

TOWN OF SKANEATELES PLANNING BOARD
SPECIAL
MEETING MINUTES
May 9, 2017

Joseph Southern
Donald Kasper
Scott Winkelman
Douglas Hamlin
Anne Redmond
Scott Molnar, Legal Counsel
John Camp, P.E. (C&S Engineers)
Karen Barkdull, Clerk/Secretary

Member Southern opened the meeting at 6:30 p.m.

DEIS Review- Major Subdivision

Applicant: Tim Green/owner Loveless Farm Development
1194 Greenfield Lane
Skaneateles, New York 13152

Property: 2783 West Lake Rd
West side 051.-02-18.1
Vacant land:
East side 053.-01-39.1

Present: Kevin McAuliffe, Legal Counsel; Jeffrey Davis, Attorney; Julian Clark, PE, Plumley Engineering PC;

Counsel Molnar: I would be happy to update the Board since the last meeting. Recall that we had an opportunity to review the state regulations on point concerning the preparation and content of the draft environmental impact statement (DEIS) so that we could move forward and complete the Planning Board's, as lead agency, requirement to determine the adequacy of the DEIS submitted by the applicant for the Loveless Farm Development. We were reviewing that document at the last meeting for completeness for the Board to feel comfortable to identify that they have met the regulatory requirements and criteria so that the Board would move forward within its 45 day requirement to issue a notice of completion of DEIS, and subsequently, publish the document and provide it to all interested agencies, etc. In the interim time I have had the opportunity to connect with counsel for the applicant to discuss potential modifications to the DEIS so that it would perhaps better match the regulatory requirements, particularly of 6NYCRR 617.9b iv, including a description and evaluation of the range of reasonable alternatives to the action that are feasible considering the objectives and capabilities of the project sponsor. The range of alternatives may also include as appropriate, item c. scale or magnitude, and d. design. In an effort to cooperate more in being more active and in compliance with that section, I connected with counsel for the applicant and we discussed potential alternatives which could be included in the DEIS, and what those alternatives might be so that parties, when reviewing the document, would have all information present in order to comment upon it and provide those comments back to the Planning Board before it considers the document final. That has occurred, and I have received some positive communication from Kevin McAuliffe and Jeff Davis concerning what the applicant is willing to include as alternatives. I would like to turn it over to them to summarize those alternatives and present that to the Planning Board.

Mr. McAuliffe: We contemplated including that in a supplement, I think that is the way to do that, and correct me if I am wrong Scott, to supplement the alternatives section of the DEIS. At the last meeting we talked about various things that everyone wanted to see in the FEIS, like for example, if there was a problem with the SWPPP, the contractor has to remedy it. Clarifications like that. With regard to the alternatives, we would create a supplement to the DEIS and provide two alternatives for configuration of lots on the east side of the road.

The first alternative: Reduce the house area on the second lot down, the largest rectangular area, sliding the lots north, then not having a house with the only thing being built on the last lot nearing fire lane 17 is the septic system. I don't think that would be problematic for anyone because it is at ground level and no plantings could ever occur on top of it. There was lots of discussion at the last meeting about the control of plantings to protect the view shed, how that could be done through a HOA, etc.

The second alternative: Reduce the number of lots along the road from four lots as currently shown to three lots. The larger lot would be reduced in size and the three lots would be slid north to enlarge the area of open space by fire lane 17.

In both cases would be removal of the existing pine trees in the area, controlling the height of the balance of the pines that had been planted and not the state right-of-way. If we went with the alternative of having four lot along the east side of the road, the dwelling that would be located closest to fire lane 17 would have a height restriction of five feet lower than the 30 foot height restriction placed prior. The purpose is to reduce the impact of the view.

Counsel Molnar: If my observation is correct, that alternative supplement would also include a comparative analysis to identify the proposed cut to reduce the height of the homes that would be significantly minimized by cubic yards or truckloads to be removed. Is that correct?

Mr. McAuliffe: We haven't taken the time to calculate that but obviously whether you are making a smaller lot area moving everything north or completely eliminating one and moving them north, you are still going to move less dirt, there is less disturbance, there are less areas to be regraded.

Member Winkelman: No alternative was considered reflecting the discussion of the conservation analysis that no development go in the land of highest conservation value.

