

TOWN OF SKANEATELES PLANNING BOARD
SPECIAL MEETING MINUTES
Hidden Estates SEQR Review
March 26, 2019

Joseph Southern
Donald Kasper
Scott Winkelman
Douglas Hamlin
Jill Marshall
Scott Molnar, Legal Counsel
Karen Barkdull, Clerk

Continued Review – 9 Lot Subdivision

Applicant: Emerald Estates Properties, LP
Skaneateles, New York

Property:
2894 East Lake Rd
Skaneateles, New York
Tax Map #036.-01-37.1

Present: Don Spear, Applicant; Robert Eggleston, Architect;

Counsel Molnar began explaining the New York Code Rules and Regulations concerning SEQR section 617.8, Scoping is required for all Environmental Impact Statements (EIS). The primary goals of scoping are to focus the EIS on the potentially significant adverse impacts and to eliminate those impacts that are irrelevant or not significant. The project sponsor must submit a draft scope that contains the items identified in paragraphs one through five of this section to the lead agency. The lead agency must provide a copy of the draft scope to all involved agencies and make it available to any individual or interested agency that has expressed a concern in writing to the lead agency. Involved agencies should provide written comments reflecting their concerns, jurisdictions and needs for environmental analysis sufficient to ensure that the EIS will be adequate to support the SEQR findings. Scoping must include an opportunity for public participation. The lead agency may either provide a period for the public to review and provide written comments on a draft scope, provide public input with meetings, exchanges of written material or other means. The lead agency must provide a final written scope to the project sponsor, all involved agencies, and any individuals that have expressed an interest in writing to the lead agency within sixty days of its receipt of a draft scope. The final written scope should include the seven items set forth in the code section. They are:

1. A brief description of the proposed action;
2. Potentially adverse impacts identified in part three of the EAF form;
3. The extent and quality of the information needed for the preparer to adequately address each impact including the identification of the relevant and existing information and required new information, including the required methodology of obtaining new information;
4. An initial indication of the mitigating measures;
5. The reasonable alternatives to be considered;
6. The identification of the information and data that should be included in the appendix rather than the body of a EIS;
7. A brief description of the prominent issues that should be considered in the review of an EIS or raised during scoping or both, and determined to be neither relevant nor environmentally significant, or that have been addressed in a prior environmental review, and a reason why those issues were not included in the final scope.

All relevant issues should be raised before the issuance of a final written scope. Any agency or person raising issues after that must provide to the lead agency and the project sponsor a written statement

indicating why and what information needs to be included. The project sponsor must include that in the EIS. If the lead agency fails to provide a written scope within sixty calendar days of a draft scope, the project sponsor may prepare and submit a draft EIS consistent with the submitted draft scope.

Counsel Molnar stated that a scoping document was submitted tonight from the applicant and his representative and inquired if it is being considered the first draft-scoping document. Mr. Eggleston stated yes, and that more information will be added to it but that they wanted to focus on the main issues and what is required from the board. Mr. Spear commented that there would be a follow up document to the document submitted tonight, if the structure they submitted is acceptable by the board. Mr. Eggleston said that they have presumed that a brief description of the proposed action was not required for tonight is meeting. Counsel Molnar commented that it is clearly set out in the SEQR resolution.

Mr. Eggleston stated that the potential moderate to high impacts were taken from the SEQR resolution and what they want to work on is what they need to do to address these. They had boiled down the 8-10 moderate to large impacts down to four issues as the areas repeat the same concerns. The four issues are:

1. Potential for erosion and its potential for impact on Lake water quality.
2. Impact of new road on view, and there might have been a comment on seeing houses.
3. Potential for existing project to inspire similar future projects on steep slopes.
4. Potential for an access easement to be construed as lakefront recreation.

They have identified these in the third column for the eleven elements. As far as concerns and proposed solutions, they will address them in the EIS in detail. Counsel Molnar commented that what would be important for the draft scope are the mitigating measures and the reasonable alternatives that could be considered. Mr. Eggleston commented that they are listed on pages 3 and 4. Member Hamlin requested that Mr. Eggleston review the document with the board as it was received an hour ago.

Member Winkelman inquired about the impact to land. He continued saying that the categories this document addresses is water, view, precedent of building on steep slopes and precedent for the lake access. Mr. Eggleston said that land would fall under erosion under concern number one. Member Winkelman commented that there is an impact on land when you carve a big hole out of the land. Mr. Eggleston stated that the board identified 1b, 1f, and 1h, which are all impacts on land. Member Winkelman said that the concern is the huge amount of land disturbance with this conservation subdivision, with an enormous amount of earth being moved in the watershed. It is tied to water quality and views but it is precedent setting for the amount of earthwork and disturbance to the 10,000-year-old slopes that have settled and stabilized. The amount of land disturbance is four times the amount of disturbance for the existing driveway. Mr. Eggleston stated that 1b, 1f, and 1h afford the opportunity for the board to respond to that and it might have been in some of the rationale for that.

