

**TOWN OF SKANEATELES PLANNING BOARD  
MEETING MINUTES  
November 28, 2017**

Joseph Southern  
Donald Kasper  
Scott Winkelman  
Douglas Hamlin  
Anne Redmond-absent  
Scott Molnar, Legal Counsel  
John Camp, P.E. (C&S Engineers)  
Howard Brodsky, Town Planner  
Karen Barkdull, Clerk

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

**SDEIS- 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
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Present: Kevin McAuliffe, Legal Counsel; Jeffrey Davis, Attorney; Julian Clark, PE, Plumley Engineering PC; Thomas Dussing, EDR

Counsel Molnar: To refresh your recollection, recall earlier this year we received the draft environmental impact statement (DEIS) presented by the applicant for the Loveless Farm subdivision. We went through it quite thoroughly, we compared the draft against previous concerns regarding the magnitude and potential impacts that were found by the board back in July 2015. In 2017 we received the DEIS and we reviewed it to determine that we had certain suggestions for the applicant. They were from my letter of May 12, 2017, we mutually agreed with the applicant that we would request a supplement to the DEIS to address these additional issues.

One, by adjusting discussion topics and graphic depictions to reflect the current design of the project, being 15 lots not 17 lots. Since that point in time, it has been adapted further to 14 lots and the applicant will fill us in.

Two, by editing for clarification the sections as discussed with the Planning Board at the Planning Board Special meeting of April 25, 2017.

Three, by expanding the section of addressing alternatives to include a description and valuation of additional reasonable alternatives for the project that are feasible. Considering the objectives and capabilities of the applicant to include the alternatives explained to the Planning Board on May 9th, a summary of which is:

- a) Compressing the five proposed lots for development on the east side of 41A so that the four tiered lots closest to 41A become smaller and/or compressed

to the northern property line, increasing open space near fire lane 17 and reducing land disturbance, preserving view shed, etc.

- b) Reducing the overall number of lots on the east side of route 41A from five to four and partially compressing the tiered lots toward the northern property line, increasing open space near fire lane 17, reducing land disturbance, preserving view shed, etc.
- c) Further limiting to a single story, the house proposed closest to fire lane 17, with removal of certain planted pine trees along route 41A.

That was the request for alternatives that was included in the DEIS and I believe that applicant has addressed those in the red line and proposed clean drafts that have been submitted as of November 13th. Recall that we are also under the applicable regulations that now once the DEIS has been supplemented by the applicant per our request, we are required to continue and conclude the determination of the completeness of the document for circulation to the public for comment. We have 30 days from which to do it from the date the supplemental DEIS was filed with us and we are required to continue the vetting process of the document. Not so much to endorse it or otherwise speak in negative terms of the document or positive terms of the document, but to determine its completeness for publication and comment by others. Once we do so then I file a notice of completeness, we publish the document as required under the regulations, and I will do that at the end under the process. That is also in the handout that I have provided to you this evening. That is essentially where we are.

Mr. Davis: I will just walk through before we dive into the red line that hopefully it was easier for you to look at rather than a full new clean version; you can see the changes. I will walk through briefly what a lot of the changes deal with in the red line, not only the stuff we talked about in the last meeting that needed to be cleaned up or specific questions you wanted to see added. The focus of the supplemental was to go back and look at alternatives. As laid out in the document, we looked at three different alternative designs, alternatives to what had already been presented as an alternative. I think that the project started at 18 lots and then reduced down. We looked at three different alternatives; the three different site plans are in the back of the document, exhibit 19, 21, 22. Ultimately in working with the project sponsor, walked through and selected exhibit 19 as the alternative that we are putting forth as the revised plan. This was done from the comments of the board and specific issues raised in the positive declaration and working through the DEIS that we had presented to you, specific comments from the board.

I will start first on the west side. First renumbered, that was the easy one. On the west side two things came out as we were doing a deeper review of this. One, the original design and the modified design we presented to you last, still had the barn on there in the open space area, the barn to the north side or to the proposed farm road. In order to have that barn remain there, it couldn't be in the open space and we needed to create a lot around it. There was a lot here that was a residential lot that was shifted to become what is now lot 5. We have to show a septic on there, you cannot have a lot without an approved septic. The lot was design because the project sponsor wants to continue to use this barn as a storage barn that they currently use it for and there was no way to do that without its being on its own lot. Next is lot 14, this lot was always

huge, but when we superimposed the barn over top, the barn was cut in half. We had to enlarge lot 14 a little bit. Their goal is to keep this barn and actually a long-term plan of the project sponsor's daughter who would like to live in lot 13, she is graduating vet school this year and she would like to run an animal veterinary business out of this barn eventually someday out of this barn. I say that because in essence that while we went down to 14 residential lots, in essence it is really 12 because two of those were designed now to keep the barns in place to preserve what we wanted to preserve, the rural character of the barns and the use of the barns with the homes clustered at the back of the lot off 41A.

On the east side, this was where a lot of the comments and the focus of the DEIS was and the supplemental draft that we had put back. As was suggested and what we had talked about at the last time we were here, the alternative was trying to figure out a way that we can reconfigure these lot, reduce these lots. What we have done is:

- 1) Eliminate the plantings that exist now that come through here and come along fire lane 17;
- 2) The last time we were here the plan show four lots, and eliminated another lot in this area. All this becomes open space preserved in perpetuity.

From a view standpoint, no more plantings along the road and these homes that are along 41A are back in the northern corner that we talked about, where this home coming right up about where the DOT already tall tree line exists. The home on the lake remains the same; everything else remains the same on this side. This alternative design lead to 14 lots, 14 septic systems, really 12 residential lots, increase the open space up to 29.43 acres and have walked through the alternative design and standards laid out in the document.

From a visual standpoint, this is the revised visual photo simulation for this alternative design and as you can see that it is the existing view as it existed when the photo sims were taken, that is the proposed. In that view off to the far right you can see the lakeside home and then only the home at lot 4 is visible. You can see the barn on the other side I think, in the photo sim. This is the across the lake view, existing again, the proposed, the home is there, the lakeside home is there. Importantly, this big meadow, one of the comments at the last meeting specific that the board made, we started talking about the open space subdivision and the preservation etc., the loss of the meadow was along the lake. This view is preserved by the changes in that area in perpetuity. The view from down at the end of fire lane 17, if you turn in this way you go into the Cohlan property, this way you go to the homes that are along the lake. This is after and you can see that in this location it would be lot 4, lot 3. This is an important one that I may go back and forth here a little bit. This was the existing view and this is the proposed. The trees are gone along the road, the evergreens are all gone and that view is opened back up. That is not the existing view right now, as you guys know that as you drive that these things have filled in completely. Right now this view is not there. What we would be doing is returning that view back to before the trees were planted.

