

**SCOPING DOCUMENT
DRAFT ENVIRONMENTAL IMPACT STATEMENT**

Proposed Project: Hidden Estates

Project Location:

Hidden Estates Lot 3 Re-Subdivision

Tax Map #: 036-01-37.1

2894 East Lake Road, Town of Skaneateles, NY

Applicant:

Donald G. Spear and Emerald Estates Properties, L.P.

Lead Agency:

Town of Skaneateles Planning Board

Positive Declaration Issued: February 19, 2019

Lead Agency Contact Person: Chairman Joseph Southern and Counsel
Scott Molnar

Applicant Contact Person: Donald G. Spear and Counsel John Langey

Document Version: April 18, 2019

Scoping Document

A. Brief Description of Proposed action

Donald G. Spear and Emerald Estates Properties, L.P., (collectively “Applicant”) for property located at 2894 East Lake Road in the Town of Skaneateles, wish to re-subdivide an 80.9 acre parcel into a conservation subdivision of 9 lots with an average of 9 acres each, served by a re-developed private driveway to a conservation subdivision private road to accommodate a total of 12 residential lots, located in the Rural and Farming and Lake Watershed Overlay District (“Premises”, “Property” or “Project”), as set forth on a Revised Sketch Plan, dated May 4, 2018 prepared by Robert O. Eggleston, Architect, (“Sketch Plan”) and as set forth on the Hidden Estates Subdivision Overall and ESC Plan, Demo Plan, Road Layout, Grading and Profile, and Details last dated August 8, 2018 and prepared by RZ Engineering, PLLC.

B. Summary of Board Concerns and the Potentially Significant Adverse Impacts Identified Both in Part 3 of The Environmental Assessment from and as a Result of Consultation with the Other Involved Agencies and The Public, Including An Identification Of Those Particular Aspect(S) Of The Environmental Setting That May Be Impacted

The Planning Board has found positive SEQRA declarations during its review of February 19, 2019 Hidden Estates Application. The positive declarations can be summarized as pertaining to six basic issues. The Applicant recites the Board’s concerns as follows:

1. Magnitude of excavation on steep slopes, creating steep slopes;
2. Potential for erosion and its potential for impact on Lake water quality;
3. Impact of new road and overall project on view;
4. Impact on land. Amount of earth being moved on “sensitive steep slope”;
5. Potential for existing project to inspire similar future projects on steep slopes;
6. Potential for an access easement to be construed as shared lakefront recreation.

The **TABLE OF CONCERNS** set forth on the following pages will identify each positive finding of the SEQRA review, followed by a number corresponding to the above given numbered list of concerns.

C. The Extent and Quality of Information Needed for the Preparer to Adequately Address Each Impact, Including an Identification of Relevant Existing Information, and Required New Information, Including the Required Methodology(ies) for Obtaining New Information

As the proposed project is substantially and primarily an engineering project, the extent and quality of information is that of detailed engineering plans, in addition to written policy and procedure for the work to be undertaken.

D. An Initial Identification of Mitigation Measures

Mitigation measures are addressed below each Board Concern as identified in Section 2 (above), herewith:

TABLE OF CONCERNS

Concerns 1 and 2

FEAF Question	Magnitude of Impact	Duration of Impact	Likelihood of Impact	Importance of Impact	Board Concern	Category
1b. The proposed action may involve construction on slopes of 15% or greater.	Moderate to large Impact	Irreversible, duration is permanent	Probably will occur	Very important	1. Magnitude of excavation on steep slopes and creation of steep slopes. 2. Potential for erosion and its potential for impact on Lake water quality	LAND

Board Rationale:

Construction of the new roadway is upon varying percentage of slopes, greater than 15%, any work to institute construction of the road will also involve working on slopes greater than 15%, for a part of the steep slope identified in the Conservation Analysis as land of high conservation value. Project includes excavation on steep slopes where cut and fill will leave slopes greater than they exist now, with removal of large areas of vegetation on steep slopes