Mr. McAuliffe: You mean did we consider an alternative of not building there at all, no.

Member Winkelman: There has been no open space subdivisions in the Town that have actually been built in the land of high conservation value. It kind of defeats the purpose of an open space subdivision when you compromise the conservation values in these areas. That has always been my stickler with this. Very similar to a conventional subdivision the way it is laid out. I like some of the ideas you have done with your alternatives but we have had this big discussion on the conservation analysis and this doesn't seem to reflect the findings in the conservation analysis. That is what my concern is. The environmental impact will be on the conservation values in these areas.

Chairman Southern: With this suggested provision you have solved one problem with a common driveway to five lots when four is the maximum allowed. If the driveway has access for more than four dwellings then a private road would have to be installed.

Member Hamlin: The last dwelling has direct access off fire lane 17.

Chairman Southern: Then you have met the requirement.

Mr. Brodsky: They had proposed at one point a private road up to the split for lot 1.

Counsel Molnar: It says it on the plan where it is a private road.

Mr. Camp: It says private road down to the first driveway.

Mr. Brodsky: Are the alternatives you will present in the supplement going to include graphics, and are you going to contemplate changes to the community/open space territories with these alternatives? With the space that you create at the southern end, would that become potentially community open space?

Mr. McAuliffe: Yes, the only concern I have is that it is not engineered to know yet where we can move perc tests. The septic field locations are based upon the County regulations and perc test results, etc.

Mr. Brodsky: Would there be a graphic?

Mr. McAuliffe: Yes, it would show that it was not a building lot, let's start there.

Mr. Brodsky: Something that would give it more substance to state what is there.

Chairman Southern: I do like the idea of the elimination of the one lot but also it cuts down on the amount of disturbance of the land on steeper slopes and makes it more presentable. Is the intent to grade the building lots after the subdivision is complete or grade as you go when the lots are developed?

Mr. McAuliffe: If I understand correctly the process, I don't think we could grade those until you approve a site plan, because the site plan is directly related to the SWPPP, to the permanent drainage plan which is going to have to be part of the site plan. I wouldn't anticipate any grading until you have approved the site plan.

Chairman Southern: The driveway would be created then right?

Mr. Camp: Presumably, if this were built like this or something near it, there would be an initial package they would come in and build a driveway, and then there would be an additional package for the grading to be done.

Member Winkelman: The other thing I like about it is that the open space is of high conservation value and also this open space would not be fragmented. The private property would not be factored in. In our code they make reference several times that the open space can be in one single property itself or part of large lots. These lots are not large. One acre is not a large lot and minimum zoning of two acres in our RF district. These are small lots, and I didn't

like the fact that a septic field was part of the open space. This way it can be re-designated and taken out of there.

Mr. Davis: The second alternative that we talked about moving a lot to the other side, you are also pushing the three homes in that area, the trees that are in the right-of-way and the dwellings would be tucked into that corner if you will. That does open up the view shed through the south. Whether you are going north or south it would preserve that view shed. You would not see the views until you get past the current trees that are there. It does conserve that view.

Member Winkelman: We had site visits on Saturday April 29th and we were going north bound here at the speed limit. As we were going to the next site I had time to tell everybody in the van to look because you could not only see the lake but you could see the meadow. Everybody had a chance to look through the spots between the evergreens and see the meadow. It is a beautiful spot from the highway there that I think the visual analysis kind of didn't do it justice, the one that you have in your impact statement. These changes are changes for the better, the alternatives.

Chairman Southern: Did I understand you to say that this one lot reduction on the east side of the road would result in a one lot increase on the west side of the road?

Mr. McAuliffe: If it can be fit, we would try to fit it in there.

Chairman Southern: I would try to suggest that you not increase the number. You reduce the density by reducing that lot which is a very favorable point. You maintain your density if you just move it across the street, which I personally do not find very pleasing.

Mr. McAuliffe: So noted.

Chairman Southern: Just throw it away.

Mr. McAuliffe: throw it away.

Member Winkelman: In January 2015, Bob Eggleston submitted an alternative open subdivision for the Loveless Farm. It definitely reflects the conservation analysis and the findings therein. It preserves the ravine and the woodlands on the east side and the view and the meadow on the east side. It clusters the homes on the west side along the road. When you are talking about relocating on the other side of the road, Mr. Loveless used to have that view from his old farmhouse from the west side across the road, across the meadow and things.

