

**TOWN OF SKANEATELES PLANNING BOARD**  
**SPECIAL MEETING MINUTES**  
**Hidden Estates SEQR Review**  
**April 9, 2019**

Joseph Southern-absent  
Donald Kasper  
Scott Winkelman  
Douglas Hamlin  
Jill Marshall  
Scott Molnar, Legal Counsel  
John Camp, P.E. (C&S Engineers)  
Howard Brodsky, Town Planner  
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; Rudy Zona, RZ Engineering

Mr. Eggleston stated that they had submitted a draft that has been reformatted by the town, and recommended that the board go through it line by line. Counsel Molnar began stating that the board had requested that the format to be utilized should be reflective of the SEQR determination. The applicant had submitted summaries of the moderate to large impacts; however, they were not carrying forward the board rationale. The submitted draft scope has been re-formatted to include the SEQR findings and the body of the applicant's responses to the findings. There were minor edits throughout the document that were added. The submitted draft scope was difficult to manage the information and responses.

In addition, another board concern has been added for "magnitude of extensive excavation on steep slopes, and creating steep slopes". The prior document sought to address the moderate to large impact questions from the SEQR determination that should fall under one of the six general concerns rather than addressing each concern independently, and Counsel Molnar recommended that each of the question should be addressed independently rather than compare them to the six areas of concern, once it is in an environmental impact statement. Mr. Eggleston commented that the suggested format would create a lot of repetition in that many of the questions related back to the same concern expressed by the board. He continued saying that the goal was to avoid redundancy in responses. Mr. Camp stated that he has seen in other EIS documents, where the concern is addressed in one portion of the EIS and the other sections would have a response reference back to the initial portion of the EIS that had the full response.

Counsel Molnar commented that there are two other recommendations for the document. One is for the mitigating measure, if they are part of the solution, to expand upon them and picked up in the EIS. Member Hamlin commented that that is the purpose of the EIS. Counsel Molnar stated that they could be summarized in the scope. Member Hamlin said that the applicant might not have all of the possible mitigating measures determined at this time.

Counsel Molnar began saying that in section B, a sixth concern was added for magnitude of extensive excavation on steep slopes, and creating steep slopes, reflecting the concerns from the FEAF questions 1b 1f, 1h, and 3e based on the board rationale. The summary of concerns is verbatim of the board's concerns in the SEQR resolution.

Concern number 1 item 1b, the suggestion concern for magnitude was added; same as questions 1f, 1h and 3e.

Member Winkelman requested that any similar development of this magnitude in the watershed of the 18,000 cubic yards plus the 4,000 cubic yards of disturbance for the original driveway, plus the extra fill, plus the earthwork required for nine new foundations for dwellings, that has that been done in the watershed be provided as part of the EIS. He continued saying that he had provided pictures of down south of Lourdes camp where it looks like they had used dynamite on the cliffs of the shore in the 1950-1960s, and it looks like it was done last year. Although dynamite is not being used for the construction of the proposed road, there is still a lot of earthwork being proposed. Mr. Zona had shared some stuff on a commercial site in Syracuse but that is not in the watershed. Mr. Zona commented that Member Winkelman is requesting a picture of after the void is created and the fill pile. Counsel Molnar suggested that it could be listed under issues to be address under concern 1. Member Winkelman commented that it should be addressed under magnitude, it should be researched to determine if it has occurred in the watershed prior, and determined whether the magnitude of the proposed is appropriate for the watershed. Mr. Camp suggested that it could be addressed in the DEIS. Counsel Molnar clarified that that the DEIS is based and written off the scope, so it would need to be part of the scope. Mr. Camp suggested that it could be a bullet point for a comparative of this project to other projects in the watershed. Counsel Molnar suggested that it should be a bullet point placed in the draft scope under issues to be addressed.

Member Winkelman commented that the amount of proposed land disturbance does not fit in with a conservation subdivision. Generally, a conservation subdivision has a light footprint. He continued saying the he likes the clustering of the dwellings, the nine-acre average per lot; it all fits with the conservation subdivision. The excavation of the steep slopes and the amount of disturbance is very large for the concept of the conservation density subdivision for the road to get to these homes. Mr. Brodsky commented that his statement applies better to the conservation analysis that could be addressed later. He continued saying that the conservation subdivision regulations do not address where excavation should occur; it falls back on the EIS and the conservation analysis to red flag certain areas. Member Kasper commented that the excavation work is exceeding what value you are trying to save. Mr. Brodsky commented that the comments could be revisited when the board is reviewing the merits of the subdivision and shaped by the EIS.