FEAF Question	Magnitude of Impact	Duration of Impact	Likelihood of Impact	Importance of Impact	Board Concern	Category
1f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from the treatment by herbicides).	Large Impact	Long term – avoided by appropriate storm water measures	Possibly will occur	Very important – in the lake watershed	1. Magnitude of excavation on steep slopes and creation of steep slopes 2. Potential for erosion and its potential for impact on Lake water quality	LAND

Board Rationale:

There are steep slopes on the parcel and Skaneateles Lake nearby that could be affected by erosion by the cutting of the road, and creation of steep slopes after the road is cut, in 30 or 50 or some to 100% slopes, with material when it washes out that is highly moveable, transported easily by water downstream.

After the determination above concerning duration, likelihood and importance, the Planning Board and Rudy Zona, P.E. completed a lengthy discussion of potential mitigation measures regarding potential erosion resulting from construction of the road, and stabilization of the cut slopes, which are comprised of shale. On the topic of road construction, the Planning Board concluded its analysis relates to the long-term impact of the Project and all factors, “looking beyond just construction.”

FEAF Question	Magnitude of Impact	Duration of Impact	Likelihood of Impact	Importance of Impact	Board Concern	Category
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1h. Other impacts: Magnitude of project in proximity to the lake.	Moderate to large Impact	Medium term – there is always going to be runoff	Possibly will occur	Very important	1. Magnitude of excavation on steep slopes and creation of steep slopes 2. Potential for erosion and its potential for impact on Lake water quality	LAND
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Board Rationale:
The extent of the fill area and possible impact on the watershed, based on the modification of steep slopes to end up being 30 to 100%, in the lake watershed, and considering proximity of the Project to Skaneateles Lake.

FEAF Question	Magnitude of Impact	Duration of Impact	Likelihood of Impact	Importance of Impact	Board Concern	Category
3e. Proposed action may create turbidity in a water body, either from upland erosion, runoff or disturbing bottom sediments.	Moderate to large Impact	Long Term as a result of heavy storms	Possible to occur	Fairly important – without mitigation	1. Magnitude of excavation on steep slopes and creation of steep slopes 2. Potential for erosion and its potential for impact on Lake water quality	WATER

Board Rationale:
Magnitude of the road and road cut, potential for erosion of steep slopes.

FEAF Question	Magnitude of Impact	Duration of Impact	Likelihood of Impact	Importance of Impact	Board Concern	Category
3h. Proposed action may cause soil erosion, or otherwise create a source of storm water discharge that may lead to siltation or other degradation of receiving water bodies.	Large impact	Long Term as a result of heavy storms	Possible to occur	Fairly important – without mitigation	2. Potential for erosion and its potential for impact on Lake water quality	WATER

Board Rationale:
Magnitude of the road and road cut, potential for erosion of steep slopes, with known heavy water runoff from the site.

FEAF Question	Magnitude of Impact	Duration of Impact	Likelihood of Impact	Importance of Impact	Board Concern	Category
3i. The proposed action may affect water quality of water bodies within or downstream of the site of the proposed action.	Moderate to large Impact	Long Term as a result of heavy storms	Possible to occur	Very important	2. Potential for erosion and its potential for impact on Lake water quality	WATER

Board Rationale:

Downstream is the lake, which may affect water quality which is an unfiltered source of drinking water for the City of Syracuse, and local town residents who draw drinking water nearby.

Concern 3

FEAF Question	Magnitude of Impact	Duration of Impact	Likelihood of Impact	Importance of Impact	Board Concern	Category
9c. The proposed action may be visible from publicly accessible vantage points: (i) seasonally.	Moderate to large	Long Term	Possible to occur	Fairly important	3. Impact of new road and overall project on view	VISUAL

Board Rationale:

Because in the winter there is no vegetation and 11 potential homes will have limited landscaping to preserve everyone's view. Also, there has been no suggestion for planting along the road to hide the road.