Counsel Molnar stated that he went back to the SEQR resolution and on page 4, the FEAF question, response and rationale under 1b, 1f, and 1h includes 1b, the rationale was that construction of the new roadway is upon varying percentages of slopes greater than 15%, The rationale 1f, the proposed action may result in increased erosion from physical disturbance. The rationale including extensive construction and removal on steep slopes or cut and fill that will leave slopes greater than they exist now when they removal of large areas of vegetation on steep slopes. That will have to be addressed in the draft. Member Winkelman commented that it is not listed in the draft document. Counsel Molnar stated that the draft includes board concern related to 1b for the potential for erosion and potential for lake water quality but does not adequately capture the rationale of the board from the SEQR review. Mr. Spear stated that the third item 1h, there is a comment that addresses both land and water concern. Mr. Eggleston suggested that 1b could be the impact to land. Member Marshall said the concern is the magnitude of the

destabilization of the land. Member Kasper said that the board also discussed the excess fill. Chairman Southern commented that the rationale was in the resolution and that is what the applicant should address. Counsel Molnar stated that the board concern column should reflect the rationale from the EAF and resolution and not just reflect an abbreviated version.

Chairman Southern commented that mitigation measures should be part of the scope. Counsel Molnar stated that he had a discussion with the applicant's attorney, John Langey, we are part of a working group to move this draft forward, and at times, we may propose suggestions, which are for discussion purposes only. They may help in the overall effort in the group to construct this draft document. We are speaking freely on our questions and ideas on how to move this forward under the new regulations which are compulsory.

Mr. Eggleston suggested that an additional concern could be added to address impact to land.

Member Winkelman said that the basic questions are impact to land, impact to water, visual impact, impact on community plans, and impact on community character, making five categories. Counsel Molnar commented that Member Winkelman's suggestion would make an effective column on the scoping draft, listing the categories. Counsel Molnar reminded that scoping must include an opportunity for public participation. It is important that the application have a link for the SEQR, scoping document, and EIS available in addition to copies that need to be provided to the various agencies.

Member Hamlin inquired as to the purpose of the scoping as the SEQR determination resolution clearly outlines what concerns had moderate to large impact that would need to be addressed in an EIS. Counsel Molnar stated that through the scoping, discussion on mitigating measures and/or proposed alternatives that will ultimately be in the DEIS, Although the board doesn't endorse the document, it finds that it is reflective of the issues, the impacts, the possibilities for mitigation, and the possibilities for alternatives so that it can be part of the DEIS. Member Hamlin gave an example for the document under proposed solution for EIS on page 3, the applicant is proposing to flush out the proposed mitigation in the EIS, and the board's job is to suggest what other measures should be considered. The board would like to have a word version copy so that comments and additions can be made. Chairman Southern commented that the scoping should address the concerns as outlined in the resolution and not exclude any of the issues. The expectation was that there was going to be a reply from the applicant on each of the issues and concerns the board had presented in the SEQR resolution. What was received was a pared down version.

Mr. Spear stated that they are not blowing anything off and that they did not have a lot of time to prepare as the conversation with Mr. Langey was a week ago. Chairman Southern commented that this was addressed at the last meeting that the application would need to be scoped based on the positive SEQR declaration. Mr. Spear commented that they thought the town was doing the scoping. Counsel Molnar reiterated that the regulation states that the sponsor shall submit the draft scope. Counsel Molnar stated that the rationale in the resolution goes a long way to narrow down the scope of the important issues, the moderate to large impacts, and the rationale for it. That will need to be translated into the sponsor's draft scope, edited and have mitigating measures and the alternatives that would address the positive impacts included.

Chairman Southern said the DEIS should have the engineer's policy and procedure for mitigation, and the rationale for each one of the questions. If you are going to say that you are going to stop runoff, the EIS should include how you are going to control runoff. Counsel Molnar stated that the board needed to identify the moderate to large impacts, and this was completed and included in the SEQR resolution. Three important things need to be in this draft:

- 1, Accurately reflect the concerns and rationale;

2. Identify the extent and quality of information needed for the preparer to address each impact;
3. The identification of mitigating measures and alternatives.

Mr. Eggleston said that it sounds like they need to include the rationale from the resolution so that no information is missed. Counsel Molnar commented that this is the first stab at it and it will be revised to reflect some edits to capture the rationale that was previously stated. Mr. Spear commented that he would like for this portion of the process to move quickly and believed that the expanded draft scope could be completed next week. Member Kasper inquired whether scoping also includes the applicant questioning why the board felt it was a moderate to large impact. Their engineer brought everything on how he thought it could be done and the board was not satisfied with it. Have we told them on each step what was not right? Member Hamlin stated that the format that appeals to him is to have the concern and rationale at the top of the page, and then their consideration of possible mitigate and alternatives. The board could then review and suggest alternatives. Chairman Southern commented that the board can suggest but cannot tell them what to do. Member Kasper said that the five board members determined the large impacts but did not provide a lengthy rationale why they were large impacts.