Chairman Southern: I have seen it and don't care for it.

Member Hamlin: That was a smaller number of lots.

Member Winkelman: 12 lots and did not have a home on lot 1.

Member Hamlin: It had two houses on the east.

Member Winkelman: there are lots of alternatives.

Chairman Southern: Any other comments?

Member Hamlin: I appreciate the two alternatives proposed and I have a couple of other questions to hold as we are on this topic.

Member Redmond: With the alternatives, if diagrams could be include it would be helpful.

Member Kasper: They are alternatives an engineer will need to look at them.

Counsel Molnar: With that said and narrowing our focus down to the DEIS and its completeness to be adjusted by way of a supplement, what might be most appropriate here is if the Board would for instance, task me with the obligation to write a letter to counsel confirming our understanding at the meeting of May 9th, that the DEIS would be supplemented and that I prepare a supplement letter well within the 45 day limitation proposed on the Planning Board for review of the DEIS. We can then receive a supplement to the DEIS and have another round of review to make sure that it is satisfactory to all parties and we can continue that process.

Chairman Southern: Sound acceptable?

Mr. McAuliffe: Yes sir.

WHEREFORE, a motion was made by Member Redmond and seconded by Chairman Southern to task Counsel Molnar with the obligation to write a letter to counsel confirming our understanding at the meeting of May 9th, that the DEIS would be supplemented and prepare a supplement letter well within the 45 day limitation proposed on the Planning Board for review of the DEIS.

Member Kasper: I am trying to understand this. They are saying that there are alternatives, but we are accepting the alternatives. This is a negotiation.

Counsel Molnar: I think it is partially negotiated. The section on point provides a description and evaluation of the range of reasonable alternatives to the action that are feasible considering the objectives and capabilities of the project sponsor. We have received the input from the project sponsor concerning the objectives and capabilities. With that known we have identified two alternatives that will be used to supplement the DEIS. The DEIS is being considered right now by the Planning Board for its completeness to be circulated to all interested agencies, all interested parties for review and comment. There is a 30 day period of time for comment to come in. In addition I would recommend that the Planning Board conduct a public information meeting on the DEIS so that it can collect relevant information and use that in terms of making an informed decision and consider this DEIS as final. It does mean right now the review of the document in terms of completeness and its accuracy in order to relay information. It does not mean in the Planning Board's determinate of completeness that it is agreeing with the statements therein or the mitigation proposed or otherwise. That will happen at the time we are ready to issue a FEIS, after comment, etc. If you are worried about endorsing the DEIS and all of its analyses in and otherwise, that would be an unfair characterization. It is not what the code requires us to do and that is not what the Planning Board has undertaken.

Chairman Southern: We are just trying to get it into a process.

Member Hamlin: Regarding other impacts, items 1, 2, and 3, there are another of impacts where either one of the mitigation or the sole mitigation is the preparation or compliance with the

SWPPP or other documents, and/or approvals by other regulatory bodies. John, are you confident that the SWPPP can act as the mitigating document where they call it out to be?

Mr. Camp: This project has been before the Board for a number of years in various forms. At one point the engineering had advanced to be very close to what could be considered a final application before the Board, before things started to get rearranged. During that point there were a few more lots and we had done a detailed technical review of the drainage calculations. We had a few comments and the applicant addressed them. We found that the stormwater management facilities could be designed to State standards. There was room, it was feasible to get all of the runoff from the developed areas to the management facility. The answer is yes if you make the assumption that the standards for design are good enough.

Member Hamlin: This is just a suggestion, Under exhibit 1, it shows a 17 lot subdivision and it should be adjusted to prevent confusion.

Member Winkelman: Is there an actual plan map that is included in the DEIS? We have a supplement. It should also include the open space since this is an open space subdivision. Here we have 1 acre lots with ½ acre open space with the leach fields as open space. With the loss of the one lot on the east maybe the open space can be configured to get out of these lots.

Counsel Molar The open space plan is located under exhibit 10.