FEAF Question	Magnitude of Impact	Duration of Impact	Likelihood of Impact	Importance of Impact	Board Concern	Category
9d. The situation or activity in which viewers are engaged while viewing the proposed action is: (ii) recreational or tourism-based activities.	Large impact.	Long Term	Possible to occur	Fairly important	3. Impact of new road and overall project on view	VISUAL

Board Rationale:

As viewed from the lake by people traveling within boats or visitors riding the surfaces provided, in a community that has a lot of tourism, not just on the water.

Concern 4

FEAF Question	Magnitude of Impact	Duration of Impact	Likelihood of Impact	Importance of Impact	Board Concern	Category
1h. Other impacts: Magnitude of project in proximity to the lake.	Moderate to large Impact	Medium term – there is always going to be runoff	Possibly will occur	Very important	4. Amount of earth being moved on “sensitive steep slope”	LAND

Board Rationale:

The extent of the fill area and possible impact on the watershed, based on the modification of steep slopes to end up being 30 to 100%, in the lake watershed, and considering proximity of the Project to Skaneateles Lake.

Concern 5

FEAF Question	Magnitude of Impact	Duration of Impact	Likelihood of Impact	Importance of Impact	Board Concern	Category
17. Consistency with community plans, h. Other: i: precedent setting development on a steep or difficult site.	Moderate to large impact.	Long Term	Possible to occur	Fairly important	5. Potential for existing project to inspire similar future projects on steep slopes	COMMUNITY PLAN

Board Rationale:

The Project may encourage development on similar steep slopes in the watershed.

FEAF Question	Magnitude of Impact	Duration of Impact	Likelihood of Impact	Importance of Impact	Board Concern	Category
17. Consistency with community plans, h. Other: i: precedent setting development on a steep or difficult site.	Moderate to large impact.	Long Term	Possible to occur	Fairly important	6. Potential for an access easement to be construed as lakefront recreation	COMMUNITY PLAN

Board Rationale:

The Project may encourage development on similar steep slopes in the watershed.

FEAF Question	Magnitude of Impact	Duration of Impact	Likelihood of Impact	Importance of Impact	Board Concern	Category
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18. Consistency with community character, F. Proposed action is inconsistent with the character of the exiting natural landscape.	Moderate to large impact.	Long Term	Probably will occur	Very important	5. Potential for existing project to inspire similar future projects on steep slopes	COMMUNITY PLAN
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Board Rationale:
Construction of the Project Road is inconsistent with the character of the existing natural landscape.

Concern 6

FEAF	Magnitude of Impact	Duration of Impact	Likelihood of Impact	Importance of Impact	Board Concern	Category
17. Consistency with community plans, h. Other: ii: precedent setting: shared lakefront access encouraging other actions.	Moderate to large impact.	Long Term	Possibly will occur	Very important	5. Potential for existing project to inspire similar future projects on steep slopes	COMMUNITY PLAN

Board Rationale:
Encourages development, with multiple households sharing 40-foot lake frontage, impact on neighborhoods, the lake, fostering similar development.

Concern 1. Magnitude of Excavation on Steep Slopes and Creation of Steep Slopes

The Board is concerned about the amount of earth to be excavated and the relocation of the material in order to make the conservation road compliant with code and satisfy the Town Fire Chief.

Summary

1. The current access is a shared driveway without the same standards as a road;
2. To conform with conservation subdivision road standards, the road slope needs to be reduced. This requires lengthening the road;
3. To widen the road, the northeast bank needs to be cut back.