Member Marshall suggested that the board review the document and commented that there will be more that the board will want in the draft scope. Member Hamlin commented that the applicant took the eleven concerns and inferred four over-riding concerns. Mr. Eggleston said that it would be repetitive if they addressed each of the eleven concerns. Our engineer is going to state that although the board found the concern a moderate impact, we are going to say that we solved it with the information that has been provided. Member Hamlin re-iterated that each of the concerns should be addressed individually. Mr. Eggleston inquired if the board agrees with the four concerns they had provided. Member Winkelman said that the impact to land, impact to water, visual impact, impact on community plans, and impact on community character are the five categories.

Mr. Eggleston recapped page 3 list of concerns and proposed solutions for the four concerns in the document. He continued saying that they are working on alternatives such as reducing the amount of cut. Counsel Molnar suggested that they also address the steep slopes created by the cuts. Mr. Spear commented that it is a balancing act between the area disturbed and the cuts. Mr. Eggleston said that they went steeper to reduce the area disturbed. Member Hamlin suggested in addition to naming products for soil stabilization, a deep discussion of what they are and how they have been used in the past is important.

Member Hamlin suggested visual models for runoff and stormwater control. Mr. Spear said that further down in the document they would be providing a visual of the subdivision. Member Hamlin clarified that it would be a rendering of the proposed subdivision appearance. Member Marshall said that concerning the run off there are two periods, during construction and post construction. Chairman Southern commented that an alternative could be a comparison of steep slope versus a lower graded slope. Member Marshall commented that she would be interested in the long-term effect of disturbing more and minimizing the slopes versus disturbing less with steeper slopes. Member Winkelman commented that it is all about reconditioning the soils meeting NYSDEC guidelines. Counsel Molnar suggested that another alternative would be an alternative entrance into the subdivision that would avoid the cut and fill altogether.

Mr. Eggleston reviewed Concern two regarding the new road impact to views. Member Marshall commented that it is difficult to visualize the impact of the proposal, as everything is bare. She continued saying that she is looking at it from a rural perspective of the community and that not much has been done to the existing landscaping at the entrance. Counsel Molnar suggested a planting plan be submitted with the DEIS. Member Winkelman shared photos of the views of the existing subdivision from various points

in the town. He said that the existing two dwellings are visible and nine additional dwelling will be visible especially with the excess fill from the road being use. Mr. Spear commented that only one house would be raise up three feet. Mr. Eggleston said that they would be providing a rendering of the subdivision with proposed dwellings. Member Marshall said that the road could be addressed with landscaping and that a plan should be provided. She continued saying the houses should be taken seriously because of the potential precedent setting. Mr. Eggleston stated that they would have key rendering from some public locations.

Mr. Eggleston reviewed Concern three regarding impact of precedent setting on a steep or difficult site. He said that they have to work in the law we have. He does not see ten people lined up to go through what they have in the last ten years. Mr. Eggleston said that there are positive impacts with the proposal with all of the conservation land located together and not fragmented. The houses are clustered together and the biggest impact to the board is the access. Chairman Southern suggested that an alternative to consider is the number of dwellings proposed for the subdivision as a mitigating factor. Mr. Eggleston inquired if the number were reduced would the board give some leniency for the road. Counsel Molnar said that it would be influenced by the fire chief and his requirements while Chairman Southern said no. Member Winkelman said that the purpose of the conservation subdivision is for the impact to be light and the amount of excavation of the property for the road and the proposed nine dwellings is large. He continued saying this proposed subdivision is not exemplary of a conservation subdivision. Member Winkelman said that the only other place where there was a massive amount of earthwork done was down at Precipice Ridge Road done several years ago and it still looks like it was just completed 50 years later. Mr. Spear said that they would not be using dynamite to create the road.

Mr. Eggleston reviewed Concern four regarding impact of precedent setting of a lake access easement for shared lakefront recreation. He continued saying that lakefront recreation is not part of the application and will not be permitted. The word version of the document will be sent to the town, they will start modifying the document to include the information provided by the board today, and the board can provide any additional comments. Member Winkelman inquired if the provided document is considered the draft scope. Counsel Molnar said that the 60 days would begin at the point that the town accepts the draft scope, then there will be public input and the draft must be served to interested agencies, which would be 40 days. The public information meeting or accepting written comments from the public if they review it on the website would take a period. The scoping must include an opportunity for the public participation, the lead agency may provide either a period for the public to review and provide written comments on a draft scope or provide for public input using meetings, submission of materials, or other means. It is at the board's discretion. Member Hamlin said that a public meeting would have to be advertised. Mr. Eggleston said that they will work on the draft scope to have a completed draft scope document addressing the comments made today for the next meeting A special meeting to begin the SEQR scoping process for the Hidden Estates application was scheduled for Tuesday, April 9, 2019 at 6:30 p.m.

WHEREFORE, a motion was made by Member Kasper and seconded by Member Winkelman to adjourn the meeting. The Board having been polled resulted in the unanimous affirmance of said motion. The Planning Board Meeting adjourned at 7:39p.m. as there being no further business.

Respectfully Submitted,

Karen Barkdull, Clerk