Mr. Brodsky: Exhibit 1 there are several plan documents that show plans which unfortunately are dated 2013 that are not reflecting the status of the application. Are there any other areas of the site that you feel that applicant should address?

Member Kasper: They eliminated one lot although I don't think it still satisfies the view shed. It is better than what is there but I don't think it is the alternative.

Member Hamlin: It certainly improves it.

Mr. Brodsky: Are there other locations or other portions of the site, the west side, the ravine area that should be further explored or adequately addressed in the DEIS as it stands now?

Chairman Southern: With regard to what?

Mr. Brodsky: Are you satisfied with all of the issues with the bridge, have all of the aspects of the bridge been addressed to your satisfaction, or at least discussed, as you may not agree with it. They have talked about visual mitigation, they have talked about the ravine slope. The Town has no jurisdiction, as I understand, on the construction and engineering of the bridge.

Mr. Camp: I think the position we took on that is that the Planning Board was interested in having the bridge being reviewed, and we certainly can do that in house. Typically for private infrastructure we would recommend that the Town not review it technically, and it be solely the responsibility of the owner because it only serves that owner. That would be typical.

Mr. Brodsky: Is any aspect of the bridge that you feel needs to be further explored. If not, then move on.

Member Hamlin: I am glad you brought that up. It is just a suggestion and I am looking forward to when this is in front of a larger body than is what is in this room right now. You indicated that the bridge will not be visible from the lake or the adjacent property or road. How do we convey that to the public with a visual simulation of something that you can't see.

Counsel Molnar: Take a photo right now and say there's the bridge.

Member Winkelman: A demo bridge made of balsa wood.

Member Hamlin: It might be helpful to somehow prove it.

Counsel Molnar: In the section, perhaps it can be supplemented by way of a better description that no visual or other sketch is required because of these factors and therefore, the conclusion we draw is based on this.

Member Hamlin: those words are generally in there.

Member Winkelman: The concern I have with the report is the loss of trees and woodlands is underestimated. It seems like there is going to be a lot more clearing and fragmenting of these woods both on the west side and the east side. I forget what the amount of woods they say will be removed. With roads and septic fields, houses, there is going to be. It seems underestimated to me.

Mr. Brodsky: I would just want to remind that that open space subdivision is building on a concept of having open land that is not well defined in the code. Part of that is the communally owned land within the subdivision that is a mixture of buildable land and unbuildable land. It is not all necessarily wooded or high value. It is a mixture of valued land under the managed open space. We have the same word, same concept applied with different meanings in the context. You have woodlands that have a value in one sense, being developed with houses and then you have former fields being protected as managed open space. The same term open space has multiple meanings in the code and it is not always clear in what context you are using it. The communal space will be under a managed system by the applicant afterwards approved by the Town, and then you have lands you say you value because of their beauty which may be on private land surrounding individual lots.

Member Winkelman: Why would we want to protect land of low conservation value.

Mr. Brodsky: That is a different question. The managed open space is both buildable land and unbuildable land, that is the criteria of the code. You would want to emphasize in the managed open space more sensitive lands, more beautiful lands, whatever you want to call it. When we talk about fragmentation, there are two contexts. There is fragmentation of physical natural features like woodlands, and there is fragmentation of the managed open space. We are regulating right now managed open space. The potential houses on the west side in the southwest corner are in woodlands, the fields and wetlands is managed open space. For some, that may not be as attractive or appealing as the woodlands.

Member Winkelman: I was making a reference to the conservation value of a woodlands is a woodlands in its totalness, its un-fragmented part. When you fragment it, it just becomes trees instead of a forest. The conservation values are compromised.

Chairman Southern: This is something that could be regulated further on. Scott, you are suggesting that these be clustered in the open space that is there now. We would lose the managed open space in preference to maintaining a wooded area.

Member Winkelman: Yes

Chairman Southern: Do you think there is more value in losing some of the treed area than preserving the managed open space?

Member Winkelman: I have always discussed with the conservation analysis that the land with the lowest conservation value is the stuff near the road on the west side. We never did finish our conservation analysis.

Counsel Molnar: We did not, because completion of the conservation analysis and subsequent development of the project and of the application is arguably an approval, for which the Planning Board recognized it needed to complete SEQR before that conservation analysis was approved by the Board and subsequently utilized in the project. As a result, we hit a pause on the conservation analysis during its deliberation in order to complete SEQR.

