these lots and seclude them. So there
7 is going to be some additional woods
8 that will be remaining that are shown in
9 the white area.

10 THE CHAIRMAN: One thing that I know
11 originally started this, there was a six
12 foot right-of-way right to the property
13 line out back here somewhere's.

14 MR. DUSSING: Yes, that was taken
15 away.

16 THE CHAIRMAN: Taken away now?

17 MR. DUSSING: Because of the 800
18 foot restriction. So there is an 800
19 foot restriction on this road. So it
20 terminates at the cul-de-sac.

21 THE CHAIRMAN: I thought we left
22 that open in case in the future a road
23 was built through to the next property.
24 That was the idea behind it, that we
25 could hook into the property next to it

69

1 Dussing
2 when we originally started.

3 MR. LEJA: When we originally
4 started, you're right, but at some point
5 along the way I think it was, I could be
6 wrong, I thought there was a sentiment
7 that we won't don't want to encourage
8 further development back there. So
9 we're not going to put a road stub back
10 there for that reason.

11 THE CHAIRMAN: I never came up with
12 that. But that was what was originally
13 planned, so if anything developed. We
14 always say, try to look at the future,
15 that might be something. That's why I'm
16 just asking.

17 PBM KASPER: Sprawl.

18 MR. DUSSING: We actually show this
19 road.

20 THE CHAIRMAN: The county and stuff

21 Skan42815 Loveless
look for.
22 PBM SOUTHERN: We put them in
23 Butters farm. The equine place out
24 there. Obvious build-out.
25 PBM KASPER: Only thing to eliminate

70

1 Dussing
2 is eliminate sprawl. The person that
3 develops on that property, harder to
4 approve.
5 MR. DUSSING: We had a concept, we
6 showed this cul-de-sac back here. And
7 you asked us to bring it back to here
8 per code.
9 THE CHAIRMAN: Per code, yes.
10 PBM ESTES: What's the, I don't have
11 the other drawings with me, the driveway
12 going up like to Lot 9, what's the slope
13 of that driveway going up that hill?
14 MR. DUSSING: This? I don't know
15 offhand, but it's not steep. It's not
16 like Fire Lane 17, if that's what you're
17 asking. It will be a much more gentle
18 slope. This indication right here, is
19 the only reason that's non-buildable is
20 because it exceeds the Town requirements
21 for steep. But none of the rest of this
22 does. So maybe going further to answer
23 your question --
24 PBM ESTES: What percentage are you
25 using there, right there?

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Dussing

MR. BRODSKY: That's 12.

PBM ESTES: I don't think so.

MR. DUSSING: I think it's 30.

PBM ESTES: So the driveway is
somewhere between 12 and 30?

MR. DUSSING: No. Not necessarily.
I have a picture of that. I don't have
the slope on that.

PBM ESTES: That's a pretty steep
little thing there.

THE CHAIRMAN: Off the side street.

PBM ESTES: We walked straight up.

MR. DUSSING: We have this graded
and it does not, it won't be any greater
than 12 percent. That's what we have to
adhere to.

PBM WINKELMAN: Tom, while you have
that out, what's the elevation of the
41A and then the meadow right next to it
to the west?

MR. DUSSING: 41A is 1,002, 1,004.
And let's see how far --

THE CHAIRMAN: Tying up to the
meadow here, that's what you're talking

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Dussing & Winkelman
about going west of there?

3 Skan42815 Loveless
PBM WINKLEMAN: West.

4 MR. DUSSING: This is, if I go from
5 that contour, that is 1,018 to 1,002, so
6 that's 16 foot vertical distance. And
7 if I go down to where the corner of this
8 lot is approximately, that right there,
9 that is 102. And the street, so it's
10 right about here is 102 and the street
11 is approximately like 102 to 104. So
12 it's relatively flat across this and
13 steeper here.