Member Winkelman stated that another comment he has regarding question 1f, is that newly created slopes will be hard to vegetate and maintain. Pictures shown last month of the uphill side of the existing driveway show that it is about 50% vegetation and 50% bare shale. There is not a lot of topsoil after the creating of the existing driveway and he is concerned about the installation of the new road. Member Marshall commented that the re-vegetation plan after the driveway was installed did not work and inquired what would be done differently this time to ensure that shale and disturbed soil does not stay bare. Mr. Zona stated that item 3 under issues to be addressed is revegetation. Number 3 should include how slopes will maintain vegetation. Mr. Zona commented that SWPPP standards have changed since 2010. Mr. Spear commented that the pictures shared are wintertime pictures. Counsel Molnar stated that all of the issues just stated would be placed under Concern 1 Magnitude of extensive excavation on steep slopes and creating steep slopes, and under Concern 2 Potential for erosion and its potential for impact on lake water quality. Counsel Molnar commented that the comment under note regarding item 1h has been modified to strike out the sentient beginning "That concern is clearly..." and add the sentence underlined in the paragraph. In addition, the sentence beginning with "The Board erred..." should be stricken from this section, as the statement is biased.

Concern 3 impact of new road on view, to address FEAF questions 9c and 9d. Member Hamlin inquired about the statement that houses are not at question. Mr. Zona stated that there is a software program than

can do a 3D view of the proposed subdivision, road and including landscaping. Mr. Eggleston stated that he is anticipating that they will prepare a number of visualizations from various points including from the lake. Mr. Zona suggested that under proposed solutions for EIS that a number 2 be added to include a visual simulation of the whole project. Counsel Molnar suggested that it be listed under issues to be addressed instead. Mr. Brodsky suggested that, as the proposed future houses are part of the question that under summary number 3 be stricken. Mr. Zona suggested that under the column board concern, it should be restated so that it is impact of project on view instead of the impact of road on view. Under summary number 4 should be stricken and replaced with the statement of an analysis of other approved projects in the neighborhood. Mr. Zona stated that the amount of disturbance of the neighboring properties is immense in comparison to the proposed road. Counsel Molnar said that you are talking about subdivisions that have been created. Mr. Zona said that he is talking about the driveway that was already created in the past including the impact of the slopes. Mr. Spear stated that there are many houses down in the area on a quarter or half-acre lots and this lot is 81 acres. Counsel Molnar commented that what is being suggested is a comparison of pre-existing lots that may be nonconforming and redeveloped to the creation of new lots in a conservation density subdivision up a steep slope. The comparison should be fore similar developments in the watershed.

Concern 4 is a concern from land and may be related to concerns 1 and 2. Mr. Brodsky commented that concern 4 is related to where the fill is deposited. He continued saying that there is a large lot towards the eastern end of the property that has some slopes where 11 acres of fill will be deposited. Mr. Eggleston commented that it is all under 12% slope. Mr. Zona said that it would be talked about in concern 1, which may be embellished in this section. Member Winkelman suggested that a possible mitigating alternative would be to haul away the excess fill to leave less ground impacted by fill.

Concern 5, FEAF question 17ii should be moved to Concern 6 and FEAF question 17i should be moved to this section. The summary, issues to be addressed, and proposed solutions for EIS need to be developed. The solution statement needs to be reworded to reflect that the Town could adopt new code instead of the Board. Other solutions need to be considered including an alternate road access to the property. Member Marshall suggested that the applicant could use the response that they are employing best practices in the development. Member Winkelman commented that anything can be engineered but the board has to look as what is best for the watershed as the lake is the drinking source for the City of Syracuse and many around the lake. Mr. Camp commented that the best way to protect the watershed is through legislation. Mr. Zona commented that this subdivision will hopefully be used as a model on how to build in steep slopes. Member Kasper commented that it could be but not how it is designed today. Mr. Brodsky said that the applicant will have to demonstrate that the subdivision is capable of that designation. Member Winkelman inquired about an alternative road access. Mr. Eggleston said that they will look at it and what options there might be.

Concern 6, FEAF question 17i should be moved to Concern 5 and FEAF question 17ii should be moved to this section.

Counsel Molnar stated that based on what the board has seen on other EIS documents, alternatives could include alternate access, number of lots created and a no build alternative keeping what has been approved already. Mr. Eggleston stated that they had already spent 5 years pursuing it unsuccessfully. Phil Tierney was interested in a park and Cornell was considering agriculture. Mr. Brodsky recommended that this investigation should be recounted in the EIS. Member Winkelman clarified that the no build alternative would be to keep it as a three-lot subdivision as it is today. Counsel Molnar suggested that the second and third paragraphs under alternatives should be edited to provide objectivity. Mr. Brodsky recommended that the correct terminology be used regarding the access as the existing

access is a common driveway and what is proposed is a road. The requirements for each are different from each other.

Mr. Zona will provide an updated draft to the board by April 12, 2019 for review and consideration at the Planning Board meeting on April 16, 2019. If accepted at by the Planning Board, then the board will have 60 days to review the document, provide it to the public for participation, circulate to involved agencies, and produce a final scoping document.

**WHEREFORE**, a motion was made by Vice Chair Kasper and seconded by Member Hamlin to adjourn the meeting. The Board having been polled resulted in the unanimous affirmance of said motion. The Planning Board Meeting adjourned at 7:48p.m. as there being no further business.

Respectfully Submitted,

Karen Barkdull, Clerk