With the panoramic view, it shows the originally proposed design when the project came in almost five years ago, with the homes right up along the road full height. We came in last time and talked about a mitigated view and you can still see these homes here.

Member Winkelman: The mitigated views were that the houses were dropped.

Mr. Davis: Yes the houses were dropped. There were four houses along the road and the houses were dropped a little bit and these houses were dropped down to 30 feet. The mitigated view as a result of the alternative plan, as you see the trees are gone. The only thing you see in this view is the rooftop of the house on lot 4. That house has been dropped down to a 30 foot height limit. Lot 5 and 6 that used to be here no longer exist, the trees are gone and lot 4 is here almost in line with the tree line that comes up through here. That was one of our primary goals in working with the project sponsor and in working with the positive declaration, was to address the view shed conditions and concerns, preservation of open space and maximizing that with the intent of the open space subdivision. All of that is a precursor to what we can walk through and talk through with this supplemental DEIS. I will take your direction on how you would like to do this. I have gone through each one of the enumerated items starting with 1A, questions and identified what the changes are and I can tell you what those are. Hopefully you have had a chance to have looked at these and read through them. That might be the easiest way rather than going word for word like last time, let's just focus on what the changes are.

So in 1A, when we were here last time the board expressed a desire to add the SPDES inspection requirement so that it was part of the DEIS. That was added to the second half of 1A. In the second bullet point there is a spelling error, it should be separated not separator. On 1A, previously the board did not have any specific comments but wanted an additional comment to include the general SPDES permit requirements for inspection. We referenced some new exhibits. The response from 1A is the same as it was before, no requests for specific changes or comments with that addition noted in blue. I will pause for everyone to take a look at that and if you have any questions.

Chairman Southern: Any problems or questions with that particular section?

Board: No

Mr. Davis; 1B, when we were here last time there was some discussion on the construction on the steep slopes, the effect of cutouts, etc. This modified design we have talked about, this alternative design, has changed that. By eliminating a lot here we have changed a number of lots and percentage of lots that are in steep slopes areas that are defined under the code. If you look at 1B on page two of the discussion, it starts with the paragraph that says, disturbance of slopes will be necessary for development and references back to the lot number for explaining the original lots and the new lots because we are changing it. In essence we now have four lots that are in steep slope areas, lots 2, 3, 4, and 13. In reducing those from the original design to now, there has been a 30% reduction from the original plans to now this alternative design, in terms of acres of disturbance for steep slope construction. That is noted in response to 1B, as the mitigation measure with this alternative design, walking through that. The other thing to note is that exhibit 23, the cross section of lot 4, when we were here last the board had raised the question that maybe you would like to see a cross section of one of those lots along 41A as to how that would be created, etc.

Member Winkelman: So the houses are still being benched in.

Mr. Davis: Lot 4 shows a cross-section in two different ways, a grading plan if you will for the homes for that specific lot.

Chairman Southern: It is not a bowl.

Mr. Davis: This is what the grading plan would be, exactly.

Chairman Southern: Very nice improvement.

Mr. Davis: I will wait to move on until you give me your direction.

Member Hamlin: The reduction in area of disturbance, you are talking about a 37% reduction, was that calculated using the building envelope or the whole lot?

Mr. Davis: I believe what we talked about is the modification of the alternative design depicted in exhibit 19, reduces the area of disturbance to approximately 3.7 acres. So it is the area of disturbance in steep slope areas for construction purposes, from virginal to now.

Chairman Southern: Building envelope

Mr. Davis: Building envelope, exactly.

Counsel Molnar: If I may ask a background question, the open space along fire lane 17, will that be disturbed at all. Will it need to be graded to match other lots so it will remain as it is?

Mr. Davis: No, this will remain as is; this edge may be needed for limited grading. The plan and the open space area, that is to be preserved as open space area.

Counsel Molnar; Even if it is open space, will it be graded is my question because on this side view.

Mr. Davis: I will ask Tom to answer that with your specific questions as he developed the grading plan.

Mr. Camp: Scott, you want to look at the cross section. That is looking up the hill.

Member Winkelman: Here is the lane and looking northward that is the open space and just at the edge of the property line he said there is a little taper.

Member Hamlin: You said that the trees will be removed.

Mr. Davis: Those trees are all moved that area here.

Member Winkelman: On the west side there is just a little drainage swale.

Member Kasper: I would think that that drainage swale would continue across.

Member Winkelman: I think that it would sheet drain.

Mr. Dussing: Here we have this going like here between here and I would think we would continue that as it comes down and continues into this area here, and try to eliminate any grading in this area. So I think we would continue that cut off swale not in this area but here we would want to catch any drainage so that it does not go down onto the lot, just bring it around. This would continue the flow. Then there is probably a need for a small swale along here just to get the drainage around so that it doesn't run down the road.

Mr. Davis: And that is outside of the open space area. That would be in the right of way.

Mr. Dussing: Even if it was graded natural. Let it grow up, it doesn't have to be mowed lawn.

Mr. Davis: any further questions.

Mr. Brodsky: Did you compare the amount of excavation from what was originally proposed to the alternative contemplated?

Mr. Davis: No, I don't think we did apples to apples comparison. We noted and responded in the DEIS that previously there was less than 1000 cubic yards or whatever it was noted that it was going to be removed from the site. That discussion come up here later. The board didn't think quite frankly that that was a whole lot and we noted it in the draft. In the supplemental draft that has been reduced even further by eliminated even another lot.

Mr. Brodsky: To me it is a point to you benefit to emphasize it.

Mr. Davis: It has been reduced even further that what was before and what was before was even considered in the grand scheme of things, not a tremendous amount. If there are no more questions I will continue. 1D, there were no issues raised previously by the board at all in this section. No requests for additional changes but we did add in because of the fact that we are now in addressing the alternative design we need to talk about the fact that the reduction in lots to the east side of West Lake Road in part of the incorporation of the alternative design into the final project design further reduces any potential impacts with regard to excavation and removal of material as identified by the Planning Board. My comments specifically of what we have just talked about.

1F, this was one again where we added in language regarding the board request that if there were any deficiencies with the SWPPP that were noted, previously it didn't say it needed to be corrected. On the top of the next page for 1F we added in the words "and corrected." to address that fact that if there are issues with the SWPPP, they would be documented and reported to the contractor and corrected. If we go down further down that page, again some minor modifications talking about the questions that came up at this meeting earlier this year on how would these retention ponds, when there was a need for conservation easements or drainage easements, etc. So these retention ponds will be owned and maintained by a HOA , there will

also be easements to the town so if there a need for the town to come on to do anything that it could be done.