Issues to be Addressed

1. Review the Conservation Analysis findings which identified the areas of “high conservation value” in order to quantify the amount of such areas, both in absolute area and as a percentage of the total land identified as “high conservation value”, that will be excavated, per the Board’s concern in 1b.;
2. Calculate the amount of area where existing slopes will be reduced, as compared to the amount of area where slopes will be increased;
3. Consider alternative road design to reduce magnitude of excavation;

4. Consider appropriate variances to the road design with mitigating safety enhancements, to reduce magnitude of cut;
5. Comparison of this project's cut/fill to other projects similar in scope in the Skaneateles Lake watershed.

Proposed Solutions for EIS

1. Study options and alternatives to road design;
2. Explore alternative access points;
3. Study options for side slopes to reduce magnitude of excavation.

Concern 2. Potential for Erosion and its Potential for Impact on Lake Water Quality

Here, the Board is concerned with removal of vegetation and its replacement; the potential for loose earth or shale to be swept into the Lake; storm water runoff control; and, the time of exposure of newly cut earth to the elements, and the potential for resulting erosion.

Summary

1. Slopes exceeding 15% exist, however the road construction does not disturb land determined to be of high conservation value by the Conservation Analysis;
2. There are no mature trees in the area to be excavated;
3. All areas to be excavated will be secured by landscape glue products that bind the exposed earth within hours of being applied;
4. All areas will be revegetated, as detailed by the Applicant's engineer at the meeting on January 22, 2019.

Issues to be Addressed

1. Cut time of exposure;
2. Exposed earth;
3. Revegetation, including how slopes will maintain vegetation;
4. Comparison of this project's cut/ fill to other projects similar in scope in the Skaneateles Lake Watershed.

Proposed Solutions for EIS

1. Applicant's engineer to submit written policy and procedure for cut process, specifying maximum cut exposure time, and name of landscape products to be used to secure loose earth before established time elapsed, and name of products to be used to revegetate the areas;
2. The Applicant's engineer has provided Board with detailed calculations of peak storm water runoff rates before and after the existing driveway and storm water system were installed to demonstrate that peak storm runoff has already been mitigated significantly and is capable of handling the project runoff. Town engineer has confirmed the calculations.

NOTE: Regarding item 1h., The Board cited concern over the potential impact on Skaneateles Lake, based upon the modification of steep slopes to create additional steep slopes, in proximity to the lake. Issues, Review and Solution.

Concern 3. Impact of Project on View

Here, the Board is concerned with both summer (vegetation in full bloom), and winter (bare trees) views as seen from the road and the lake, and as perceived by both year-long residents and seasonal visitors.

Summary

1. A driveway already exists in the proposed location;
2. Issues of visibility as seen from the lake will be improved by the addition of screening vegetation and a sunken road bed.

Issues to be addressed

1. Assessment of view impact.
2. Visual presentation of future project to demonstrate project impact.

Proposed solution for EIS

1. Applicant will explain in detail how it will restrict the height of all homes, with those closest to the lake limited to a single story;
2. Applicant will present deed restrictions proposed to manage appearance of new homes;
3. Comparison of impact of other projects to Skaneateles Lake view;
4. Applicant will provide an engineer-designed 3D rendering of how the new road will appear. That rendering can then be compared to the existing landscape;
5. Applicant will accept input from the Board and other stakeholders as to landscape additions it would like to see to help hide the road;
6. Applicant will provide a planting plan for the west-facing bank of the road.

Concern 4. Amount of Earth Being Moved on “Sensitive Steep Slope”

Summary

The proposed alterations to the road require moving a substantial amount of earth from the road area up to lot 11.

Issue to be Addresses

1. Description of action and impact to Lot 11, including area, depth, and alteration.
2. Is there a way to reduce the impact inherent to moving earth?

Proposed Solution for EIS

1. Applicant’s engineer to explain in detail how the operation will take place, including steps to be taken to control erosion, mitigate inconvenience to those who regularly use the driveway during the period of construction, and expected time frame from start to finish;
2. Applicant’s engineer will also identify alternates such as haul away of fill instead of on site placement;
3. The Applicant and the Board acknowledge that this item will likely be addressed by the responses to Concern #1.
4. Discuss alternatives and mitigation measures.