Mr. Brodsky: There were several generations of plans on the west side that went the way that Scott originally started off as Scott was describing, then shifted into the most current variation.

Chairman Southern: You could do tract housing all along the road and leave everything else open if you want to look at that driving down the lake, rather than not seeing any of the houses.

Member Winkelman: My problem is they used the rural siting principles on the west side and not the east side. The east side had incredible views and values. There is a hill on the west that you can barely see and there are woodlands, you can't see to the west on that road. We have preserved the wrong side of the road. Somewhere in the plan it discussed the trees and I guess we are okay with it.

Chairman Southern: We are in a position to say it is complete enough in its presentation to be put forward into a public information meeting for the DEIS to carry it forward. We are just commenting on the completeness of it, I don't want to say not correct.

Member Hamlin: Like Scott said, we do not have to agree.

Chairman Southern: It could be for a request to reconfigure the houses on the west side, to preserve different aspects, whatever. That is not an impediment to going forward with the DEIS.

Counsel Molnar: I think we need to view it in the procedural steps by which the Planning Board is currently approaching it, and this is we are doing SEQR. SEQR will determine whether there are any significant impacts. That was done and a resolution of findings was issued on that point. The applicant thereafter prepared a DEIS to discuss those very discreet points. Once the SEQR process unfolds, let's say it is complete, then with a FEIS together with comments from all interest parties, a negative declaration can be issued with conditions. A conditional negative declaration where the conditions would have to be fulfilled in order to mitigate against those issues of the project, then the project proceeds. There is still the conservation analysis to complete and then the plat plan has to be approved with the configuration based upon the totality

of the facts and information that the Board knows including the conditions of the negative declaration if that is the way it goes.

Chairman Southern: What steps do we need to take now to move this forward.

Member Hamlin: We are in the middle of a motion.

Chairman Southern: Is there any further discussion on the motion.

Member Winkelman: Do we have what he is going to write down, he has it all figured out.

Counsel Molnar: I will review the minutes and make sure that we capture the alternatives discussed. We invite the applicant to prepare the supplement to the DEIS so that it can be re-reviewed and its completeness determined in the future.

WHEREFORE, the motion as stated above was voted upon by all members of the Board. The Board having been polled resulted in the unanimous affirmance of said motion.

RECORD OF VOTE

Chair	Joseph Southern	Present	[Yes]
Member	Donald Kasper	Present	[Yes]
Member	Scott Winkelman	Present	[Yes]
Member	Douglas Hamlin	Present	[Yes]
Member	Anne Redmond	Present	[Yes]

Chairman Southern: Dates.

Counsel Molnar: I will have the letter prepared this week so that it is well within the 45 day limitation which is otherwise May 18, 2017. I will have it prepared, circulated for review and have it to the applicant by the 12th.

Mr. Davis: The next dates, we control those. Once the supplement is submitted the clock start rolling for 30 days.

Counsel Molnar: If supplements are requested that the applicant has any reasonable period to reply, it is not on the clock. Once a supplemented DEIS is re-submitted, the Planning Board has 30 days to complete its review and thereafter submit a notice of completion of the DEIS, which then puts us on the clock. The filing of the notice of completion of the DEIS, public comment period which must be a minimum of 30 days. The comment period must continue at least 10 days following the close of any public hearing or public information meeting, if one is held. After the lead agency accepts the DEIS, they may desire to hold a public information meeting which may not occur sooner than 15 days after the notice of public hearing or information meeting nor greater than 60 days after the notice of acceptance of the DEIS. We have a little navigating to do but we have time. Once the DEIS is resubmitted, we can calendarize our date.

Discussion

The Skaneateles Marina proposed seasonal docks were discussed by the Board based on the recent submission. The Board offered to the Town Board the following comments: That the dock area in the lake should not exceed the width of the properties owned by Mr. Cherundolo;

the plan needs to show how the parking will be managed on the land portion of the marina property and if it is sufficient to support the additional demand; and whether the septic system on the property can support the expanded use of the marina.

WHEREFORE, a motion was made by Member 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 7:35 p.m. as there being no further business.

Respectfully Submitted,

Karen Barkdull, Secretary/Clerk