14 PBM WINKELMAN: That's why I've
15 always questioned that whole rural
16 siting thing there, because the rural
17 site is to the east on that road, not to
18 the west. Because of the slope on the
19 west you really can't see. And of all
20 of the land, that's a land of low
21 conservation, that meadowland, that's
22 not being farmed, since it's not doing
23 anything. Not visible from the road. I
24 just always thought that would be the
25 most likely place to put the lot instead

73

1 Dussing & Winkelman
2 of up here in the woodland, up on the
3 hill. You guys made that decision like
4 four years ago and I just thought we'd
5 review it.

6 You can build shorter roads. And I
7 always thought if you had, plus it's

♀

8 pretty conventional. We've got houses
9 along this road to begin with. And so
10 it's thickened with conventional
11 development of the community. But also
12 if you had some lots here, and you were
13 preserving this view from the highway,
14 you would be preserving views from these
15 lots. These would have lake-view lots
16 as well. And we get to leave this
17 woodland woodland.

18 Sort of a radical departure, but
19 would simplify the plan, condense the
20 development and make the open space make
21 more sense, preserve more medium value
22 conservation land and develop in the low
23 conservation value land.

24 PBM SOUTHERN: The point was to
25 maintain the rural nature.

74

♀

1 winkelman

2 PBM WINKELMAN: You can't see out
3 there.

4 THE CHAIRMAN: You would see a house
5 there.

6 PBM SOUTHERN: If the house is built
7 in there they're going to cut the hedge
8 in front and going to have -- if they
9 want a view out of there they're going
10 to have to open that all up.

11 PBM WINKELMAN: If it's not

12 Skan42815 Loveless
conventional, that's the way that the
13 community was developed.

14 PBM SOUTHERN: That's what we're
15 trying to avoid, strip development.

16 THE CHAIRMAN: East side is the same
17 way.

18 PBM KASPER: Trying to force them to
19 change something on the east.

20 THE CHAIRMAN: East side is exactly
21 down the road from them.

22 PBM SOUTHERN: That's why we did
23 Butters farm when we did Butters farm,
24 was to push them back up the hill out of
25 the way, rather than come along

75

1 Board
2 conventionally shift.

3 PBM WINKLEMAN: why didn't you do it
4 on the east side of this development?

5 THE CHAIRMAN: Trying to push them
6 down?

7 PBM SOUTHERN: Keep trying to move
8 down.

9 PBM WINKELMAN: It ain't working.
10 They listened to you when you did it on
11 the west side, they jumped at that
12 chance.

13 PBM SOUTHERN: If there was more
14 room.

15 PBM WINKELMAN: There's more of a
16 rural view on the east side of that road

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17 than the west side. That's all I'm
18 saying.

19 THE CHAIRMAN: Anymore discussion?

20 PBM SOUTHERN: Can we try to put
21 together some kind of a timeline here?
22 A timeline to start SEQR review.

23 MR. LEJA: You have started SEQR
24 review, three hours worth.

25 MR. MOLNAR: We have commenced SEQR

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1 Molnar
2 review, we've had public information
3 meeting. We've had an opportunity to
4 request additional information from the
5 Applicant. This plan is now, this
6 adapted plan has now been presented. I
7 think we've come up with requests to the
8 Applicant to provide an overlay. We're
9 going to glean from the minutes of the
10 meeting the conservation topics that the
11 Board felt were -- felt strongly about.

12 And Howard and I will try and form a
13 draft of adaptations to the conservation
14 analysis that would meet with the
15 Board's comments. We'll relay that to
16 the Board and to the Applicant. And
17 subsequently then when we have the
18 overlay and a draft of the adapted
19 conservation value summary, I think we
20 move forward in SEQR. That would likely

21 Skan42815 Loveless
be the next meeting.

22 PBM SOUTHERN: That's what I'm
23 saying. When are we going to get the
24 SEQR papers in front of us?

25 MR. MOLNAR: You have, the long form

77

1 Molnar
2 has been submitted.

3 PBM SOUTHERN: Right.

4 MR. MOLNAR: AS I understand that --

5 PBM SOUTHERN: When are we going to
6 start our review of the form? That's
7 what I'm looking at.

8 MR. MOLNAR: Okay.

9 PBM SOUTHERN: How long is it going
10 to take until we get this stuff out of
11 the way? How long is it going to take
12 until we can actually do the SEQR
13 finding, whatever you want to call it.