2A, we talked through 2A at the last meeting, it was suggested that we might want to include in here as to comments on why the bridge was relocated from its prior location to its current location. We did that at the bottom of the next page, walking through the fact that it reduced the span across the ravine, created some greater separation between the property to the north, and thus minimized any potential visual impacts to that property, and that it shortened the approved driveway to the bridge from the west. By putting it here from where it was previously up here, it reduced all of those things that we talked about which was why that bridge was relocated. We wanted to note that in there, that was a request of the board.

3.1., Other impacts, surface water. We added in the sentence under the discussion that the stormwater pond discharge will use an existing ravine drainage pathway thus avoiding new disturbance to the ravine wall. That was a question from this board that came up last time and your board engineer answered that. That will be part of the SWPPP that will go through and need to be approved as this drainage detention pond has a controlled release it will use the existing, I think you refer to it as a gore in the ravine wall. That's there because obviously currently when this thing is overflowed with water; it is flowing towards that area and using that gore to find its way down to the stream. We don't want to create anything new and try to use the same existing feature that is there but in a much more controlled manner than obviously what is happening now. On that same section, we also added in later on after the enumerated sections, just a discussion and I can read it to you.

“Following construction, the water quality of the lake will continue to be protected through restricted use of herbicides/pesticides and de-icing salt (in accordance with watershed protection regulations and all other applicable regulations).”

We added in light of the discussion of this board as well as the community over the events this summer including into this fall, we felt it would be appropriate to note here:

“Further, as discussed at recent community meetings regarding lake water quality protection, development in the lake watershed should include open space and buffer zones to mitigate runoff to the lake. The project incorporates 29.43 acres of open space and buffer zones, includes runoff retention ponds, preserves existing onsite wetlands and through the SWPPP, will control stormwater leaving the project site. The above identified project controls will improve the current project site uncontrolled runoff as well as improve the project site runoff quality when compared to active farming operations.” that exist on this property or could exist on this property.

Incorporating all of the wetlands on the west side remaining, we are adding that detention basin there. On the east side, which is probably the most important, currently everything is kind of flowing this way, all of that runoff water will be contained, and then through a controlled manner, released. The HOA will restrict pesticides use, herbicide use, and salt in accordance with guideline use of such in the lake watershed. That is all part of the plan so we believe this is overall an improvement.

4H, other impacts groundwater. The changes here are really some number changes reflecting the fact that we now have fewer homes pulling wells. These still include discussion that these still could include residential homes, we didn't want to hide the ball. In reality, there will not be a well here; there may be a well here for the veterinary business when that is put in. These barns will remain and not be a water usage item. The reduction is the reduction of the lot here, you saw those numbers go from 4200 to 3900, and 5600 to 5200 gallons per day in terms of the range, that is the adjustment there.

8F, Again, the changes here reflect the reductions in the scale of the overall project to 14 lots and added in a section in compliance with the open space subdivision. If you go through the next page of 8F I added quite a section there. Walking through, this came up at the last meeting; we thought it would be helpful for you as well as the public in reviewing this. This alternative design while preserving open space, breaks down pretty well. There are 16.55 acres on the east side, a total of 4 lots reduced from the original 6, we eliminated the lots along West Lake Road, eliminated 2 lots adjacent to fire lane 17, preserved 2.05 acres, removed the trees, and ultimately that results in 11.15 acres of open space on the east side. On the west side 30 acres, 10 lots proposed from the original 11 on that side, and if you factor in that two of those will be barn lots so we are really down to 8. Ultimately 18.28 acres of open space on the west side. We are evenly balanced on percentage of open space given the acreage on either side.

Chairman Southern: Could the barns be eventually removed and houses built?

Mr. Davis: Theoretically it could, that is why we do show a septic here, it would be a really small footprint. This lot is this lot and in order to get a home footprint that would fit in there would be very tight. This barn here as I said, the goal and the plan is to preserve and eventually a large veterinary business allowed in the district.

Mr. Brodsky: You show no building envelopes on either of those lots. Is there any potential to add stuff on those lots with those barns?

Mr. Davis: The project sponsor has no intention of doing that. They want to keep the barns and are showing septic because they need to an order to get the lots approved from a county perspective.

Mr. Brodsky: In defense of keeping both barns is fine. For a building envelope for a veterinary operation, you would have a parking area for example and some additional buildings. My question becomes do you have enough space with either one of those lots, to do any other additional development and still protect your septic system. Are those lots big enough to accommodate what you might perceive as happening there?

Mr. Davis: Yes, this one is certainly only a storage barn with a road going into that, which is its use. With the veterinary barn if that should happen there, the barn will be modified to allow that within the existing structure. There may be a need for cars to pull in there; we do not show the road currently. This is all an area where you can come in from a farm operation as it has always been. We could show that on a plan as a greater envelope outside of that barn. That is what would happen there should that be a veterinary business.



Mr. Brodsky: I would suggest that you eventually put an envelope in there to accommodate something beyond what you've got.

Chairman Southern: That barn meets the setback regulations in terms of side yard, front yard.

Mr. Brodsky: You will be setting the setbacks based upon the envelopes for an open space subdivision; you determine the rules.

Chairman Southern: Basically we have building envelopes on the other lots but not with the barns. The setbacks of the lot will actually determine the building envelope.

Mr. Davis: Right now you can see we are off the front yard setback we are back almost 90-100 feet from the road, and about 60 of what would be the farm road. I don't think we have any issues with setbacks.

Mr. Brodsky: I don't think the setbacks are any issue either, I just want for clarity sake and future enforcement, that to be shown.

Member Hamlin: I agree

Chairman Southern: Show the building envelope and just use the setbacks as your outline just for clarity as Howard said.

Member Winkelman: I always had a question about the inclusion of the open space and some of the lots too. Lot 1, 2, 8, and 9 have open space included in those lots. The codes says that you can include open space on lots but twice it refers to large lots, that you can have them included in large lots and these lots are like 1 acre. A minimum 2 acre zone, 1 acre is not large, its small.

Mr. Davis: We included them, quite frankly, more of as a protection measure than not a protection measure. If we eliminate them we are still within a compliance standpoint for open space, they are not included for that reason. I think the comment was that we actually showed the space going into the septic areas and we eliminated that. If you don't want us to show open spaces on the backs of these lots we certainly can take those out. Obviously it is not a protection measure under the open space areas.

Member Kasper: You are better off leaving it there.

Chairman Southern: You will have better protection

Member Winkelman: It is an enforcement problem as it is basically their property. So you got the numbers.

Mr. Davis: We are at 29.3 acres and we are required to have 27.93 acres, we would have to have 2 acres plus. That is one of those lots; we would have to have an area that big come out. If you add up there, there and there it is maybe an acre.