Concern 5. Potential for Existing Project to Inspire Similar Future Projects on Steep Slopes.

The Board is concerned that the proposed action could spur future similar actions on steep slopes.

Summary and Issue to be Addressed

The applicant will describe how the project meets code. Each project does need to be assessed on its own merits.

Proposed solution for EIS

The Applicant will review how this project is compliant with current Code. If the Town is dissatisfied with current code, the Applicant encourages the Town Board to propose new code making the adjustments they would like to see for future projects.

Concern 6. Potential for an Access Easement to be Construed as Shared Lakefront Recreation

The Board is concerned that the existing access easement will become equivalent to shared lakefront recreation. The Board fears that this will spur future developments with the same feature.

Summary and Issue to be Addressed:

1. Review language of shared lakefront recreation;
2. Review other lake access applications in the Town and their impact on the lake.

Proposed solution for EIS

1. The Applicant will compare the use of the lake access easement to access the lake versus accessing the lake via existing public access points.
2. The Applicant will propose approving the Application with the explicit, written, mutually-agreed contingency that shared lakefront recreation is not part of the application and will not be permitted;
3. If the Town is dissatisfied with the current code, the Applicant encourages the Town Board to propose new code making the adjustments they would like to see for future projects.

E. Alternatives

The Reasonable Alternatives to be Considered;

1. The Applicant will review the most-obvious reasonable alternative to be considered, the earlier (September 2017) proposal that the existing driveway remain as-is on the slope, but with the addition of more turn outs and guide rails, and widened on the flatter areas, below and above the sloped section. The Applicant remains willing to execute on that plan or the current plan before the Board, however review and approval of this alternative lies with the Fire Chief of the Town of Skaneateles.
2. The Applicant will review the various alternatives considered from September 2017 to present, which includes proposals to modify the existing driveway, but not to the extent of the existing proposal.
3. Alternate Access;
4. Alternate number of lots created;
5. "No Build" Alternative (i.e., the property remains a 3-lot subdivision).

F. An Identification of the Information or Data That Should be Included in an Appendix Rather Than the Body of the Draft EIS; And

Supporting calculations, references, maps, etc.

G. A Brief Description of The Prominent Issues That Were Considered in The Review Of The Environmental Assessment Form or Raised During Scoping, or Both, and Determined to be Neither Relevant nor Environmentally Significant or That Have Been Adequately Addressed in a Prior Environmental Review and the Reasons Why Those Issues Were Not Included in The Final Scope.

The SEQRA review process was comprehensive in its scope, and omitted those sections determined to be neither relevant nor environmentally significant include within the SEQR Determination, which were not otherwise addressed or commented upon, as follows

1. Impact on Land: a, c, d, e, and g;
2. Impact on Geological Features—entire section;
3. Impacts on Surface Water a, b, c, d, f, g, j, k, and l;
4. Impact on groundwater—entirety of subsections declared no or small impact;
5. Impact on Flooding—entire section;
6. Impact on Air—entire section;
7. Impact on Plants and Animals-- entirety of subsections declared no or small impact;
8. Impact on Agricultural Resources —entire section;
9. Impact on Aesthetic Resources—a, b, d.i, e, and f;
10. Impact on Historic and Archeological Resources—entire section;
11. Impact on Open Space and Recreation—entire section;

12. Impact on Critical Environmental Areas—entire section;
13. Impact on Transportation—entire section;
14. Impact on Energy—entire section;
15. Impact on Noise, Odor, and Light—entire section;
16. Impact on Human Health—entire section;
17. Consistency with Community Plan—a-g;
18. Consistency with Community Character—a, b, c, d, e, and g.

These items were not determined to have a moderate to large potential environmental impact and are therefore not included in a final scope to become part of a Draft Environmental Impact Statement.