14 MR. MOLNAR: It's not unreasonable
15 if the Board targets the next special
16 meeting for this application to review
17 SEQR. And if we dry-run through the
18 long form EAF, in order to determine
19 whether or not there is additional
20 information required, or that's likely
21 what will occur. And then subsequently
22 the Board would be asked to have a
23 meeting, review the long form and make a
24 determination.

25 PBM SOUTHERN: Can we put that in

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Molnar
some kind of a timeline?
MR. MOLNAR: Would be the next
meeting.
PBM KASPER: This resolution that
you e-mailed to us, when did that fall
in place?
MR. MOLNAR: After SEQR. Sound
reasonable?
PBM SOUTHERN: Yes.
PBM KASPER: I make a motion we move
to set a time next meeting to start the
action for SEQR findings.
PBM ESTES: Special meeting, not the
next regular meeting.
PBM WINKELMAN: I'll second it.
PBM ESTES: We have three in May
already.
PBM SOUTHERN: Not three Board
meetings in May.
THE CHAIRMAN: The training one.
PBM ESTES: 11, 19 and 26.
THE CHAIRMAN: Do we have something
for the 26th?
THE SECRETARY: Public meeting.

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Proposed Meeting
MR. BRODSKY: June 2nd?

3 Skan42815 Loveless
THE CHAIRMAN: ZBA meetings are the
4 2nd.

5 THE SECRETARY: June 2nd is the
6 assessment meeting, arguing the assessment.

7 MR. DUSSING: We would be agreeable
8 to a non-Tuesday, I know you guys are
9 busy, but. Doesn't have to be on
10 Tuesday, you can do any day.

11 PBM KASPER: Coordinate with the
12 town office, meetings on different nights.

13 MR. MOLNAR: Monday the 11th is
14 already taken with the training session.

15 MR. DUSSING: Is it reasonable to
16 kind of schedule the next three meetings
17 so the next meeting we don't have
18 another month in between and then
19 schedule it, and another month in
20 between? I don't want to go into the
21 sixth year on this if that's okay.

22 PBM SOUTHERN: So we're looking at
23 June.

24 MR. BRODSKY: Is June 1st available,
25 Karen?

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1 Proposed Meeting

2 THE SECRETARY: I don't have
3 anything yet.

4 PBM SOUTHERN: June 1st, special
5 meeting.

6 PBM WINKELMAN: Sounds good.

7 THE CHAIRMAN: 7:30.

8 PBM KASPER: Could be a long
9 meeting.

10 THE CHAIRMAN: All right, if
11 everybody else can make it. We have a
12 second. Anymore discussion? All in
13 favor say "aye". Opposed? (None).

14 MR. DUSSING: When can I anticipate
15 the map, so I can do the overlay?

16 MR. MOLNAR: week to 10 days.

17 PBM SOUTHERN: Second meeting for
18 June is Loveless.

19 THE CHAIRMAN: Okay, June 8th how's
20 that for others? Howard?

21 MR. BRODSKY: Could you review the
22 scheduled meetings just set up for May
23 and June.

24 SECRETARY: I'm recap it.

25 THE CHAIRMAN: We'll recap it. As

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2 it relates to the Loveless application,
3 1st and the 8th. 1st of June and June
4 8th at this time. We haven't made a
5 motion. I'll make a motion for June 8th
6 at 7:30. Second?

7 PBM SOUTHERN: Second.

8 THE CHAIRMAN: Discussion? All in
9 favor say "aye". Opposed? (None).
10 [Conclusion of Planning Board Discussion].

11 * * * *

Skan42815 Loveless
C E R T I F I C A T E

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This is to certify that I am a
Certified Shorthand Reporter and Notary
Public in and for the State of New York,
that I attended and reported the above
entitled proceedings, that I have
compared the foregoing with my original
minutes taken therein and that it is a
true and correct transcript thereof and
all of the proceedings had therein.

John F. Drury, CSR

Dated: April 30, 2015