Chairman Southern: I think we better have it as protected area.

Member Winkelman: I didn't know you had some extra to play with.

Mr. Brodsky: You also have a setback requirement on those lots. The HOA will have some additional rules on that portion of the private property lots. It cuts both ways.

Mr. Davis: 9A, if you go to the second page we have added in some bullets there, In question 9 we got into the visual aspects and changes. The new bullet:

The conclusions of the VIA have been strengthened by the project sponsor determination to incorporate the alternative design (exhibit 19) as the final proposed project. As depicted in exhibit 20, the view of the project alternative design from the lake and across the lake indicates that only one house along West Lake Road is visible (lot 4) and the house along the lake (lot 1) is visible. The large open field along West Lake Road which will be open space as part of the subdivision and remains as the dominant visual feature of the project site from the lake and across the lake.

That was an additional comment there, if you go to the next page.

The concerns raised with regard to the eastern end of fire lane 17 have been further mitigated by the proposed alternative design, exhibit 20, includes both existing and proposed photo simulations of the view from the eastern end of fire lane 17 looking back towards West Lake Road. The simulations show that the placement of the homes to the far northwestern portion of the lot along West Lake Road and the additional 2.05 acres of open space along West Lake Road preserve the rural feel and substantially mitigate any suburban residential character.

That was specific comments from before, we looked at the photos simulations going from 17 back up. There were no other significant changes in that section until you get to the very end before the next item 9B. There is a paragraph that we have modified at the end that is really dealing with the alternative and we had to delete some language at the top half because it didn't make sense anymore

The project sponsor looked at various alternative designs and has presented an alternative design as outlined in exhibit 19, which further mitigates or eliminates the concerns raised by the Planning Board with regard to the views from West Lake Road. The alternative design results in the removal of one additional lot along West Lake Road, the preservation of 2.05 acres of open space, the removal of certain spruce trees planted along West Lake Road and, as depicted in exhibit 20, the preservation of the publically accessible views of the lake from West Lake Road. Note that exhibit 14 includes the visual impact analysis of the prior modified design from route 41A and exhibit 20 includes the visual impact analysis of the now proposed alternative design.

So the public will be able to review it and understand how this has progressed. I will move on to 9B. Some of this will get a little repetitive as we get into the visuals 9B, Again changes reflective the alternative design resulting in the preservation of views in keeping with the open space subdivision. It is primarily captions in the changes in the paragraph before 9C.

9C, very similar, the changes reflect the alternative design and the improvements with concern to the prior visibility from the lake. The design will not block or obstruct the views of the lake from 41A and these views will be in perpetuity and the changes will also keep the meadows dominant feature and preserve that from the lake and across the lake. Again, what we had just read previously has filtered through the response of many of these, as many of the questions answers are repetitive.

9D, There were no major comments previously by the board on this one; the minor changes that you see there reflect the new exhibits and direct the public to where to find the appropriate new alternative exhibit.

9E, these changes reflect the improvements to the concern of visibility of the project from the lake and to the lake. So you will see that in the discussion section of 9E. Again, referencing everyone to look at exhibit 20, and the modification of the visual impact analysis as a result to the alternatives of the project.

9F, Similarly, changes to reflect the design in the discussion section you will see those in the third paragraph down, talk about the alternative design further scales the development from the originally proposed 18 lots to the new proposed alternative design of 14 lots over 46.55 acres of land while preserving 29.43 acres of open space.

11C, we actually walked through this, this is a cut and paste from what was previously in there, I thought it was another good discussion item worth including here and addressing the comments from the board. The alternative design from the east side and west side perspective and what it means to each component of the project. The changes reflecting on the removal of the trees removal of a lot along West Lake Road, and the preservation of 2.05 acres immediately adjacent to West lake Road and fire lane 17 ensures that the view of the lake is forever preserved which I know was one of the goals of this board.

17D, No substantive changes here; just some clean up in acreage numbers and spelling corrections if you will.

18D, References back to the new alternative design and how it has mitigated views of the project, there were no board comments in this section.

18F, Discusses the alternative design built into the comments of the character of the existing landscape and what the alternative has modified there. I will read that section at the next page:

Nevertheless, the sponsor has presented an alternative design as outlined in exhibit 19, which further mitigates or eliminates the concerns raised by the Planning Board with regard to the visibility of the project from West Lake Road and the lake. The removal of

two lots along West Lake Road, the preservation of 2.05 acres of additional open space and the removal of spruce trees planted along West Lake Road all mitigate perceived project impacts and preserve open space and important project site views consistent with the intent of the Town's preference for open space subdivisions.

The SDEIS then flows into the alternatives analysis. This is really the discussion of the three alternatives that we had looked at.

Member Winkelman: 21 has the third lot enlarged and one acre is preserved in open space.

Mr. Davis: So, in working with the project sponsor, a reduction in the number of lots was discussed and it was brought up in a letter Scott sent to us at the last meeting as well as looking to preserve open space. The first alternative we looked at and discussed was exactly that. It was a reduction in lots but one acre preserved in open space along 41A. The option provided 28.38 acres of open space with three homes along 41A with the home on lot 3 being a possible two-family home and significantly larger. The spruce plantings along 41A were still going to be removed. Ultimately the alternative plan was rejected by the sponsor based upon the Planning Board prior identified concerns of visibility from the lake and to the lake as well as concerns regarding the logistics of the two-family home and who had to move into the two-family home versus their own home. That was one of the discussion items where I was at the dinner table and that was happening with the project sponsor family.

The next one if you look at exhibit 22, that similarly had the same, the west side the same the east side down to three lots, this provided 29.41 acres of open space with two homes along route 41A of one acre home. Lot 3 being a possible two-family home, we were incorporating the concept of two acres of open space, etcetera. Ultimately this one was rejected. We still had a larger home, we did achieve more open space in preservation but it was rejected by the project sponsor.

The third one is exhibit 19, with the three lots each of one acre, created the most open space of 29.43 acres, eliminated the possible two-family home while still getting the option of three family members getting to live close by, and this is the one the project sponsor selected. It has the most open space and preserves the 2.05 acres and really meets the project sponsor's goals as stated earlier in the document.

That is really it for a run through of the write up and red line changes for the SDEIS and I can open it up for questions. We have talked about the alternative design that now the project sponsor has incorporated and what that means from a visual impact standpoint. We do have both Plumley here, Julian Clark, who had worked with the project sponsor on the response to the positive declaration and on the DEIS and the SDEIS, as well as EDR project design engineer, Tom Dussing. If you have any specific questions we can walk through those. Our goal is to move this to the next step as Scott has laid out. We believe we have met the standard for a complete document to at least go to the next phase of public comment and start that process, and we take your direction.

Counsel Molnar: I am wondering if any of the board members or John or Howard have questions for the professional in terms of design or otherwise before we start the process of procedures here and where we go. It is a good time to discuss technical questions.

Mr. Brodsky: I have two questions. A relative minor point on the west side barn lot. Based on what you are saying tonight for the first time, they may be non-residential use, which is allowed. I would refer you to specific sections of the code, they will likely trigger separate special permit approval for those individual uses and will also have impacts on expansion opportunities or building opportunities on those lots.

Mr. Davis: I don't believe a special permit is required for the existing barn use. In the future if they were to do something.

Mr. Brodsky: For future issues I just wanted to alert you to it because I think this is the first time we are discussing non-residential uses on the lots.

Mr. Davis: If you go back to the original DEIS and the original proposal, it talked about removing the barns with this barn maybe remaining. When we superimposed the proposed lots over the existing image, they couldn't remain as the lot line was coming right through it. You're correct, this is the first time that we have presented and discussed it.

Mr. Brodsky: I am just putting that out there to alert you to the down the road issue that should be addressed. Is there any document discussion your for management of the preserved/protected open space from allowed activities. This would be controlled by the HOA and this would specify what activities are allowed, what construction is allowed such as parking, group parking, community shelter, things like that and even down to possible control of plant materials.

Mr. Davis: If we get to subdivision discussion that might be the appropriate time to do it. I don't think it is the appropriate time in responding to the positive declaration. That was not really an item for discussion here. I understand your question and it will need to be a document a HOA document will need to be developed. I don't know how a board typically does those with a HOA and subdivisions if you look at that stuff as part of the review process of the actual subdivision approval. If we get to that point, we hope to obviously, and then we can address it.

Mr. Brodsky: I mentioned it tonight because you specifically talked about the control of pesticides and other materials in the protected areas and that would fall to the HOA for the management of that.

Mr. Davis: In this case on this side of the lake, certainly the HOA will be all one family, and in working through that, still family members over on this side as well. The HOA will probably be broken up potentially to two different sides; I am not sure how that would work once we get there.

Member Kasper: Wasn't there comments in the SEQR about the bridge and lot 1? There is no mention of any of that in here, but I thought it was as part of the positive declaration.

Member Hamlin: There was quick mention of the relocation of the bridge.

Chairman Southern: The bridge was moved as a result of our discussions.

Member Kasper: Just recently.

Mr. Davis: No it was before.

Member Kasper: Way back. But there was something about the canopy and all that.

Mr. Davis: That was in our response, I can find it for you. We discussed it at the last meeting. The design of the bridge pulled the bridge footers, if you will, off of the top of the ravine so there is no construction in the ravine at all as a result of the bridge design. There will be obviously, trimming of the canopy for the bridge. Obviously that will grow over. There is a section here specific to this discussion and we walked through that at the last meeting. I'll find it for you again.

Member Kasper: I can't believe we didn't have comment about the bridge.

Mr. Davis: There were comments.

Counsel Molnar: We vetted, we reviewed the long form environmental form submitted by the applicant, came up with an entire list of proposed impacts, small, medium, and large, and then they were addressed first in the first DEIS. At that time we went through it and proposed changes to it, the document, which resulted in this supplement including as we laid out in the letter, the three alternatives, cleaning up, and adjustment here, adjustment there. So what Jeff just ran through are the adjustments. The original mitigating discussion on impacts and mitigating factors.

Mr. Davis: 2A was the one question the board responded to when doing the SEQR and issuing the positive declaration with regard to concerns of the bridge. That section, why don't we go back and walk through it. At the time the rationale for the board in determining there was a large impact was that the ravine and stream are tributaries to Skaneateles Lake. The use of the bridge is going to modify the ravine, and cutting of the canopy around the bridge will impact trees growing up from the bottom, and the look of the bridge from the viewing standpoint. So there was discussion of mitigation measures. A few options were investigated for accessing lot 1, which is isolated from the rest of the subdivision by the ravine and Bentley Brook. A request was made to the property owner to the north to utilize fire lane 16 and extend the driveway to lot 1, this request was denied. Both the town and the sponsor both felt that attempting access to lot 1 from along the lakeshore would result in a potential larger environmental impact and impose a greater view scape impact. Another option discussed between the sponsor and the engineer was to place a large culvert at the bottom of the ravine and place fill over the culver to the top of the bank to allow for a conventional driveway crossing. The sponsor also proposed the bridge at various locations to minimize impact to the ravine. The sponsor agreed to set the bridge supports on the top of the ravine bank and not on the bank or in the ravine. The proposed bridge will be a single span without any center supports to minimize any impacts to the ravine and reduce any

visual affect. No work is done in the ravine, just over top of it. Protected measures will be installed to protect the ravine from siltation and debris during construction. These measures will be included in the SWPPP, which will be reviewed and approved by the town engineer. I added in what we had discussed today regarding why the bridge location is there. Go to the next page with respect to viewing the bridge, the ravine itself will be on private property. Viewing the bridge from the bottom of the ravine by the general public will not be an issue as it is only accessible to the owners. The bridge will not be visible from the lake due to the existing trees and the bends in the ravine course and the bridge's low profile. The bridge would not be generally visible traveling on 41A except for possibly a fleeting moment. Based on the field review of the existing visibility during leaf off conditions, the potential for views of the proposed bridge from the property to the north will be very limited and screened by vegetation, if visible at all. Additional discussion of views of this property is provided in 9A. The bridge will require trimming of trees located along the bank and immediately adjacent to the bridge. The proposed bridge is only 16 feet wide, which will require removal and trimming of only a few trees. Based on the limited clearing for the bridge and the fact that the bridge itself will replace the cleared trees, the additional sun lighting exposed to the stream will not cause any increase in stream temperature. Based on the enclosed construction plans of the bridge and the lack of impact from a visual standpoint, the perceived impact has been mitigated. Clearly, the bridge is the least environmentally intrusive to access the currently inaccessible portion of the sponsor's property. That was the only question that was specifically the bridge.

Mr. Brodsky: The bridge will be maintained by the HOA?

Mr. Davis: Probably by the lot 1 owner.

Mr. Brodsky: But it is beyond lot 1's boundaries.

Mr. Davis: It will be part of their access drive.

Member Hamlin: So we will get site plan approval on all of these lots.

Mr. Brodsky: Not the bridge, I don't believe.

Member Hamlin: That is exactly why I am asking the question, they are going to pull a permit for the bridge I presume specifically.

Mr. Brodsky: Actually you would probably get site plan review of the bridge because of land disturbance in the lake watershed

Member Hamlin: So we would get site plan review of the bridge or with lot 1 development.

Mr. Davis: I believe the bridge design submitted and I think you guys said that you didn't want to review or comment on it at one point. I know that Ryan-Biggs Associates here in Skaneateles is the engineering firm that designed the bridge, who happens to be my sister in full disclosure.

Member Hamlin: In terms of review and in light of heightened discussion of the lake and this summer, we may like to see in the future stormwater control and other drainage issues during construction that may look different than what we want to have them look like after everything is built. When would that come into the process, at subdivision time?

Counsel Molnar: I think it is addressed in the document via the SWPPP in the discussion generally about the SWPPP. Why it is required, what elements of the SWPPP kick in such as the inspections and the possibility of measures that need to be employed and the like. That is address here in the environmental impact statement. But I think generally also presuming that we are beyond SEQR, and we are into the latter assumptions of subdivision review process, I think you would address it. Just like the HOA and what its obligations and rights and its obligations to protect and preserve, etc. I think that is where that is.

Mr. Camp: The early work on this project before you were on the board, the applicant addressed design to potentially a complete level. During that point our office reviewed a lot of technical calculations relative to stormwater specifically. At that point we were comfortable that the applicant had left enough space for fairly typical treatment facilities. Since then the scope of the project has been reduced noticeably and theoretically those basins would now be able to be a little smaller. However, one of the things we may consider discussing with the board at some point is moving to some kind of adoption of to what the DEC calls enhanced phosphorus standards, which basically means making the stormwater treatment facilities bigger to address concerns over phosphorus. With the reduction of the scale and scope of the project, there should still be plenty of room even for enhanced phosphorus treatment.

Member Winkelman: What is the bridge surface, permeable or impermeable? You go down to Florida and there are those drawbridges.

Mr. Davis: I don't believe it is an open grate design. I have to look at the bridge design specifically.

Mr. Dussing: From what I saw it will be a typical DOT span design.

Mr. Davis: Because it is a single span bridge, it is a long distance I believe; it will have some structural components in it. It will be like a DOT grade bridge.

Member Winkelman: Those potholes will be deep.

Member Hamlin: What is the drainage off the bridge, how is the bridge drained. Is it piped to the ends and then filtered somehow.

Mr. Camp: I think there was some discussion of a possibility for that. One of the stormwater facilities is relatively close to the bridge with a requirement that there be no excavation of the top of that bank. It is likely that bridge is raised up a little bit so you would get the water draining back into the facility.



Mr. Dussing: From what I remember it is tilted so that the water should be able to sheet off like any other typical bridge that does not have curbing.

Member Hamlin: You might want a little curb.

Member Winkelman: Did the ACOE get into the species down into the woodlands down in there where the bridge is. The bats and the ferns and all that stuff. EDR did some kind of preliminary study of endangered species.

Mr. Dussing: The only action with the ACOE was looking at the wetlands for the jurisdictional piece. The rest of it was done by our professional team.

Member Winkelman: And the ACOE or DEC will have time to comment on this when this is passed out to everybody.

Counsel Molnar: Yes.

Mr. Camp: They would probably get involved in their usual preparation plan right. Don't you think they will have comment on this?

Counsel Molar: Under the regulations when the board chose at the applicant's request, to be lead agency we circulated a copy of the DEIS form to all interested agencies and asked them to comment if at all on the lead agency designation. Now when we publish the notice of the DEIS in its completeness, we will also serve that on to the interested agencies with the request that it comment in the ordinary course of all interested parties. It will be out there.

Mr. Camp: That will happen and also the applicant will be required to get a permit that is when it is more likely that the detail tech review would be done by any of those agencies.

Chairman Southern: Not that you would need it before. They couldn't make the decision without the detail, could they?

Mr. Camp: They probably could but it would be up the agency.

Member Winkelman: A small thing, in your executive summary there, the zone is RF, I think it is a rural farming district; you have it as rural farming and forest.

Mr. Brodsky: That is the proper name.

Mr. Davis: Rural farming and forest, right on the official map.

Member Winkelman: With the change of lots, how about the lake front access. It used to be the six lots on the east side were granted access. The linear foot hasn't changed so there is still the same number of homes that get access to the lake but obviously they are going to pick and choose from the other side. I guess it doesn't matter as far as the environmental impact.

Mr. Davis: Originally all of these homes here would have had some time of lake access through lot 1 is what I believe you are talking about.

Member Winkelman: No, I think they go down the south end of the property.

Chairman Southern: The south edge of the bank of the ravine there is a walkway.

Mr. Davis: That hasn't changed. It's the same, the kids in the family are at five. Three of the kids are getting married this summer so they are anxious to have a spot to build a home. But that hasn't changed.

Mr. Brodsky: I believe at one point you said you are not going to be putting up any structures down there.

Mr. Davis: Yes we do not show any structures down there.

Member Winkelman: In order to be keeping that meadow you going to be mowing it or something, The management plan for that to preserve the view, or if the veterinarian gets some sheep out there. As long as it stays open, up at the road.

Mr. Davis: We discussed that and that is the plan. The relocation of the trees was an important step in this process, coming up with the alternative and preserving that area there. They are haying it right now I think the Greenfields come in and cut it down a couple times a year. So that the fields do not grow up,

Member Winkelman: There have definitely been improvements from the original design.

Chairman Southern: All right Scott, from here.

Counsel Molnar: In the handout that I had provided, the DEC guidance from the website, it is the section of the handbook, review of the DEIS. We have already achieved the items 1 through 5 as we had commented on the draft and requested alternative adjustment of the draft, Now at 6, what is the timeframe for the lead agency to review the resubmitted DEIS, and the agency has 30 days to review the resubmitted DEIS; the reviewing agency must accept the resubmitted DEIS as adequate for public review comment or provide the project sponsor a written list of deficiencies in the resubmitted DEIS. So we have to make that decision and the subsequently move on to number 7. 7 is an explanatory provision that is:

“Is there is a limit on the number of times the lead agency may reject a submitted DEIS?”  
The discussion there if I may go through it, “SEQR regulations place no limit on rejections of a DEIS other than requiring the lead agency must identify the deficiencies in writing to the project sponsor.”

So it is meaningful to read the rest of the paragraph including the last three sentences. “The goal of the lead agency in its review of the DEIS should be to advance the review of the proposed project to the public review phase.” It is really a determination of completeness, not an

endorsement or condemnation of the document but rather a determination of completeness. "Therefore a lead agency should supply sufficient guidance in the initial description of deficiencies to enable the project sponsor to develop an acceptable DEIS with one revision effort and only reject resubmission if the resubmitted DEIS still contains errors or omissions that are essential to the public's understanding of the proposed project." We thoroughly reviewed the DEIS and we presented the applicant with a list of items to be addressed in the draft. It was in writing as required with the regulations and now it is up to this board to determine if the applicant was responsive to the letter request and if responsive we can move on to our next obligation, and that is complete our 30 day review. That comes in at number 11, How must the public be informed that the lead agency has accepted a DEIS for public review. The lead agency must prepare a notice of completion consistent with reg. 617.12 to announce that it has accepted the DEIS and opened the public review and comment period. The notice of completion with the copy of the DEIS must be filed with the appropriate DEC regional office, with the involved agencies, and with the chief executive of the political subdivision of which the action is principally located. If the action involves a project sponsor it must receive a copy of the completion notice as well. So there we are. I will prepare a notice of completion as and when that time is ready and I will present it to the board with input from the applicant and to make sure we comply with the regulations, we then on motion entertain acceptance of the notice of completion and its publication and circulation. That is still up to the board to do but it is now within our field of vision.

Then we move on to number 12 and that is that once we have provided a notice of completion and we have published and circulated it, distributed copies as required, we have to be prepared to make sure the SDEIS is available for public review and comment. We will do that in terms of working with the applicant to post copies on the website, to have copies here at the town office and potentially at the public library so that interested parties may review the documents together with all of the exhibits, and that is where our challenge lies so that meaningful review can occur by all interested parties. We have some work to do technically to make sure we have either a link or to a website that is sponsored by the applicant or to be able to add the entirety of the draft together with exhibits on our website and somehow arrive at that conclusion that it is posted on the internet. We will need sufficient copies to provide notice to interested agencies full copies. We will have to work that through and then ultimately once it is out there, number 13. How long is the public review period for a DEIS. The minimum public review period is 30 days calculated from the filing of the notice of completion. It can be longer however. In practice the time allowed for public review of the DEIS is often considerably longer than the minimum. The lead agency may wish to negotiate a mutually acceptable extension with the project sponsor and will arrive at a date and time that is approved by both parties. The public has sufficient time to review and comment and then we go from there. How should the lead agency calculate the time of the public comment period? We will walk through that. If a hearing is held to receive comment on the DEIS the SEQOR regulations require that the review period must remain open for a period of 10 days following the close of the hearing.

Chairman Southern: If we have a public information meeting.

Counsel Molnar: I think we need to contemplate that a hearing will more likely than not will occur on this DEIS. So that after sufficient period that is greater than 30 days but some date

acceptable to the sponsor and board, we would notice and hold a public hearing so that interested parties can comment including agencies if they choose. So this DEIS getting down to the nitty gritty of the proposed impacts and how they are mitigated can be the subject of the public hearing. Afterwards then the board would be tasked to determine whether or not the DEIS includes alternatives and mitigating measures which are approvable so that the previously determined potential impacts have been managed, acceptable under SEQR and therefore a negative declaration or a continuing positive declaration flows from the entire process.

Chairman Southern: At this time I would like to know how the board feels about the material presented to this point. Does it satisfy your questions and does it bring anything out to light that you feel we need to go more in depth. Not whether you like it or don't like it.

Member Winkelman: It is pretty exhaustive, pretty complete.

Member Hamlin: Certainly responsive to what they had come up with before.

Counsel Molnar: That is an important aspect to drill down on because we as a board have worked diligently to thoroughly review the DEIS and we requested changes. We therefore set a scope of what needs to be included or requested what should be included in the document. This evening we have run through the whole thing and I recommend that the board consider that issue right there. Were they responsive and if so, is it complete.

Member Hamlin: The next thing I was going to say is that there is one new element tonight and this might be just an artistry of presentation thought and that is the idea of a business on the west side of the road. It is certainly a potential new element to what was previously a residential development. I really don't want to ask anyone to do anymore work it is just a different element to what was proposed before. I am sorting of reviewing it on how the public will be viewing it over the next however many days.

Mr. Davis: That actually is not discussed in the DEIS, I was being forthright with the board that the intent is that there could be in the future an agricultural use in that barn.

Member Hamlin: My observation is that if that is part of the thought and the use. Howard got to that a little but, to represent that potential a little more diligently on that drawing.

Counsel Molnar: My thought to follow on that is, and Howard also mentioned it, is would exhibit 19 benefits from adjustment by adding building envelopes.

Mr. Davis: For going for public comment, I don't think a building envelope on exhibit 19 around this lot is going to change any public comment at all. Whether there is a building envelope or not the intention is to preserve the two barns. But to go for final, yes,

Chairman Southern: The use would have to be addressed at the time it comes before us.

Mr. Davis: When and if we get thorough public comment we have to create a final to incorporate public comment as there may be more tweaks based on public comment before the

board accepts this as final. Ultimately, this is your document, although we are the ones drafting and preparing the document. When we go to final we can note that that exhibit needs to be addressed.

Mr. Brodsky: If a comment comes in and raises a new point that the board agrees it should have been considered but didn't, what is the mechanism to fold that into the EIS.

Mr. McAuliffe: It would go in the final.

Mr. Davis: I don't agree. This draft is in response to a positive declaration that had been numerated with issues raised by the board. All of that is well documented. If the public were to come in now and say okay but they board talked about all of these things and now we want to talk about X. and that was never in the document, that might be appropriate to discuss when we get to subdivision approval. This is a specific document in response to the positive declaration that was issued and the mitigation measures the applicant has to put into place in response to the board going back many years. If a third party issue comes up over here that has nothing to do with anything we have discussed, I don't think it is appropriate to say that now we have to go back and present a whole new section in the final to deal with that.

Mr. McAuliffe: The point is that you would still, in responding to public comment in the final, say this was an issue so and so raised but it was not an issue raised by the board and it is either ancillary to some other issue to, etc. You don't start from scratch.

Counsel Molnar: And you don't ignore it. It also depends on what is raised.

Mr. Camp: It is also worth noting that at least one public information meeting has occurred on the project already. The public was allowed to ask questions.

Chairman Southern: Can we say yes for completeness.

Counsel Molnar: We have time; we don't have a lot of time. If the board is satisfied with the time it has had to review the document and with the presentation this evening with how the applicant has been responsive to the board, we can within the 30 days move towards our notice of completion and publish and circulate.

Chairman Southern: I think we have had adequate time to review it, there has been adequate response from the applicant, and I don't see any need to carry this further for this particular portion of the review.

Member Hamlin: Do we need to determine the length of time in this motion.

Member Kasper: I think we should.

Mr. Davis: The motion is made tonight and obviously you need to draft up and do what you need to do on your side.

Counsel Molnar: It starts from the date of filing.

Mr. Davis: And we need to coordinate with you on that date of filing and when that would be so that the documents can be immediately available. The motion is great and we may work with Scott and Karen.

Counsel Molnar: On or before December 12, 2017 to comply.

Mr. Davis: Then it is a minimum of 30 days and if the board thinks the comment period should be longer than 30 days and open up and schedule a public hearing knowing that fact that there is still 10 days after the hearing

**WHEREFORE**, a motion was made by Member Winkelman and seconded by Member Hamlin to that the Planning Board declares the SDEIS complete and follow the requirements of the regulations under SEQR. The Board having been polled resulted in the unanimous affirmation of said motion.

**RECORD OF VOTE**

Chairman	Joseph Southern	Present	[Yes]
Member	Donald Kasper	Present	[No]
Member	Scott Winkelman	Present	[Yes]
Member	Douglas Hamlin	Present	[Yes]
Member	Anne Redmond	Absent	

Chairman Southern: What is your concern?

Member Kasper: Something is not clicking with me, after getting the information tonight; I don't think I had enough time to review it.

Member Winkelman: It is kind of a holistic thing. In your supplement, you referred to it as an improvement to the property. How you can add 13 septic systems, driveways and all that impermeable stuff, and make it an improvement. It's got to have some kind of an impact.

Chairman Southern: We recognize the impacts.

Mr. Davis: I think I said it was an improvement to an uncontrolled runoff situation by controlling the runoff. We understand there are improvements going in and we can debate whether it is an improvement to the property. The specific comment was in regard to the runoff.

Mr. Camp: To me there is an improvement over potential agricultural uncontrolled use, which would be allowable right now.

Chairman Southern: We have a motion that has been approved for completeness.

Counsel Molnar: I would recommend that the board also consider a motion to establish the time frame that we file a notice of completion and fulfill the SEQR requirements on or before December 12, 2017; and that 45 days from the date of filing to give the public time to review and comment instead of the 30 days; and that a public hearing be held noticed by the Planning Board to review comments from interested persons or agencies on a given date whether that is 45 days from the filing or otherwise.

Chairman Southern: Now when you say a public hearing it is not on the project.

Counsel Molnar: No the public hearing is on the SEQR and the DEIS and how they have mitigated it.

Chairman Southern: Wouldn't it be just a public information meeting.

Counsel Molnar: It can be a public hearing under the SEQR regulations.

Member Kasper: I would say 60 days because of the holidays. We had public comment before, they hired professionals to rebut some of this, and you are going to have to have time if they want to get professional opinion.

Mr. Davis: It would be 45 days from the 12<sup>th</sup>.

Counsel Molnar: As Jeff pointed out it would be 45 days from the date of filing.

Mr. Davis: It would be 45 days from the 12<sup>th</sup>, which would put us at the end of January.

Member Kasper: You have two weeks that people take off for the holidays. I would like to see 60 days.

Member Winkelman: Relative to other developments in the watershed, this is about as big as it gets that we have had in a long time.

Member Kasper: This is a big document

Member Winkelman: I am fine with 60 days.

Member Hamlin: I had the same thought about the holidays. We don't want to be perceived as trying to do this too quickly. The public is going to want enough time in whatever substantive way they want to.

Mr. Davis: I would prefer 45 days.

Member Kasper: It took you guys a year to create this.

Mr. Davis: We will go 60 days if that is the preference of the board.

Counsel Molnar: I would recommend for the motion that the board fix the filing of the notice of completion on or before December 12, 2017 and then open the public information comment period for 60 days from the date of filing and to hold a public hearing on the SDEIS on Tuesday, February 13, 2017 at 6:30 p.m. with the public comment period closing 10 days after the public hearing. The Board has to make their findings no earlier than 10 days and no later than 30 days from the notice of completion of the FEIS.

Mr. Davis: After the draft, after the public hearing, after the comment period, if there are changes that need to be made to the final, we would need to make changes to the final document and then submit it to the town, then upon that submittal date in no less than 10 and no greater than 30 days you must make your decision on the findings based upon that final document.

Counsel Molnar: If a public hearing is to be held, the notice of public hearing must be published as required in section 617.12 in publication in a paper of general circulation. It must be at least 14 days prior to the date of public hearing. In preparation of the FEIS, the lead agency is responsible for the adequacy and accuracy of the FEIS regardless of who prepares it. The FEIS shall be prepared within 45 calendar days after the close of the public hearing. Or after 60 days of the filing of the DEIS, whichever has occurred last. The final EIS must consist of a) the draft including any necessary revisions and supplements, b) copies of the summary of the substantive comments received and their sources, so we have to log comments and their sources at the public hearing or during the information period;

Mr. Davis: We will hire a stenographer for the public hearing.

Counsel Molnar: we will still have to sift them the comments and keep track of them; and c) the notice of completion of the FEIS must be prepared, filed, distributed and published as required in 617. Then preparation of findings by the lead agency. A lead agency must elicit findings no sooner than 10 days and no later than 30 days of the filing of the notice of completion of the final EIS. SEQR regulations require of all other interested parties and involved agencies to submit findings to the lead agency within 10 days, but this is not an open comment period and the lead agency is not required to respond to such comments. Findings and decision may be made simultaneously by the lead agency. Positive findings statement means that the project is approvable after consideration of the EIS and demonstrates that the action chosen is one that avoids or minimizes environmental impacts by an EIS. If the action is approvable, a conditioned negative declaration is the decision to be issued stating the conditions to be followed to mitigate the environmental impacts. and that is within 30 days. Issuance of the condition negative declaration finalized by filing, distribution and publication will begin a 30 days public comment period after publication in the DEC environmental news bulletin.

Member Hamlin: As information comes in, will Karen forward that to us as it comes in or get banked until the public hearing.

Counsel Molnar: It is Karen's practice to circulate whatever comes in when it comes and and cc the applicant so that it can be addressed.

Mr. Davis: The documents will be set up on a website with a secure link that people can access. That will be one of our tasks to do prior to December 12<sup>th</sup> as well as getting enough copies.

Mr. Camp: I have some experience with publications of DEIS that are even much bigger than this. Lots of times when there are substantial numbers of public comments there will be hundreds or thousands and they are often very repetitive. You may or may not want to see all those; you may cry uncle pretty quickly if there are a lot. There will be a record created of all those.

Member Hamlin: I get that.

**WHEREFORE**, a motion was made by Chairman Southern and seconded by Member Kasper complete the SDEIS filing on or before December 12, 2017, designate the SDEIS public hearing on *Tuesday, February 13, 2018 at 6:30 p.m.*, and that the public comment period is the number of days between February 13, 2017 and the filing so that it is greater than 30 days. The Board having been polled resulted in the unanimous affirmation of said motion.

**WHEREFORE**, a motion was made by Chairman Southern 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 8:19 p.m. as there being no further business.

Respectfully Submitted,

Karen Barkdull, Clerk